

# LiverpoolLaw

December 2020

Liverpool Law Society

The magazine for the legal sector in  
Merseyside and the North West

Wishing all  
our readers a  
Peaceful Christmas



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# December 2020

4



4. The latest from the Editor, Jennifer Powell

5



5. News from Julie O'Hare, President of Liverpool Law Society

6. National Inclusion Week

7. Meeting with MPs  
Jeremy Myers reports

9. Liverpool Law Society's 193rd AGM

12. Annual Reports from the Sub-Committees

14. Access to Justice  
The latest from Vauxhall Community and Law Centre and Merseyside Law Centre

18



18. Liverpool Law Society Annual Employment Law Conference

19. The SQE

22. Merseyside welcomes niche Personal Injury Specialists CAPA LAW Solicitors

23



23. Carpenters appoint Andrew Thornley in new role as Head of Public Affairs

28. Double success for LJMU School of Law students

29. Seeing yourself in the law  
Hetal Hathiwala of the MJLD

29



30. Christmas is coming  
Members of LLS are getting into the Christmas spirit

This month's front cover features the Christmas Tree of Nicola Harris of MSB Solicitors

## DEADLINES 2021

15th December

27th January

24th February

24th March

21st April

26th May

24th June

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Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

All members' contributions to Liverpool Law are warmly welcomed. Please send your article (and photo captions where possible) or request for further information, or assistance to the editor at [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

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## Welcome to the December 2020 edition of Liverpool Law

**Jennifer Powell**  
[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

This month's edition is quite reflective on the whole, with many columns giving an overview of the very strange year we have had and the changes that have come (some forced!) as a result. You can see clearly the areas that have been affected most and what help is still needed.

For the first time we have included a synopsis of each committee's yearly reports for you to read, with access to the full reports available. The committees are always looking for new members, so if you are interested in getting involved more in your local society feel free to contact us.

It is at this time of year we see those in need suffer the most. And whilst it is saddening that they are even needed, this edition contains details of different food banks and charities you can contribute to or use if needed.

If you are thinking of New Years resolutions or ways to get fit from now on then please see what my good friend Charlie Jones has been up to. We all knew he wouldn't rest in retirement and already he has an amazing charity event lined up for next year, a

maracycle event around Liverpool. If you're a keen cyclist and would like to get involved please let Charlie know.

We've just had the good news that we have been placed into Tier 2 and can mix up to three households at Christmas. Whilst I am struggling to keep up with the ever changing rules I am pleased that I can spend Christmas with my parents and my little girl can enjoy the first Christmas where she has some understanding of what all the excitement is about.

Thank you for your beautiful tree submissions this month, truly getting us in the mood!

I wish you all as happy a Christmas as possible in the circumstances. If anything this year has taught us not to take anything for granted, so enjoy the rest and the company as much as you can and savour every moment.

**Jennifer Powell**  
Editor

[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

## DIARY DATES

For further information on any of these events, please view our website or contact the Society.

Due to the coronavirus the following forthcoming meetings and events will be online to maintain safe distancing:

08/12/2020 12:30	General Committee
10/12/2020 13:00	Family Business Sub-Committee
17/12/2020 13:00	Non-Contentious Business Sub-Committee

## Editorial Committee Dates

All meetings start at 1pm

Tue 19/01/2021  
Tue 16/02/2021  
Tue 16/03/2021  
Tue 06/04/2021  
Tue 18/05/2021  
Tue 15/06/2021  
Tue 20/07/2021  
Tue 17/08/2021  
Tue 15/09/2021  
Tue 19/10/2021  
Tue 16/11/2021

# From the President

## The latest from the President, Julie O'Hare

As Christmas, and the promise of a New Year, draws near we mark the end of another year of office at the Society. If ever two words have been said more this year it is challenging and unprecedented for these words sum up the experiences we have all faced in 2020.

The 26 November saw our 193rd AGM and, in preparation, I found myself reflecting back on the last 12 months.

I take this opportunity to recognise, with admiration, the strength and determination of our members who have adapted and risen to the challenges that this year has thrown at them. I make special mention of our Criminal Practitioners who faced unknown conditions during the first lockdown; our Family and Private Client Practitioners who have had the struggle of guiding their clients at times of distress and heightened emotions during the pandemic; and our Employment Practitioners who find themselves dealing with an ever increasing workload and considerable listing delays. Of course, I do appreciate that all of our membership has been under intense pressures this year and your tenacity speaks volumes of the character of this City and Region.

It would be extremely remiss of me to not acknowledge those colleagues, friends and family who have faced the most difficult of periods in 2020; those who have lost their lives and loved ones to this horrific illness, Covid-19. Both personally, and on behalf of the Society, I offer my sincerest of condolences.

I take a moment here to also, regrettably, address the harsh reality of the effects of this pandemic on our local legal profession; our member firms who have been unable to, and may not yet be able to, see the other side of Covid; our local high street firms who have made great sacrifices; our colleagues who have been put under immense pressure and, of course, those who find themselves in the very unfortunate position of being out of employment as a result of this virus. I wish you all the very best and assure you that as a Society we shall strive to promote Liverpool as a centre of excellence for law. Working alongside our fellow local law societies and large local organisations (such as LEP, Professional Liverpool, Liverpool BID and our local Chambers of Commerce) we hope to encourage new business into the region which shall hopefully lead to commercial and recruitment opportunities; together as a legal community we will get through this.

Liverpool Law Society, like all of our members, has experienced an unparalleled year and a time of great change.

So, what changes has the society seen this year?

Well, firstly, we saw the carried motion to amend our Articles of Association and open our membership to a wider group of the legal profession. I have to say that this was not a decision welcomed by all although I consider it to have been a needed progression of this society. We are showing ourselves to be a part of the movement for change and development; affording us the potential to represent an inclusive organisation who reflects all with a genuine and vested interest in our legal community.



**Julie O'Hare**

Since implementing the broadened scope of membership we have seen an increase in full membership by around 20% and I anticipate that over the coming years this will, no doubt, continue to rise.

Perhaps the most noticeable change this year has been the shift from office based operation to remote working for our staff and membership.

Our full training calendar has been maintained as much as possible to bring our members the very best in legal support and development. In order to accommodate busy schedules we have introduced the option to purchase recorded seminars. It is hoped that this will result in a greater uptake of training and generate further income for the society.

An EDI committee was created this year and while Covid did hinder this committee realising its full potential it continues to grow and I am hopeful that we can develop a network of support for our members going forward. We plan to engage with other local law societies as well as the Law Society in order to bring about much needed change in this area.

We have continued to support and promote our charities and 2020 marked the first Great Legal Quiz online.

We have forged links with the Legal Aid Agency and have seen further growth of our Access to Justice Committee and Joint Forum on Access to Justice.

We have seen a greater engagement with the local Courts and Judiciary with regular updates being provided to our membership.

**continued overleaf**



Reacting to the pandemic, and the interest of our member firms, we have held regular “Leaders in Law” meetings to allow firms to discuss common issues faced during lockdown and restricted periods.

I am pleased to report that we welcomed local members of the profession at our Newly Qualified event earlier in the year which, for the first time, included Solicitors, Barristers and Fellows of Cilex.

It has certainly been a busy year! Let me outline some of the actions taken:

Through the Education and Charities Committee we were able to hold the annual Pathways to the Profession event gathering a number of local schools to hear about different entries to the profession including the traditional route, CILEX and apprenticeships.

Whilst the Society does not hold any political allegiance we have been closely monitoring the proposals of Government both at home and abroad. Expressing our concern with policy issues which seek to contravene the fundamental principles of the rule of law and access to justice.

We set out our views in writing to the CEO of Hong Kong and the Ambassador of China regarding the adoption of new national security legislation. Our letters and responses are still available on our website.

We wrote to the Lord Chancellor to set out our concerns with Part 5 of the United Kingdom Internal Market Bill. We have yet to receive a response.

We have been quoted in the Gazette in response to our alarm at the “activist lawyers” and “lefty lawyers” comments by the Home Secretary and Prime Minister. I could not have been prouder of those members who, in response, changed their titles on social media.

Covid has, indeed, brought about new worries. We wrote to the Treasury to highlight issues that impacted on our members such as the Business Rates Support and Self Employed Income Support Scheme; we pointed out the difficulty our member firms would have in accessing loan schemes. The Government shortly after changed their approach to extend the support available.

We have supported members in financial need via the Pritt Fund and SBA.

Even though the Society’s finances have taken a hit this year we appreciate the difficulties faced by our members and so we took the decision to freeze our subscription fees this year and I am extremely grateful to our members who continue to support us.

We have also continued to represent our membership at meetings with our fellow Joint V societies, the Law Society, SRA, LSB and LeO.

What have we not been able to do this year? Well, we have not been able to meet in person for most of the year. We saw many events cancelled, of note the Conkerton Memorial Lecture which was due to be given by Sir Mark Hedley and, of course, our Annual Dinner. When we are able, I truly look forward to seeing you all in person and celebrating once more.

Earlier this year we heard of the sad passing of our first female President, HH Elizabeth Steel. Our heartfelt condolences continue to go to her family.

We also saw the retirement of HHJ de Haas and the appointment of

her replacement as Designated Family Judge, HHJ Parker. I wish them both the very best for the coming years.

I must also thank our Directors retiring this year. In particular, Naomi Pinder who has been an exemplary Non Contentious Business Committee Chair, bringing passion and drive to the role. Stewart McCulloch, our Press Officer, who, for many years, has represented the Society on all matters legal. Mikaela Fox, Regulatory Chair, for her commitment to responding to consultation papers on behalf of our members. Nina Ferris who has been a beacon of knowledge as Past President and a great support and inspiration to me.

It is only right that I express my wholehearted gratitude to my Vice President, Steven Zdolny and my fellow officers for helping me navigate my way through this year. The Chairs of the Sub Committees for selflessly giving of their time and expertise to drive this Society forward and the Directors of the Society, and those assisting General Committee, you all play an integral part in making this Society as great as it is.

Further, this Society simply would not exist as we know it without the dedication, hard work and enthusiasm of the staff (Sarah, Liz, Jo, Kimberly, Ann and Emily) and I am truly indebted to them all this year.


Lastly, I must thank my firm, Carpenters Group, for their continued support, particularly my “A-Team”!

I have been honoured and privileged to be your President of 2020 and I wish you all a very healthy, happy and prosperous 2021.

**Julie O’Hare**  
President

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## A Leasehold Dwellings Update

Thursday 14th January 2021, 9.30am-12.45pm  
With Richard Snape

**Can't make the date/time? No problem, booking onto this event means you will receive a link to access a recording of the event for you to watch at your leisure!**

**Leasehold conveyancing continues to cause problems and is a very rapidly developing area. The course aims to look at some of the problems and their solutions.**

**Topics covered include:**

- The latest on ground rents
- Problems with leasehold extensions
- Recent case law on service charges
- Latest on the removal of cladding and the EWS1 certificate
- Licensing of Houses in Multiple Occupation
- The validity of S.21 notices after the Court of Appeal case Trecarrell v Rouncefield (2020)

**[CLICK HERE TO BOOK](#)**

# Meeting with MPs

Much political water had flowed under the bridge since our General Committee last met MP's from the LLS Region in March 2019: A General Election, Brexit and of course the pandemic. A benefit of the Zoom meeting was that we had the largest turn-out of MP's for this meeting in several years.

From the Liverpool side of the Mersey were Dan Carden (Liverpool Walton), Ian Byrne (Liverpool West Derby) and Maria Eagle (Garston and Halewood) a Solicitor, and from the Wirral side another Solicitor, Justin Madders (Ellesmere Port & Neston), with Mick Whitley (Birkenhead) from the 2019 intake.

Past President Chris Topping highlighted the work of the Justice First Fellowship. Chris explained to the MP's how the Fellowship funds Trainee Solicitors at Merseyside Law Centre, and how two Liverpool practices were providing substantial funding for the initiative. This led to a more general discussion about Pro Bono work, with Justin Madders asking how it has been affected during the pandemic. The President, Julie O'Hare, explained how Covid19 had hampered the work of the local Universities' Pro Bono units – also limiting students' experience in working with clients – and deterring face-to-face consultations.

As usual, I highlighted a handful of Government Bills which might be the object of lobbying by Chairs of LLS's relevant Committees. These included the Domestic Abuse Bill (which includes cross-examination scope), the Financial Services Bill (which includes debt respite

provisions), the Fire Safety Bill as regards domestic properties, and the Pension Schemes Bill. Practitioners on the relevant field will find each of these measures to be significant when they reach the Statute book.

Justin Madders said that Government remains sympathetic to his proposals for leasehold reform, in his Bill which fell at the Dissolution, but that early legislation is not anticipated. On state power, the Covert Human Intelligence Sources (Criminal Conduct) Bill was referenced.

The approaching end of the Brexit transition period raises many issues for Solicitors and many varied categories of clients both individual and corporate. I write whilst we wait to see if a Trade Agreement is reached between the UK and the EU. Maria Eagle explained that she and past practitioners sit on the Justice Select Committee of three House of Commons and bring experience to bear, which would be relevant on this topic.

I asked if we could expect the Government to introduce a substantial Bill for early passage if a Trade Agreement is made. Maria Eagle explained that the legislation from the Withdrawal Agreement should suffice. Justice Madders added that a raft of Statutory Instruments is being introduced by the Government to prepare for the end of the transition period.

The turn came for the MP's to raise topics of their choosing. Maria Eagle asked how the restrictions of COVID-19 had affected Solicitors' practices. Julie O'Hare responded that distancing measures had affected the

conduct of Court hearings in the Family Law and Criminal Courts. Emma Palmer, Chair of LLS's Family Law Committee, noted the numbers of Proceedings in Divorce and in domestic abuse cases had risen, with the number of children removed from Parents also rising.

The discussion expanded in to other areas of practice. Gaynor Williams referred to how debt recovery work was expanding as so many more debtors were not meeting obligations. Past President Nina Ferris noted how a Moratorium had applied to Housing Possession Claims and that that area of litigation might expand when the bar is lifted.

In closing, we briefed the MP's on the correspondence with the Hong Kong CEO and Chinese ambassador to the UK on security legislation in Hong Kong, already featured in "Liverpool Law". The letter sent in October to the Justice Secretary, on the initiative of Millie Hayden, LLS's new Public Relations Officer, and prepared by Paddy Dwyer, was reported. It referred to the potential breach of the EU Withdrawal Agreement by the UK Internal Market Bill, and a



**Jeremy Myers**

response is awaited.

As always, LLS Members are invited to contact the LLS office to let us have ideas and questions to put to the region's MP's. On a point of information, the MP's said that the Government had not yet decided when the 2019-21 Parliamentary Session would end (May or November), but regardless there should be another full Agenda to prepare for the next meeting in March 2021.

**Jeremy Myers**  
**Parliamentary Liaison Officer**

## Consultation Papers

The following sub-committees of Liverpool Law Society are considering responding to this consultation paper. If any member would like to send in a comment, please do so to [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk)

Criminal  
**Modern slavery offences guideline – consultation**  
15th January  
Regulatory  
**Future Regulatory Framework (FRF) Review: Consultation**  
19th January

## An introduction to LawTech in Liverpool



**Tuesday 8 December, 2020  
11:30 – 12:30 GMT**

At Barclays Eagle Labs, we recognise that the challenges and opportunities for legal innovation are not limited to London and national collaboration is required to enable positive disruption within the legal sector and affect real change. We will be hosting a series of LawTech events across several UK cities to establish a greater LawTech ecosystem and bring together LawTech innovators to share their stories – the good, the bad and the ugly.

We start our LawTech tour in Liverpool on 8th December @ 11.30am and will be joined by an experienced panel made up of Weightmans LLP, University of Liverpool, Liverpool Law Society and LawTech Eagle Lab resident Office & Dragons.

Join us to get valuable insight into:

- The current LawTech landscape
- Innovation trends in LawTech
- The opportunities for Liverpool's legal sector
- Understanding the growth of LawTech within Liverpool
- The current appetite for tech adoption by law firms in Liverpool.

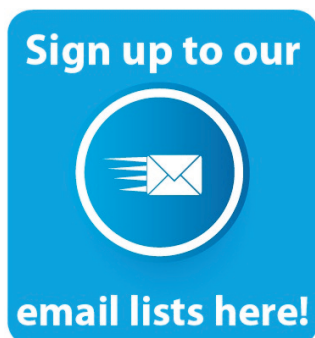
**Register here**

The link to join the event will be sent out to registered guests on the morning of the event itself. We really are looking forward to welcoming you.

## Enewsletter Sign Up

Subscribe to our email mailing lists to keep up to date with the latest news, legal training programme and other events from Liverpool Law Society.

**Sign up here**



## What does it feel like to be a black and Ethnic minority solicitor in today's profession?

**"Race for Inclusion: the experiences of black and Ethnic Minority solicitors"** research report launch event – 9 December, 16.00-18.00 pm

The Law Society will present its findings from quantitative and qualitative research it has conducted to better understand the experiences of black and Ethnic minority solicitors

You are invited to join the launch event and hear from the researchers who will share the key themes emerging from the research. We have also assembled a range of experts to dissect and discuss the findings and we are also keen to hear your views and insights. Based on recommendations from the report the Law Society will present its next steps and the formulation of a Race action plan to support members and provide practical support to firms

The link to book your place  
<https://events.lawsociety.org.uk/ClientApps/Silverbear.Web.EDMS/public/default.aspx?tabid=37&id=2749&orgId=1>

**The Society's new Public Relations Officer, Millie Hayden, was interviewed by BBC Radio Merseyside on 19th November 2020 regarding fixed penalty notices and people going to court over breaking the restrictions around COVID.**

## Building regulations & planning permission for conveyancers

Thursday 14th January, 1.30pm-4.45pm

With Richard Snape

Building regulations continues to be a major area in relation to conveyancing and planning permission has changed significantly in the recent years. The course aims to look at the changes.

### Content breakdown:

- Building regulations enforcement periods
- The Lenders Handbook
- Specific current areas of interest in relation to building regulations
- Gas safe regulations changes
- Planning enforcement periods
- Changes to permitted development
- Community infrastructure levy; the latest
- Pre-commencement planning conditions & much more

**[CLICK HERE TO BOOK](#)**

# Liverpool Law Society's 193rd AGM

## 26th November 2020

The Liverpool Law Society's 193rd AGM took place on Thursday 26 November 2020 via Zoom with the President, Julie O'Hare, opening formal proceedings by welcoming all to the meeting.

As with previous years, the election of vacancies for General Committee took place during the meeting and this year the five existing committee members voted to continue in for a full term of office were:

Mr Paddy Dwyer who becomes the Society's Parliamentary Liaison Officer,  
 Mr Jeremy Myers who is Joint Hon. Secretary and is stepping down as PLO after 5 years in the role,  
 Miss Julie O'Hare, President,  
 Mr Alum Ullah, chair of the Civil Litigation Committee; and  
 Mr Steven Zdolyny, Vice President of the Society.

Some of you may not realise that LLS is a company limited

by guarantee and those elected become Directors with the associated duties owed by virtue of that position.

The committee consists of between 14 and 27 directors and they must retire by rotation every three years with up to five being nominated for re-election.

The Hon. Treasurer spoke about the Society's accounts ending 31 May 2020 which were affected, in the last quarter, by the pandemic and gave an update on the Society's position with membership holding steady. Although training is a challenge, representation and engagement with members is strong.

Finally, the President gave her address to the members where she spoke about the challenges faced by all during the pandemic, living through unprecedented times and challenges, difficulties but also new opportunities and new ways of engaging with members.



**Front row:** Gaynor Williams, Chris Topping, Julie O'Hare, Steven Zdolyny and Joanne Francis  
**Back row:** Nadya Makarova, David Tournafond, John Owens, Lindsey Knowles, Millie Hayden, Sarah Mansfield, Nina Ferris, Jeremy Myers, Martyn Rodmell, Warren Barr and Jonathan Berkson.  
 (This photograph was taken at last December's General Committee showing the new committee)

## Annual Reports of the Sub Committees

The following are abridged versions for the Annual Reports from the Chairs of the Sub Committees. The full reports can be read [here](#).

### ACCESS TO JUSTICE COMMITTEE

2020 has been a particularly challenging year for providers of free legal advice and assistance within our region. Delivery has been complicated by social distancing rules, while demand from clients has increased within many sectors. This environment has been coupled with disruption to tribunal services. Unfortunately, the situation appears likely to deteriorate before it improves but the Committee will support regional providers, acting amongst other things as a meeting-place and sign-posting facility.

Operating in parallel to the main Committee is the Joint Forum on Access to Justice. This Forum is broader than the main Committee in terms of its membership and brings together providers, elected representatives, academics, practitioners, agency officials and members of the judiciary. The Forum attracts high-level speakers and this year has welcomed guests from the Litigant in Person Network and the national Law Society

I am grateful to all of the Committee's members for their commitment and input, and to our Committees Administrator and Chief Executive Officer for their help in managing the business of the Committee.

**James Mannouch – Chair**

### CIVIL LITIGATION COMMITTEE

I am grateful to the Civil Litigation Committee (CLC) and the Liverpool Law Society staff for their hard work over the year. In unprecedented, uncertain times and during a global pandemic, I am extremely grateful for the continued cooperation and willingness by members to actively participate in the committee.

Save for the beginning of the year, we have adapted our means of communication and meetings have been taking place remotely by 'Zoom'. I am pleased to report that the meetings have been hugely successful and well attended. It is my view that this not just a temporary change in the way we communicate but will very much remain a permanent option.

We have also had a few of our members regularly attend the Liverpool Court Users' virtual meeting, chaired by His Honour Judge Graham Wood.

I remain grateful to those who have supported me throughout the year and those who continue to do so, and for the contribution and support from members.

**Alum Ullah – Chair**

### CRIMINAL PRACTICE COMMITTEE

The Criminal Practice Committee meets bi-monthly to discuss matters which affect criminal practitioners locally and nationally. Prior to the Pandemic our criminal justice system was already at breaking point due to years of underinvestment and pay cuts.

Courts across the UK were closed at the start of lockdown in March and those that remained opened operated at reduced capacity due to social distancing. Even before the COVID-19 crisis

began, the number of outstanding cases in the magistrates' courts and the Crown Court was high. The combined backlog for both has now grown substantially while the most urgent cases have been dealt with by those courts that have remained open and via remote hearings using video and phone calls, many others have been put on hold.

In an effort to reduce the backlog of cases since the Covid-19 outbreak HMCTS are identifying how to roll out evening sessions, which would run from 5pm-8pm, Monday to Friday. Covid-19 operating hours are being tested at Liverpool, Hull, Stafford, Snaresbrook, Portsmouth and Reading Crown Courts. Saturday courts will also be extended.

I would like to thank Ann Murphy, Jo Downey and Sarah Poblete for their hard work and continuing support. I would also like to express my thanks to the committee members for their constant support, enthusiasm and commitment to representing the interest of all Criminal Practitioners.

**Eileen Chisnall – Chair**

### EDITORIAL COMMITTEE

The Editorial Committee meets throughout the year on a monthly basis to review each edition of Liverpool Law, to plan the following and subsequent editions, and to look for new ideas to improve the content of the magazine. Despite the COVID 19 pandemic the Editorial Committee has continued to meet.

We continue to promote the work of the society and its members by publishing reports on the activity of our various special interest sub-committees and have also continued the monthly opportunity for a local charity to highlight their work.

The committee is constantly looking for new ways to enhance the magazine and in particular to increase the scope of those attending and contributing. We want to ensure that Liverpool Law is providing members with what they want to read as well as informing and highlighting relevant issues. I would encourage anyone who has any interest in the magazine to attend meetings or get involved.

I would like to take this opportunity to thank all who assist with Liverpool Law, in particular those who attend meetings and regularly contribute, the staff at the Society and of course our Publisher, Julia Baskerville.

**Jennifer Powell – Editor**

### EDUCATION & CHARITIES COMMITTEE

The Committee administered the charitable funds of which Liverpool Society is Trustee and assists the Society in the administration of the prizes in its name. The Committee has been able to make grants where the circumstances indicate that there is substantial need, through the auspices of the SBA. This year we were unable to reimburse the SBA for all their grants in our area as defined by the Charity's constitution. We also promote the work of Law Care which provides useful practical support to members of the profession.

If members of the Society are aware of Solicitors or their dependants who are in real need of assistance then they should notify the President or SBA who may be able to arrange for assistance to the individual. It is our intention to make available additional resources in the light of COVID 19 if we receive further requests for help.

I am again indebted to Sarah Poblete and her team for their support throughout the year.

**David Tournafond – Chair**

## EMPLOYMENT LAW SUB COMMITTEE

Our Committee have continued to meet during the lockdown and ongoing COVID-19 restrictions and I would like to thank the Committee members who have joined and engaged in those on-line meetings.

Our meetings have provided a forum for members to discuss their experiences and also the fast changing employment law issues which have gone hand in hand in the COVID-19 crisis. As employment lawyers we are used to the fast pace of change. However due to the economic repercussions of the COVID-19 pandemic over the last few months the number of changes has been unprecedented in the frequency of changes and updates which as practitioners we have had to grapple with. Our committee meetings allowed us to share views on the changes and the impacts being seen across the Tribunal system as a whole.

I look forward to continuing to represent the interests of all Employment law practitioners in the region in the year to come – whatever 2021 may bring.

**Lindsey Knowles - Chair**

## FAMILY BUSINESS COMMITTEE

The Family Sub-Committee meets four times per year to discuss matters impacting upon family practitioners locally and nationally. We are fortunate that it is consistently very well attended with representatives from many of the regions law firms and have welcomed a number of new members.

Within the committee meetings we discussed changes to family law or to processes together with challenges we are facing. Unfortunately, the family justice system has faced many challenges in the last 12 months such as difficulties with court waiting lists and backlogs (which were already an issue being exacerbated by the delays caused by covid-19), the rapid change from in-person hearings to telephone hearings and video hearings and ultimately further change in respect of hybrid hearings. This has meant a huge amount of change in the technology that solicitor's use, different ways in liaising with the court and managing client expectation and need.

The committee works very closely with Jo Downey (Director of Education and Training) and that collaboration has resulted in brilliant training sessions being put together by Jo. This year she has had the added difficulty of some of those sessions being moved to remote sessions but all have had incredibly positive feedback.

I would like to thank Ann Murphy, Jo Downey and Sarah Poblete for their continuing support. Finally, I would very much like to express my thanks to the members of the committee who attend so consistently and with such useful input. I am genuinely proud to work alongside so many members of the Family Justice System who are so passionate about the work that we do and who strive

for the best for the community that we serve.

**Emma Palmer – Chair**

## FINANCE & POLICY COMMITTEE

The Finance & Policy Committee administers and manages the Society's finances and determines key policy issues. This year has literally been a year of two halves for the Society.

Similar to every organisation, Covid has had a harsh impact this calendar year. Our training income has been significantly curtailed following the initial lockdown in March. However, the 'business as usual' approach of trying to keep the sessions running and supporting members through various on line meetings has meant subscriptions have held up well so far this financial year, a real positive.

We have taken numerous steps to protect the Society's position and ensure our long term survival including:

- Moving to on line training, with events now being recorded and available for 3 months.
- Taking advantage of Government support wherever possible, for example, through the Job Retention Scheme.
- Undertaking a full review of all outgoings and maximising savings wherever possible.
- Reducing office overheads.
- Maintaining our profile through Liverpool Law, social media, our website and through on line meetings, networking and consultations.

We are riding the storm and have seen an encouragingly high level of engagement throughout the local legal market despite the most testing time most of us have ever been through. This propels our loyal staff, President and officers to keep working hard; and I would like to thank each and every one of them for their unwavering support and contributions this year. I also admire Jo Downey for her unwavering and positive approach and her resilience in trying to ensure we continue to drive our training programme forward. Onwards and upwards!

**Jo Francis – Honorary Treasurer**

## FUTURE PLANNING COMMITTEE

The Future Planning Committee oversees upcoming events for the current year as well as to looking ahead and planning events into the next year.

Firstly, it is only right to show our appreciation by giving thanks to all the wonderful staff at Liverpool Law Society for all of their wealth of knowledge, immense hard work and continued dedication, particularly in such a difficult year.

Sadly, this year has been significantly disrupted due to Covid-19. Our flagship event for 2020, the Annual Dinner which was due to be held at the Rum Warehouse on 12 November, has regrettably had to be postponed due to government restrictions associated with Covid-19. Similarly, the Legal Awards which was planned for the spring of 2021 has also had to be postponed, as there is too much uncertainty to plan this event at this time and the health and safety of our staff and members shall always take priority. We are now looking at merging the Legal Awards with the Annual Dinner,

**Continued overleaf**

with a provisional date of Thursday, 4th November 2021 being considered.

The aim of LLS is to provide the very best representation, training and benefits to our members which is why we are always keen to hear from our members on what issues/topics they find relevant and what events they would like to see in the calendar! If you have any suggestions please do contact myself, any of the Officers or the LLS staff so that we can ensure your ideas make it onto the Future Planning agenda. Thank you!

**Steven Zdolny – Vice President**

## IN-HOUSE LAWYERS COMMITTEE

This Committee focuses on the in house community drawing its members from the different areas of in house practice including the universities' in house teams and from across commerce and industry.

During this last year the Committee has successfully changed the focus of the Group from networking and social events to discussing topics of general interest to in house lawyers.

GDPR was the first topic discussed. Unsurprisingly the most recent topic discussed via zoom were the various legal issues arising out of the pandemic – force majeure etc. However it was the opportunity for in house lawyers to talk together to speak about how they have adapted to new working conditions that was most important. Sharing experiences and discussing matters of mutual interest for in house lawyers is the goal of the Committee.

I would also like to thank my fellow Committee members for their support and to Liverpool Law Society for facilitating these meetings and making them possible with the use of zoom.

**Martyn Rodmell – Chair**

## NON-CONTENTIOUS BUSINESS COMMITTEE

This sub-committee addresses non-contentious issues including property, company, charity, private client and mental capacity issues. We have welcomed new members and long-standing members have resigned, thanks to their contributions over the years. The committee is growing and dynamic, our usual attendance now exceeds 15 people representing all the relevant disciplines.

Probate has been dominated by the Government drive to digitisation which resulted in a change to the application process. In summary, the system of tailor-made Oaths has been replaced by a standard form. The delays in the Probate Registry issuing the grants of representation which followed the move to the new computer system have largely been ironed out and there is now a move to making online applications compulsory.

Jo Downey has worked hard to arrange relevant training and conferences and I extend thanks to her, especially in light of the Zoom training necessitated by the covid-19 situation. The Chair would like to thank all those who attend meetings and contribute to discussions, without this commitment of time and energy the committee would lose its effectiveness. Finally, after due consideration and bearing in mind the years I have chaired the committee, I am now handing the baton to a new Chair, from a different discipline who will lead the committee into the future.

**Naomi Pinder – Chair**

## PARLIAMENTARY LIAISON OFFICER

The tragedy of the Covid 19 Pandemic has rightly dominated the political agenda since March 2020. However, the previous six months were dominated by the question of whether Brexit would take place given the vagaries of the Hung Parliament.

Whilst these are the dominant factors of the political Agenda, much else has appended, and these additional pieces of news have meant that the legal side of the political agenda has remained full. Julie O'Hare as President, with Steven Zdolny as VP, working closely with Sarah Poblete and Ann Murphy in the LLS office, have encouraged and facilitated this lobbying work, and I could not have moved ahead without their keen support.

The imminent possibility of a Dissolution of Parliament – which eventually came in November 2019 – meant that we could not plan confidently for a meeting with the Merseyside MP's in autumn 2019. Necessarily, we cancelled that meeting after taking soundings with some of our regularly-attending parliamentarians. Covid 19 meant that the March meeting was cancelled.

Correspondence has been an important component of our work in recent months. I am very much obliged to the Officers for their support for my proposal that LLS write to the CEO of Hong Kong and to China's Ambassador to the UK, expressing opposition to the new Security legislation in Hong Kong. The correspondence has appeared in "Liverpool Law".

The two regular meetings took place with Councillors from Merseyside's authorities, in January 2020 and by Zoom in July 2020.

I took up this position in Spring 2015, so it is right that the time is coming for a handover and a fresh look at how the role works. Paddy Dwyer, a Director of LLS, took up the offer of shadowing, and already has contributed to our work. I wish Paddy all the best and I am sure that he will find it as enjoyable and rewarding as I have done.

**Jeremy Myers – Parliamentary Liaison Officer**

## MERSEYSIDE JUNIOR LAWYERS' DIVISION

The Merseyside Junior Lawyers' Division ("the MJLD") is an independent association affiliated to the National JLD. Its purpose is to provide an educational and professional support network for young lawyers in the Merseyside region and is equipped to represent the views and opinions of its members on a national level.

The Committee meets on a monthly basis to discuss past and future events and how we can progress the MJLD in the legal and wider local business community, as well as discussing any relevant topics and concerns that may have been raised by local members or the National JLD. As a Committee, we ensure that the MJLD fulfils its purpose to provide a wide range of services including; networking opportunities through its social and sporting events, educational talks and seminars, work experience, mentoring, shadowing schemes and charity fundraising events. The MJLD encourages members, irrespective of age, qualification status and/or firm to participate in all that it has to offer. The Committee works hard to obtain sponsorship so that our events remain free of charge and provide fantastic opportunities for members to become involved in the wider Merseyside legal community.

For general information please review our new website at [www.merseysideJLD.com](http://www.merseysideJLD.com).

**Chelsea Kearns, Chair**

**Clatterbridge Private Clinic leading the way working with medical lawyers in the treatment of Mesothelioma with Immunotherapy. Mesothelioma is a type of cancer that develops in the lining that covers the outer surface of some of the body's organs and is usually caused by asbestos exposure. At Clatterbridge Private Clinic, we have expert consultants who specialise in Immunotherapy treatments for Mesothelioma patients.**

We are the only clinic in the northwest that provides a range of immunotherapy outpatient treatments for Mesothelioma. If you have clients claiming compensation for Mesothelioma due to asbestos exposure, we can provide them with the highest quality cancer care in a modern, relaxing, and safe environment. We can even provide a full breakdown of costs and treatments for you to use to support your client's claim, so they can recover costs from the Defendant or secure interim payments for their treatment.

Our Patient Liaison Team is always on hand to help you and your clients and provide any information they may need. We also have a concierge system in which we can arrange for travel to and from the centre for your client and even arrange for accommodation nearby if they have to travel long distances for their treatment.





**Vauxhall Community  
Law & Information  
Centre**

## Our regular column from the team at Vauxhall Community Law and Information Centre who support the local community and promote access to justice.

Vauxhall Community Law and Information Centre is working in partnership with the office of Ian Byrne MP to deliver advice provision to the people living in the West Derby Constituency. The Law Centre applied to an advertisement for the work. The service commenced this month and is a continuation of the longstanding support given to Vauxhall Community Law and Information Centre by Ian. Ian is committed to access to justice and community based initiatives and is well known for his support for fans supporting foodbanks.



**Ian Byrne MP**

Ian Byrne who is now the MP for West Derby, has supported the Law Centre over the last five years or so. This is not widely known. Ian has not sought plaudits for the support he has given to the Law Centre, but we think it is time to say thank you Ian, your support, politically, financially and morally has made a big difference to us. You gave us support when we were struggling to survive and have continued to do so.

Thank you so much for your support behind the scenes it has made a big difference to our work and enabled us to represent more disabled and vulnerable people at tribunals. #accesstojustice

### Meet the funder

We are starting a series of articles to meet our funders. The GMB Trade Union North West & Irish Region has been funding the Law Centre for almost two years now. They are one of the core funders who have supported the recent developments at Vauxhall Community Law and Information Centre.

The Law Centre are contracted to provide an advice service to GMB members and their families of the across the North West & Irish Region. The union have also been generous in their support ensuring that the Law Centre had sufficient quantities of PPE to open after the lockdown commenced. The partnership has been working well for both GMB members, representatives and their families many of whom had difficulty getting advice and support in respect of their advice needs.



**Alan Kelly & Ngaryan Li,  
with Paul McCarthy GMB  
Regional Secretary NW &  
Ireland Region**

### Apprenticeship



**Elly Smith**

Eleanor Smith has started her apprenticeship at Vauxhall Community Law & Information Centre now. Elly who had previously been a volunteer at the Law Centre, has started making an impact immediately and has already begun to develop new partnerships to support the Law Centre in its quest to develop further and become more diverse in it work in the future. A big thank you to Siobhan Grosscurth, employment broker at the Liverpool City Region office and QVC for supporting the costs of the apprenticeship.

### Sad News



**Tommy Monaghan at Board  
Meeting**

All at the Law Centre where sadden to hear the news that Tommy Monaghan one of our management committee members had passed away. Tommy, who had been involved with the Centre as a community representative, had been with us for over 25 years. RIP Tommy, we will all miss you and your great sense of humour.

### Volunteers

Vauxhall Community Law & Information Centre is looking for volunteers we welcome people with legal, administration and accountancy skills and are particularly desperate for people with IT skills to support us, we are in the process of redeveloping our website and are stuck. Please drop us a line at:

Recruitment@vauxhalllawcentre.org.uk or call Alan Kelly on 0151 360 1122

Even if you are unable to help could you please circulate staff who may not see the Liverpool Law Magazine. Thank you.



# News from Merseyside Law Centre

**Fighting for equality through social justice to combat poverty & homelessness**



MLC are now delivering the Housing Possession Court Duty scheme in Birkenhead in partnership with Shelter and Liverpool Community Advice. We are also able to provide representation at Courts across the Liverpool City region.

We are campaigning across the North West to prevent vulnerable migrants being evicted from temporary accommodation during the pandemic.

We are still busy giving advice over the phone and by e-mail while our staff work from home providing advice and assistance on housing, welfare benefits and asylum support.

We would like to thank all our funders who provided additional resources to enable us to respond to the Covid emergency and continue to provide services across Liverpool and the city region.

Special thanks to Access to Justice Community Justice Fund, LCR Cares Community Foundation for Merseyside, Steve Morgan Foundation, Charities Aid Foundation, The Legal Education Foundation and Liverpool City Council. We'd also like to thank local law firms including Brabners and Weightmans for their continued support for our Justice First Fellows.

Our current contact details are below so please do pass these onto anyone you think may benefit from or require our services.

**E-mail:** [enquiries@merseysidelawcentre.co.uk](mailto:enquiries@merseysidelawcentre.co.uk)

**Twitter:** @MerseyLawCentre

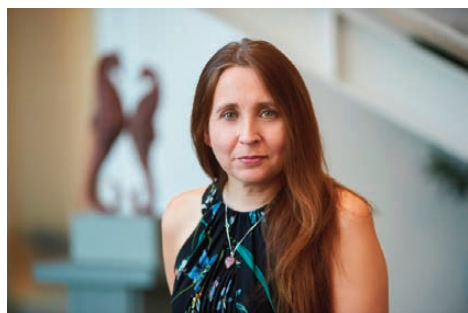
**Facebook:** Merseyside Law Centre

**Website:** [www.merseysidelawcentre.co.uk](http://www.merseysidelawcentre.co.uk)

**Tel:** 0151-709-0504

# “Worthless Houses” due to Developer and Planning Negligence

Residents on a new-build housing estate in Bradford have been told that their homes are currently worth nothing – as a result of planning and building failures. **Penny Andrews, Operations and Compliance Director at Future Climate Info**, explains why and the importance to conveyancers of acting on a Further Action result in an environmental search.



**Penny Andrews**

13 properties on Rooley Croft, Odsal were built in 2014 by Sherwood Homes as one of the early help to buy schemes and were quickly snapped up. However, when the residents of one of the properties tried to remortgage, they discovered it had a zero valuation, throwing the entire street into a “state of panic”. The developer has since ceased trading and they feel they have nowhere to turn.

The reason for these now worthless homes: the estate adjoins a **former landfill site** and the area had also been used for coal mining more than 150 years previously. After the mines shut, the adjacent land was used for landfill and according to records only dating back to the early 1980s contained industrial, commercial and household waste. Typical of landfills at this time, there was no detailed record of what materials or chemicals had actually been dumped, no regulation of the landfill, nor its control of gases or discharge to nearby water courses.

Even though the site hadn’t been used for 40 years, there remained a real risk of methane and carbon dioxide being released from underground and migrating into buildings. Consequently, one of the key planning conditions was the effective remediation of the site before they could be discharged and valid building certificates could be issued.

Sherwood Homes was required to fit a layer of membrane to prevent any gas escaping into the houses, but residents have no proof that this was completed correctly, nor had final building compliance certificates been issued.

## **Tied to a Worthless Home**

Chris and Steph Oliver bought their three-bed house for £130,000 in 2014 with a 20 per cent Help to Buy loan from Homes England. Last year, they sought to remortgage the property only to discover a zero valuation due to the absence of a final lawful building certificate. This is now the case for all thirteen properties.

There were various other snagging issues that had still to be resolved. The road had not been adopted by the council and the build did not meet the architect’s specification. But Sherwood Homes went into administration in February of this year and has not responded to any approaches by residents or authorities.

Their plight recently featured on the **BBC programme “Rip off Britain” (iplayer – requires TV licence)**. Two households have complained to their conveyancers who denied negligence but agreed to contribute some money towards bringing the estate up to standard. Another of the residents has taken his case to the Legal Ombudsman for what they saw as a failure of the conveyancer to identify the planning and environmental issues ahead of completion.

## **Legislation to Protect from Ground Gas**

**The Loscoe Ground Gas explosion** in 1986 kick started the implementation of better environmental controls on former landfill sites to minimise their impact on properties subsequently built nearby. This included the formation of the Environment Agencies across the UK and the implementation of **Part 2A of the 1990 Environmental Protection Act**.

While there have been a number of successful part2A determinations by local authorities, residents can remain in limbo for years while the legal process takes its course tracking the path of liability.

Bradford Council has yet to determine whether the Rooley Croft site should be a Part2A case – which is surprising considering landfill gas ingress (comprising methane and carbon dioxide) due to an ill-fitting membrane cap might well be a significant cause for concern for the health and well-being of the residents.

## **The Blame Trail**

Sherwood Homes are first in the line of fire – if they didn’t fit the membrane properly or the work was not lawfully discharged to meet the planning conditions, they should have been an easy target. But they are not trading any more, as is so often the case here. The former owners were the landfill operators four decades previously and also not operating. Even if they



were, the legislation was not in place to cover past practices.

Sherwood Homes worked with Homes England, the development agency responsible for expansion of affordable homes under the Help to Buy Scheme – were they in some way culpable in any lack of advice?

Is the Council to blame in some way for this? Based on the site history and the clear requirement to fit the gas protection as part of a remediation strategy – should they have been more rigorous in pursuing enforcement action against Sherwood Homes for the conditions that were not fully discharged?

Bradford council may find ultimately it has to step in here – while it is helping with guidance and advice, the residents will need a way out of this if they are to get anything out of their investment and more importantly feel at peace with their homes.

## **Conveyancers: Act on a “Further Action” search result!**

The case is a clear example of why conveyancers must pay attention to where a “Further Action” is flagged on a property in an environmental search.

Developers understandably want to get properties built and sold as quickly as possible. On occasion this means that corners might have been cut leaving loose ends that, unless the purchaser asks, might not come to light in the conveyancing process. However, dodgy developers won’t have a label so the conveyancing solicitor has to ensure they take the right steps to protect their client.

There is nothing to stop the authorities taking action under Part 2A just because it’s a new build. Breaches in planning conditions and building regulations irregularities would normally be dealt with by planning/building control enforcement sanctions against the developer, but there is obviously a question over who is responsible when the developer has ceased trading.

The vast majority of new build homes now

come with a structural warranty to provide 10 years cover against major structural issues but can have exclusions if the completion certificate is not obtained so even this may not have helped the residents at Rooley Croft.

The principle of caveat emptor “buyer beware” applies when purchasing any property, and means that the buyer, with reliable advice from their solicitor, needs to know in advance what they are buying and any associated risks. Sellers do not legally have to volunteer any issues but cannot lie when asked a direct question, so it is important to ensure the right questions are raised and protection afforded to the buyer in all cases.”

**FCI reports clearly identify the presence of the former landfill at Rooley Croft, though conveyancers should note that not all environmental search providers view recent developments with the same level of consistency on data and assessment.**



**Solutions for Peace of Mind**

Based on the “Further Action” result, a conveyancer acting for the Rooley Croft residents or any other in the same situation should then have recommended either of two courses of action: investigate or insure.

Investigation with the local authority would have identified that development conditions with regard to the landfill gas protection measures had not yet been signed off and pressure could have been asserted on the developer to have rectified the situation before handover. Alternatively, insurance (had it been recommended and then taken up by the home buyer) would have provided cover in the event that the risk to health is considered significant enough for the site to be designated as a Part 2A site.

In both cases, FCI offers further solutions:

The **FCI Appraisal Service**, provided by the FCI Risk Team who hold a unique combination of environmental and property related qualifications, demonstrating their professional expertise, provides fixed fee in-house environmental consultancy, which approaches regulators to gather and review additional property-specific information. Based on a review of the known historical risks and optional site walkover, possible redevelopment constraints are highlighted as well as any potential regulatory action or litigation based

on the existing use of the property.

FCI has collaborated with CLS to provide its customers preferential access to **comprehensive Contaminated Land Insurance Cover**. Arranged through CLS, this covers a range of circumstances and provides cover which extends to future owners, lessees and mortgage lenders. Policies start from just £50.00 for 25 years and can be purchased in conjunction with an FCI environmental search, with a passed search, or following a ‘further action’, providing superior terms and levels of cover at competitive premiums.

By 2016, most environmental search providers had some form of **Remediation Contribution** in their report T&Cs. This provides some form

of financial cover for the property buyers in the event of a Part2A determination on their property that could result in them having to pay for clean up, if the report conclusion could be proven to be wrong.

FCI offers up to £100,000 towards remediation clean-up costs on a Part2A determination and crucially is in place for up to 6 years – which given how extended these cases can prove, is the valuable part– other environmental search providers offer only three years.

For more information on FCI’s **Environmental search reports** and further action solutions contact us on 01732 755 180 or email [info@futureclimateinfo.com](mailto:info@futureclimateinfo.com)

# Open Space or In Your Face?

## The NEW FCI Planning reports with Intelligent FCICapture Technology

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**You’ve advised a client who’s completed on their family home with a view of open fields – only to be faced with the prospect of a new estate development application that was just outside of traditional searches. It’s going to be painful, for you and them.**

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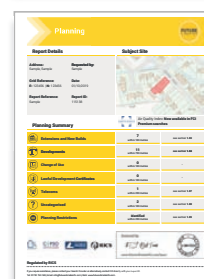
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# Liverpool Law Society Annual Employment Law Conference

I had the pleasure of once again Chairing the Society's annual Employment Law Conference on 14th October 2020. As so many things over the last few months, this time the conference was virtual. However, that did not prevent an excellent line up of speakers providing an interesting and useful full programme of varied sessions. I would like to take this opportunity to convey my sincere thanks on behalf of Liverpool Law Society to our speakers and also to those who attended and supported the conference, without whom it could not go ahead each year.

The conference was kicked off with Samantha Clark, the Director of IDR Services for ACAS, who set out the stark reality behind the headlines of the current and impending redundancy situation in the current COVID-19 crisis. She reported that ACAS saw a 169% increase in calls to their advice line concerning redundancy in June and July 2020 as compared to the same period last year. They have also seen a 25% increase in calls concerning changes to contracts of employment. Of the large businesses which ACAS have spoken with 6 out of 10 have said they are "likely to make redundancies in the next few months". Samantha set out the other issues ACAS were seeing a rise in and with the use of other reported surveys highlighted the rise in back pain and other related issues for those working from home and the significant increase in those experiencing mental health issues.

Nick Siddall QC of Littleton Chambers set out his views in relation to Employment Tribunal fees following leaked reports earlier in the year of the government considering a new fee regime. The Times reported on 15th June 2020 on confidential correspondence between Whitehall officials and the head of the Law Commission that asked it to "provide recommendations for creating a coherent system for charging and updating fees in the future". While the MOJ has said that "no decisions" have been made on new fees, in Nick Siddall QC's view fees will return, but in a different, lower level form and with a more effective remission scheme – it will be critical to get the correct balance. His prediction on the return in the not too distant future is particularly so as he believes there is likely to be an increased political will to provide 'support' to businesses with business-friendly measures in light of the challenges posed by lockdown and the on-going pandemic.

David Tinker, from Atlantic Chambers gave a thorough re-cap of the main considerations in redundancy cases and gave practical tips. With the UK seeing the largest annual increase in redundancies since 2009 this was useful as unfortunately redundancies are a prominent area where employment law practitioners are supporting clients on both sides at the moment and will be going forward.

Rebecca Jones, now of 23ES, gave an interesting session on the claims which we could see under the Equality Act 2010 as a result of the COVID-19 crisis. Rebecca gave practical tips on steps employers should take to protect their employees and covered areas of litigation it is anticipated we will see developing.

Regional Employment Judge Franey gave an insightful talk about life in the Employment Tribunal: Past, present and future. It was interesting to hear of the Tribunals plans moving forward and all the steps being taken to address the current backlog and administrative issues caused as a result of the pandemic. It is certainly positive that Hearings have been going ahead since July



**Lindsey Knowles**

2020 and I hope that improvements being made are sufficient to cope with the continuing significant increase in workload the Tribunal is experiencing.

We were joined by Professor Dominic Regan, a prolific legal writer and speaker, who gave an engaging review of the current position on vicarious liability following the recent decisions in the Various Claimants v Barclays Bank (2020) UKSC 13 and Various Claimants v Morrisons (2020) UKSC 12 cases in the Supreme Court which have "slammed the brakes" on vicarious liability.

The conference was expertly drawn to close by Martin Mensah, Head of the Employment Practice Group at Atlantic Chambers, who gave an excellent update on discrimination cases focusing on five cases from the last 12 months. As always Martin drew out interesting, practical points that can be taken from each case.

Looking ahead, following another successful annual conference the date has already been set for next year for Wednesday 13th October 2021! Hopefully this will be back to a face to face event, however even if remote, as this year proved – no matter what the circumstances, the Liverpool Law Society Annual Employment Conference will go on! I look forward to seeing as many of you as possible next year and I have no doubt we will have plenty to discuss with the changes which are coming our way over the next 12 months!

**Lindsey Knowles**  
**Brabners LLP**  
**Chair of LLS Employment Law Committee**

***Ceri Evans, Director of Apprenticeships, at the University of Law explains the benefits of the Solicitor Graduate Apprenticeship as a route to qualification and how, in particular, many firms are unaware of the excellent opportunity available to them.***

**How the SQE impacts your recruitment with a new route to qualification**

It has been possible to qualify as a solicitor via an apprenticeship route since 2016. In addition, whilst levy paying firms are able to utilise their levy funds, non-levy paying firms are able to have 95% of the training costs paid for by the Government.

In 2016 the University of Law welcomed their first solicitor apprentices onto a 6 year programme which prepares apprentices for the new qualification exams (SQE 1 & SQE2) while also allowing them to study towards an LLB (Hons). Law firms within Liverpool and across Merseyside are already taking advantage of this opportunity, using it to attract new talent into the firm or enabling existing staff to upskill themselves and in so doing increase their staff retention rates.

Now that the new route to qualification (SQE) has been approved by the LSB we are able to offer a shorter more focused apprenticeship which the University believes is a game-changer for law firms and legal organisations. The Solicitor Graduate Apprenticeship is a 25 month programme (or 31 months for non-law graduates). The programme prepares apprentices for SQE1 & 2. On completion of the 25 month programme and successful completion of SQE1 & 2 apprentices could graduate with a LLM in Legal Practice and Skills.

The programme can be delivered either as a block training programme with apprentices completing SQE 1 prior to joining their firm or as a day release programme. The key to this new programme is the use of analytics and a digital support application which will test and support the apprentices' learning throughout the programme.

Key solicitor skills are delivered at the start of the programme including drafting, advocacy, client interviewing, digital skills and legal research. In addition, key behaviours are addressed including time and project management; the aim is to ensure the apprentice is an asset to their firm or organisation from day one. The first cohort of Solicitor Graduate Apprenticeship will be inducted in February 2021. Future delivery dates will be August and February each year.

**So how could this work for your firm?**

- Apprentices can be new recruits or existing staff (unfortunately staff/recruits who have completed their LPC do not qualify). This allows all firms and organisations (levy and non-levy) to recruit apprentices from University. (Minimum entry criteria is 2:2 or above at degree level or other Level 6 qualification and 5 GCSEs including Maths and English at grade C, employers can however require higher entry criteria).
- Each apprentice will work towards the SQE assessment and as a prerequisite to this has to develop a work-based portfolio of evidence based on the statement of solicitor competency and the requirements of the SQE. This portfolio can then be used as evidence of Qualifying Work Experience.
- A dedicated solicitor assessor from the University of Law will work with the supervising solicitor to ensure

this happens.

- The apprentice must, in accordance with the funding rules, be given 20% off the job training for which they are paid. This study period can be given as a block at the start of the apprenticeship or study one day a week. The programme at the University of Law has been designed to allow flexibility for each employer to choose when this protected time for off-the-job training is provided.
- Apprentices study via a blended programme supported with live webinars and some face-to-face sessions.

**How is this paid for?**

In 2017 the Government introduced the Apprenticeship Levy. Employers whose payroll exceeds £3 million p.a. pay a 0.5% tax on their total UK payroll. In England, these central Government funds are then allocated for the provision of apprenticeship training.

Apprenticeships are funded either fully via the Government for levy paying firms, who are essentially recouping their levy, or on a co-funded basis for firms who are not paying in to the levy, or who have exhausted their levy. Here 95% of cost is paid by the Government and employers contribute just 5% of the cost in yearly payments spread over the course of the programme. For more information on the programme, its benefits for employers and apprentices, please contact the University of Law apprenticeshipenquiries@law.ac.uk

**Joint free online information event to find out more**  
**Liverpool Law Society is pleased to be hosting a virtual one hour event on Wednesday, 20th January 2021 from 1pm to 2pm for members to find out more about solicitor graduate apprenticeships from Ceri Evans of the University of Law and ask all the questions you may have.**

## TRAINING SEAT EXCHANGE

Liverpool Law Society has a Trainee Seat Exchange service. The purpose is to assist member firms and member in-house legal departments interchange trainees. The aim is to provide more training contracts on Merseyside and beyond by facilitating an exchange between firms and in-house departments who may otherwise find it difficult to offer their trainees the requisite number of seats in both contentious and non-contentious work.

The Training Seat Exchange, which is open only to members of Liverpool Law Society, is a free, online service. Details of what seat a member firm can offer and what seat they are seeking appears. The exchange must be discussed and agreed between each member firm on an individual basis.

If you would like to appear on the list, please complete our online form at [www.liverpoollawsociety.org.uk/training-seat-exchange-form](http://www.liverpoollawsociety.org.uk/training-seat-exchange-form) and the Society will be in touch with you.

## 'Magnificent' seven strengthen Morecrofts' family law team

Morecrofts Solicitors has recruited seven new members to its award-winning family law team.

The seven paralegals and trainee legal executives will be based across the firm's network of Merseyside offices as Morecrofts continues to strengthen its team in response to a growth in client instructions despite Covid-19 restrictions.

The new recruits include Rebecca De Stefano, Abbie Gilfoyle and Roisin Egan, all based in Liverpool city centre, Hannah Beardmore, Kirsty Holland and Lauren Deeley Risk, working out of the firm's Wirral office, and Josh Bourke, supporting the family law team in Allerton.

All interview and induction processes have been undertaken via video calls and online assessments, allowing Morecrofts to recruit candidates from across the region and beyond and also structure the process more flexibly.

Morecrofts was named Family Law Team of the Year at the latest Liverpool Law Society Awards in 2019.

The new appointments also coincide with the awarding of three training contracts to Kathy McQuillan, Millie Gordon and Erin Spadafora, bringing the total number of trainees at Morecrofts to 11. Meanwhile, trainee solicitor Alex Parkington has also recently qualified and will join the commercial and litigation department.

Alison Lobb, managing partner at Morecrofts Solicitors, said: "The pandemic has raised enormous personal and professional challenges for all



**Josh Bourke**

of us and our focus as a firm has been on ensuring the best possible service to our clients and protecting the wellbeing of our staff.

"Part of that commitment involves continuing to find innovative ways to attract and hire the brightest and best young talent to constantly drive our service levels forward and support the needs of our existing teams, who have all adapted so well and embraced the opportunities around virtual working.

"Virtual recruitment works well for everyone, as candidates don't need to travel and we can arrange interviews in a more flexible way to fit with people's diaries. The seven new recruits performed magnificently well to rise to that challenge and were able to give a great account of themselves.

"While some of the usual social and physical interactions of office life are not currently available, we are doing all we can to help them settle in, with clever use of technology, and they are already an important part of the Morecrofts team."



**Lauren Deeley Risk**



**Roisin Egan**

### Complaints to Compliments

Wednesday 3rd February, 1.30pm-4.30pm with Vicky Ling

Many practices report that they are receiving more complaints since the COVID pandemic. This course will give complaints partners/officers/COLPs confidence in running practical and compliant complaints procedures. It includes real life case studies and round table discussions:

Vicky Ling will cover:

- Working within the Legal Ombudsman's good practice guidelines
- Meeting the SRA's standards and regulations 2019
- Compliant wording for client care letters
- Sharing the load – who to involve in complaints handling
- How to prevent complaints by getting things right from the start
- Fostering a positive culture to prevent complaints escalating
- Learning from complaints



Competencies: C2  
Click here to book

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# Merseyside welcomes niche Personal Injury Specialists CAPA LAW Solicitors

CAPA LAW Solicitors was founded in October 2020 by Personal Injury Litigation specialists Catherine Fielding and Paula Hendrick. With over 40 years combined experience in this area of work, Cathy and Paula were keen to use their wealth of knowledge and experience to establish a specialist Personal Injury Law firm committed to achieving the best possible results whilst providing exceptional client care.

Undeterred by these unusual times, Cathy and Paula saw an opportunity to create a fluid, modern law firm capable of adapting to a shifting market whilst still maintaining the traditional values they both hold dear.

Both qualified Solicitors, Cathy and Paula have previously worked closely with a number of Trade Unions, representing their members injured in the workplace and elsewhere, successfully pursuing countless number of claims on their behalf. Both are entirely client focused and are committed to establishing an outstanding reputation for quality Personal Injury representation.

Cathy, former Head of the Liverpool office of Simpson Millar and Equity Partner of EAD has extensive experience both from a managerial and fee earning perspective. She is passionate about using her skills and expertise for the benefit of her CAPA LAW clients.



**Cathy Fielding**



**Paula Hendrick**

Paula, former Partner of Trade Union panel firms, John A Behn Twyford & Co, EAD and Simpson Millar is equally driven about the future of CAPA LAW and is confident that their rich history of personal injury representation will help establish CAPA LAW Solicitors as the go-to law firm for quality, reliable legal services. (Exciting times ahead!)

<https://www.capalaw.co.uk>

## St John's Buildings adds police officer turned barrister to its criminal law team

St John's Buildings has welcomed criminal barrister Suzanne Payne to its Liverpool Chambers, adding further expertise to its established criminal law team.

Previously a member of a Cardiff chambers, Suzanne regularly appears for the prosecution and defence in the Magistrates' and Crown Courts in various criminal matters including domestic violence, sexual offences, possession with intent to supply and hearings under the Proceeds of Crime Act.

Called to the Bar in 2014, following 28 years with the police in Merseyside and South Wales, she brings with her an in-depth knowledge of police investigations and procedures following her various roles in uniform, CID, crime

management and covert policing. Suzanne also has previous experience in the National Crime Squad, now National Crime Agency, instructing in surveillance techniques, disclosure and other covert policing tactics.

Suzanne will be a part of St John's Buildings' criminal law team which regularly appears in some of the most serious and complex cases on behalf of various prosecuting authorities, as well as undertaking high-profile and complex defence work. She will join more than 100 junior counsel and three Queens Counsel, operating nationally out of Liverpool, Manchester, Sheffield and Chester.

Chris Ronan, Chief Executive at St John's Buildings, said: "With close to 30 years'

experience in police forces across the UK, Suzanne will add further expertise to our criminal team. Her passion for the law is exemplified by her extensive career in the police, and her move to the Bar. We look forward to welcoming her to chambers where she will strength our already reputable criminal law team."

Suzanne Payne said: "St John's Buildings has an established reputation as a leading chambers, with its criminal team widely recognised as one of the best. I'm very proud to be joining SJB and in particular to be able to work alongside such an accomplished team."



**Suzanne Payne**

# Carpenters appoint Andrew Thornley in new role as Head of Public Affairs

The Carpenters Group has appointed Andrew Thornley as the Head of Public Affairs. This new role within the firm will see Andrew promoting and strengthening the profile of Carpenters within the insurance and legal claims sector with policymakers, regulators and the media.

Andrew was Head of Corporate Affairs at the British Insurance Brokers Association (BIBA), but was made redundant earlier in the year because of the pandemic. At BIBA his responsibilities included developing and maintaining relationships with the government on behalf of the insurance broking sector. Andrew had previously worked with the Carpenters Group on a number of high-profile campaigns within the insurance industry and was approached by the Executive Board to create this new department.

After studying Human Biology at Leeds University, Andrew moved to London and worked as a freelance journalist and community radio presenter before joining the Motor Insurance Bureau (MIB), working within the communications and PR team.

Andrew now lives in South London, but is originally from Liverpool, growing up in Anfield. He will continue to work from home, attending meetings in Merseyside when the need arises. Andrew says "I think one of the reasons that I have settled into my new role so quickly has been the friendliness of the firm and



**Andrew Thornley**

the familiarity of the scouse accents, but moving to London presented many opportunities which may not have come my way elsewhere."

It has been a year of change for Andrew, not only has he changed jobs, but has also moved to a new apartment with his wife and his son Joel was born in March. Andrew adds, "Joel has only seen my parents once, but we video call them everyday so they can see how quickly he is growing."



## **Confidentiality & restrictive covenants in employment contracts: The latest developments**

Wednesday 27th January, 10am-12pm

This course reviews the law on confidentiality and restrictive covenants, and outlines the steps employers should take to minimise the risk of confidential information and client contacts being misused by former employees.

### **Emma Tegerdine will cover:**

- **Enforceability of post-termination restraints**
- **The impact of promotion on post-termination restraints**
- **Confidentiality clauses**
- **Garden leave clauses**
- **The duty of good faith**
- **A review of the latest case law**
- **Drafting tips**

Competencies: A2,4, 5 & B3, 4, 6, 7

**[CLICK HERE TO BOOK](#)**

## Brabners' Fast-growing Real Estate practice adds another construction specialist

Brabners has appointed another new partner to its fast-growing real estate practice as it continues to support high profile property development across the UK.

Construction specialist Jennie Jones joins Brabners from Freeths and brings significant additional dispute resolution and transactional construction experience to the firm's 95-strong real estate practice. Jennie specialises in advising contractors, developers, design consultants and funders on both contentious and non-contentious issues, including contested accounts.

Jennie's appointment to the construction team, which has added ten new lawyers in the last two years, further strengthens Brabners' support for clients operating in the construction sector, with significant challenges anticipated throughout the supply chain as projects continue to be affected by the economic effects of Covid-19.

Operating across Brabners' Manchester, Liverpool and Preston offices, Jennie will work alongside the firm's construction lead, Barry Goodall, and real estate sector lead Andrew Waugh.

The appointment comes as Brabners' real estate team targets further growth having increased its practice revenue by 10 per cent in the last year.

Brabners managing partner Nik White said: "The real estate sector has long been a strategic area of growth for us, particularly as the North West continues to deliver some of the UK's most important infrastructure projects. The growth we've delivered to date is testament to the ambition of the region's developers and contractors but it's clear they face new challenges in light of the ongoing pandemic. Jennie's additional experience will prove vital at a time when our portfolio of construction clients is expanding in response to these unique pressures, as we look to ensure that the construction industry is best-placed to play its part in the economic recovery."



Jennie Jones

Jennie Jones said: "While recent activity levels appear encouraging, a significant number of construction projects are being cancelled or delayed due to unreliable supply chains, workforce management challenges, and financial reserves being stretched to their limit. The construction team at Brabners has vast experience in advising clients on how to navigate through these testing times to emerge in a position of strength. The culture of the team and the wider firm means that it attracts lawyers who put clients at the heart of everything they do. It's a privilege to be joining such an exceptional team and I look forward to providing guidance and support to our clients during what is an uncertain time for many."



**Vauxhall Community Law & Information Centre**

Blenheim St, Liverpool, L5 8UX. Tel 0151 5494. Email [recruitment@vauxhalllawcentre.org.uk](mailto:recruitment@vauxhalllawcentre.org.uk)

### Job Advert

#### Housing & Social Welfare Solicitor

Vauxhall Community Law & Information Centre is a small community-based Law Centre and has been in existence since 1973 serving the community of the City of Liverpool. We have recently acquired funding for a Housing & Social Welfare Solicitor who will be joining our staff team. We are looking for the successful applicant to start as soon as possible and would welcome secondment applications.

**Title of Post:** Housing & Social Welfare Solicitor  
**Hours:** up to 35 per week  
**Salary:** up to £30,000

The postholder will support Vauxhall Community Law & Information Centre advice service, particularly in respect of Housing and related matters to enable Vauxhall Community Law & Information Centre to deliver a high-quality community-based advice service.

The closing date for applications is **Thursday 11<sup>th</sup> December 2020, at 23.59.**

Interviews are planned to take place on **Monday 14<sup>th</sup> December 2020.**

For an application pack, which includes the full job description and person specification, please send an email to [recruitment@vauxhalllawcentre.org.uk](mailto:recruitment@vauxhalllawcentre.org.uk) & head your email "Housing & Social Welfare Solicitor's Post"

## Conveyancing Law Update

Tuesday 8th December, 1.30pm - 4.15pm (inc breaks)

With Richard Snape

Conveyancing continues to undergo major changes. In particular, estate rent charges continue to cause problems and there is detailed guidance on conveyancing during the Coronavirus pandemic.

### Content covered:

- The latest on Coronavirus
- Estate rent charges
- Latest on ground rents and mortgage requirements
- Septic tank replacement
- The latest TA6 enquiries
- The conveyancing protocol
- Recent case law
- EWS1 Certificates and cladding

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- Mineral rights
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020 7397 4363

## MSB named in the Times Best Law Firms

MSB Solicitors has been named in The Times Best Law Firms 2021.

For the third year running, The Times and independent market-research company, Statista, conducted surveys among thousands of lawyers and used their responses to identify the leading 200 law firms in England & Wales, and the top 40 in Scotland. The response from lawyers was higher than in the past two years, even though their professional lives had been disrupted by the Covid-19 pandemic.

The news of MSB's inclusion comes following a successful year for the firm, which has seen revenue increase to £7.5 million, up from £6.4 million the previous year, with a profitability increase of 10 per cent.

The firm has also had a positive year in terms of recruitment and employee retention, having recruited 18 staff, promoted five team members and made no redundancies over the past year, despite the challenges brought about by the Covid-19 pandemic. Demonstrating its commitment to providing opportunities for the next generation of talent within the legal profession, MSB retained 100 per cent of its trainees who qualified and took on a further four new trainees in September, with another eight set to be recruited in 2021.

In recognition of its commitment to delivering excellence, MSB has been shortlisted for seven national awards, winning two so far, having been awarded Inclusion and Diversity at the Modern Law

Awards and Jo Dalton being named Practice Manager of the Year at the Legal Excellence Awards.

MSB was also listed in five categories in the latest Legal 500, with its Crime and Family departments being ranked as Tier 1, in addition to the firm's Family department being ranked Tier 1 in the 2021 Chambers and Partners, with Pauline McNamara, Caroline Hamilton-Barrett and Emma Palmer all named as Recognised Practitioners.

Emma Carey, Managing Partner at MSB Solicitors, said: "I am so proud that we have been given this accolade, particularly this year, which has been so challenging for many reasons. We have positioned ourselves as the best firm to provide legal services to our community, from ultra-net worth clients to the most vulnerable eligible for legal aid, from sole traders to international business.

"Our team's pride and passion in delivering excellence in legal services has shone through, in their commitment to supporting our clients through this pandemic and as a result we've seen some significant new tenders and clients coming to us.

"Being named in this prestigious list, particularly by our peers in the legal profession, is testament to our hard work and dedication, going above and beyond to deliver excellence to our clients each and every day."

**View the full Best Law Firms 2021 list, [here](#).**

## Hampson Hughes strengthens Medical Negligence team

Hampson Hughes has appointed a new senior solicitor as part of an ongoing expansion of its specialist medical negligence team.

Medical negligence lawyer Laura Owen has over 15 years' experience working in leading law firms with a particular focus on helping victims of medical negligence to seek justice.

She joins Hampson Hughes from a legal 500 law firm, where she worked for over nine years, initially in the firm's family law department before joining their medical negligence department.

Her personal case history includes supporting clients who have experienced surgical negligence, anaesthetic awareness, delayed cancer diagnosis, misdiagnosis, orthopaedic injury and delayed stroke diagnosis. These cases have ranged in value from £1k

to £300k. She has also assisted on cases involving cerebral palsy and brain injury with damages being awarded in excess of £2m.

Laura considers her prior experience in family law gives her the ability to really empathise and connect with clients. This combined with her exceptional legal knowledge makes her adept at handling even the most sensitive of cases.

She said: "I was instantly attracted to Hampson Hughes due to its dedication to provide outstanding client care, which has always been paramount to me. As clinical negligence lawyers, we represent people going through a very difficult time and it's essential to be empathetic, but at the same time deliver robust, pragmatic advice and support to ensure the right outcome is achieved. "From my initial conversation

with the team, I knew they had a very clear direction on where they were taking the department and I am very excited to join at such a pivotal point in the journey."

Commenting on the appointment, Carlos Lopez, director of clinical negligence at Hampson Hughes Solicitors, said: "Medical negligence is one of our most rapidly developing departments and we are keen to build on our strong foundations and expertise in this area. From the moment I met Laura I knew she would be a great addition to the team.

"Laura has exceptional and wide-ranging experience which will be invaluable to the firm but, most importantly, she shares our passion for getting justice for our clients and bringing about real change and improvement in healthcare to positively impact on lives."



**Laura Owen**

Liverpool Law Society

## SAVE THE DATE!

### For the 2021 Housing Disrepair Conference

Wednesday 24th February  
9.30am-3pm (inc breaks)

**District Judge Sarah O'Brien** will be chairing this must-attend training event for solicitors, barristers & other practitioners involved with Housing Disrepair

Providing a round-up key developments in law & practice and an opportunity to hear directly from some first class speakers.

**Speakers confirmed so far...**

David Walter, Restoration Design Partnership  
Gary Lewis, Cobden Chambers  
Louise Murphy, MSB

[Click here to book your place](#)

Liverpool Law Society

## Insolvency Update with Chris Beanland

Friday 15th January, 12.30pm - 1.30pm

In this hour long course we will review important developments in insolvency law over the last few months. As ever, emphasis will be placed on matters which have an impact on day to day practice.

**Chris Beanland will cover:**

- Dangers of proceeding with misfeasance claim against non-active director: Re IT Protect Ltd (in liquidation) [2020] EWHC 2473
- Challenging appointment of administrator as being for an improper purpose: Re Hat & Mitre plc (in administration) [2020] EWHC 2649
- Interaction between Insolvency Rules 2016 and CPR: Wolf Rock (Cornwall) Ltd v Lanhelle [2020] EWHC 2500
- The rule in Exp James and its application to officeholders: Lehman Brothers Australia Ltd (in liquidation) v Macnamara [2020]

& much more...

**Core Competencies: B**

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Liverpool Law Society

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- The credits may be used by the Liverpool Law Society corporate member firm for any of their staff
- The Credit bundle is non-refundable Offer excludes the Children Panel Qualification 3 day course & limited events when specified Any supporting materials will only be issued to those who have booked on courses which they have unavoidably been unable to attend
- The Society retains the right to cancel or alter the date of courses
- Subject to our usual [terms & conditions](#).

Those who book events but do not attend and don't provide notice of cancellation will have the appropriate credit allocation applied.

**To see more information, [Click here](#)**

Liverpool Law Society

## End of life care planning

### With Caroline Bielanska

Wednesday 10th February, 10am - 12.15pm (inc breaks)

Lawyers drafting health and welfare lasting powers of attorney will benefit from this training session, which will consider advance care planning through Lasting Powers, Advance Decisions to Refuse Treatment and the interaction of various decision makers.

**This course will include:**

- Types of advance care planning
- Capacity to consent or refuse consent to medical treatment
- Application of the validity and applicability of advance decisions
- Drafting advance decisions to refuse treatment
- Advising and drafting health and welfare lasting powers
- Status of a Do Not Attempt CPR 'orders'
- Refusal of patient to eat or drink
- Euthanasia and Assisted suicide

[CLICK HERE TO BOOK](#)

## Double success for LJMU School of Law students

The School of Law at LJMU is celebrating the achievements of two students who have both won national recognition for their outstanding academic records.

Our recent graduate, Eve Salter, has won the Benefactors Scholarship and the Blackstone Entrance Exhibition from The Honourable Society of the



**Eve Salter**

Middle Temple.

Meanwhile, final year student and Student Law Society President, Emily Thorbjornsen, won the prestigious Neuberger Prize, which identifies the five best students in England in the final year of their law degree and gives them a taste of life as a barrister. Emily is now a member of the Honourable Society of Lincoln's Inn, and was given a £1,000 cash prize.

As well as being the highest achiever in her cohort, Emily is a volunteer at the LJMU Legal Advice Centre providing live client advice and working on a policy research project looking at the impact of the pandemic on human rights. She is also involved in Mooting and Debating groups. Eve is also a veteran of the Mooting team and Legal Advice Centre, and enjoyed making a positive difference while studying for her degree.



**Emily Thorbjornsen**

Professor Carlo Panara, Director of the School of Law, passed on his congratulations and those of the whole School. "Emily and Eve's fantastic achievements are a testament to their talent and hard work, and they are great role models for our students. Our LLB Law combines a rigorous academic approach with integrated

opportunities to build legal skills, underpinned by support from experienced researchers and practitioners working in synergy, to help students reach their full potential. In the meantime, we look forward to hearing more about Emily and Eve's achievements at the Bar in coming years."

### Personal Injury Conference

Wednesday 9th December, 9.30am-4pm (inc breaks)

Chaired by **HHJ Wood QC** with sessions from

- 9.40am Donna Scully, Carpenters**  
LiP Portal/Whiplash Reforms
- 10.25am Matthew Stockwell, Exchange Chambers**  
Rethinking liability in RTA claims involving children and vulnerable adults
- 11.15am Matthew Stockwell, Exchange Chambers**  
How to recognize a brain injury and how it may overlap with other injuries
- 11.45am Kerry Underwood, Underwoods**  
Changes in the cost regime and update
- 1.30pm Mark Holt, Frenkel Topping** - Calculating Schedules of Loss: Recent updates and their implications
- 2pm David Pilling, Liverpool Civil Law**  
QOCs and Fundamental Dishonesty Update
- 3pm Craig Budsworth, AX Automotive**  
Credit hire: a way forward

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### Residential Conveyancing for Support Staff

19th & 20th January with Ian Quayle

**This is an intensive two day training course aimed at secretaries, paralegals and lawyers returning to or joining the residential conveyancing team.**

**The course is also useful for members of staff completing CILEX Level 3 or 6 conveyancing modules.**

Delegates will learn:

- The conveyancing process from receipt of instructions to file closure
- Preparing the contract bundle including drafting the contract
- Dealing with searches and enquiries
- Client inspection, surveys and acting for lenders
- Exchanging contracts

**& much more**

**Competencies: A1, A2, A3, A4, A5, B2, B3, B4, B5, B6, C1 & C2**

**CLICK HERE TO BOOK**

# Seeing yourself in the law

Entering the workplace for the first time can be so daunting. It can be even more daunting when you cannot connect with your workmates and feel out of place because your background is different to that of those around you. In my opinion, building businesses that are inclusive and representative of society should be at the forefront of every leader's mind. Having a diverse and accepting culture within businesses can deepen the understanding and consideration for our clients and arguably more importantly, for our people. When people are free to be who they are without ridicule or repercussion, they are happier. It's not rocket science that happier people work harder and better! This is a win-win for business owners and clients alike.

Thinking back to my undergraduate days, I felt the pressure mounting as I got closer and closer to the end of my degree, ready to be let loose! But... I wasn't ready to be let loose. I suffered with major imposter syndrome and didn't feel anywhere near good enough as my class mates to be a lawyer. I stopped myself from applying for training contracts and various paralegal roles for years, as I felt that those I was surrounded by would fit into the legal world much better. That nagging thought that I didn't fit in constantly overshadowed everything I did and unfortunately followed me in to my first few legal roles.

Over the last year or so, I have realised the power of my own voice and the value that my experiences can add to a team. I am obsessed with the concept that bringing different perspectives to the table can make for a stronger, more successful team. I am a big believer that diversity breeds creativity, offering more solutions to challenges that the business may face. Imagine how amazing the legal profession would be if junior lawyers from diverse backgrounds owned their differences and realised the richness that they could bring to a business?

I want to help bring this concept to life beyond the realms of the business that I am a part of. I am really excited to be the MJLD's first Equality, Diversity and Inclusion Officer. I see this as an opportunity to reach out to junior lawyers in a hope that they will realise that the things they believe hold them back can make them better lawyers. A huge part of creating a more accepting working environment that is able to retain talent from underrepresented backgrounds is by giving people a platform to tell their stories. By telling stories, we have the possibility of educating through exposing our junior lawyers to the lived experiences of others that they may have never encountered before (through no fault of their own – at times!).

The first event that I will be arranging for MJLD members is an Introduction to Unconscious Bias. The topic of unconscious bias has grown in popularity this year, especially as the Black Lives Matter movement has gained momentum. Unconscious bias is something that most people are unaware of (given its title), but should be something that every person makes an effort to recognise and combat. It's quite a controversial topic; without making real changes within a business, Unconscious Bias training can be pointless. Emily Driver, a colleague of mine at Jackson Lees Group, has worked really hard on creating an Unconscious Bias training session that will be rolled out across the business in conjunction with other initiatives that are being implemented in an attempt to foster a more inclusive environment for our people. Emily has thoroughly researched the topic and will be delivering



**Hetal Hathiwala**

the session to our MJLD members early next year.

It's time for junior lawyers to take responsibility for influencing changes as they are happening within their businesses and driving them when they are not!

If you are not already a member of MJLD and want to be kept in the loop about Emily's session, please sign up using our new website [www.merseysidejld.com](http://www.merseysidejld.com).

**Hetal Hathiwala**  
MJLD



# Christmas is Coming

This month we asked members to send in photographs of their Christmas Trees to bring some much needed cheer and start the Christmas celebrations...

**Paula Mansfield**  
MSB Solicitors



**Jessica Hampson**  
CEL Solicitors  
with daughter Gigi



**Donna Scully, Carpenters Law**  
Designed by her twin sons - Donna describes it as the #moreislesstree



**Sophie Kenwright**  
CEL Solicitors



**Broudie Jackson & Canter's tree at**  
Walker House



**Gaynor Williams**  
Bennett Williams

**Mark Cox  
Weightmans**



**Natasha Coulthard, CEL Solicitors**  
“Let’s make this a December to remember  
having a tree-mendous time!”



**Jackson Lees**  
“Make a Positive Difference  
this Christmas”



**Nicola Harris  
MSB Solicitors**  
“Up much earlier than usual but it’s  
2020, rule book out of the window.”



**MSB’s Christmas Tree**



**Steven Crellin  
Weightmans**

# Christmas is coming



**Lindsey Knowles  
Brabners LLP**



**Emma Skelton  
Weightmans**



**Carpenter's Christmas Tree  
Decorated by Jess Sutton**



**Jeff Turton  
Weightmans**



**Rachael Payne  
CEL Solicitors**



**Sam Gittos  
Weightmans**  
The rainbow tree is a thank you to  
all key workers.

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#### Terms:

- You must be a member of Liverpool Law Society.
- A Training Season Ticket (TST) is an individual ticket and is non-transferable. One must be purchased for each person to whom a firm wishes it to apply. Alternatively please see our Corporate Member Training Offer. Member firms must submit a list of named persons for whom they wish to purchase Training Season Tickets.
- Members can join at any point during the 12 month period, however the TST fee is fixed, it will not be pro-rated
- Training Season Ticket entitlement must be declared at time of booking a course.
- The Ticket is non-refundable and non-transferable.
- Any supporting materials will only be issued to those who have booked on courses which they have unavoidably been unable to attend.
- The Society retains the right to cancel or alter the date of courses. All bookings subject to our usual terms & conditions, see: <http://www.liverpoollawsociety.org.uk/event-booking-terms-and-conditions>.
- Those who book events but don't attend and don't provide notice of cancellation, may be charged.

Apply now [here](#)

## Silver linings emerge with the rise of tech adoption in legal

To suggest 2020 has been a turbulent year would be an understatement. As words like unprecedented, R number and new-normal spread like wildfire through the social lexicon, a paradigm shift was taking place in what has become the largest scale social experiment on the planet. When countries locked down overnight, businesses had to find alternative ways of operating and shift their business models to accommodate a host of newly imposed restrictions.

The Financial Times reported in June that the pandemic had been speeding up law firm adoption of technology, and software innovation in key areas like property and conveyancing was keeping the sector moving. As we saw following the 2008 financial crisis, global events force change at a significantly faster rate than we're used to.

The legal industry in the UK has been slower to adopt new technology into their practices than other sectors. While the more tech-savvy firms may have been quicker to adopt digital processes, the digitisation of legal processes cannot take place without two key factors; changes accepted and initiated by leading industry and governing bodies, and the solutions providers to facilitate it.

Cue the upending of life as we were accustomed to, in March 2020; when businesses were subject to pivoting swiftly or risk

being left behind. At the beginning of the year, it would not be uncommon to walk through the offices of a law firm and see in-trays filled with documents, files stored in folders and visits from the postman regularly. Eight months on, and things have taken on a different shape. From 27th July 2020, HM Land Registry announced they would accept electronic signatures for deed submissions. This was a huge step for the digitisation of conveyancing and marked a new era for the conveyancing industry in the UK. Emerging out of necessity, the change took place to ensure that the property market was not hindered further.

Recognition of the need for a digital future within legal is in sharp focus now and the pandemic was a big catalyst for change. The wheels are in motion and the evolution of the legal sector has been propelled forward with firms' ability to offer everything from client onboarding and ID verification to post-completion without paper, post or stepping foot inside an office.

Despite the challenges 2020 has presented, it's silver linings like digitisation that are shaping the future of the legal industry for the benefit of law firms and their clients.

**Bronwyn Townsend**  
Marketing Campaign Manager  
InfoTrack

### Introduction to Wills and Probate & connection with Family Law with Safda Mahmood

on Tuesday 26th January, 10am - 4pm (breaks included)

**The course will equip you with the essentials in terms of principles of wills and probate, and particularly as to how it links into other areas of law, particularly family law.**

**It will be of benefit to those delegates who seek to get an understanding of this area of law.**

*The areas to be covered are:*

- Requirements for a valid will
- Capacity and formalities
- Witnesses and types of gift
- Making changes to wills
- Revising and revoking wills
- Clauses to assist children
- Family provision claims
- Divorce, dissolution and wills
- Intestacy and contentious probate
- Introduction to probate and administration
- Grants and carrying out probate



**Core Competencies: B & C**

**For more information or to book, [click here](#)**

### **\*NEW\* Misconduct dismissals – tricky issues & latest developments**

Wednesday 27th January, 1pm-3pm

Misconduct issues in the workplace are common, and it is important for employers to take swift and appropriate action if it is alleged that an employee has behaved inappropriately.

This course will cover some of the practical issues which frequently arise during the disciplinary process.

Emma Tegerdine will cover:

- When to suspend (and when not to)
- The importance of carrying out a reasonable investigation
- Dealing with anonymous witnesses
- Significance of previous formal and informal warnings
- Managing overlapping grievances and disciplinarys
- Alternatives to dismissal
- A review of the latest case law

Competencies: A2,4,5 & B3, 4, 6, 7

**[CLICK HERE TO BOOK](#)**

# Legal aid firms adopt more agile processes in the pandemic

During the pandemic, the main focus of the Legal Aid Agency has been to help providers continue legal aid services for clients, identifying new flexible ways of working. The pandemic has created opportunities for these providers to improve their systems by becoming more agile and therefore offer a better service.

Legal aid firms have their own specific problems, such as the closure of many courts, which having reopened are now dealing with a backlog of cases. At the start of the pandemic many law firms were still over reliant on old and traditional systems and methodologies, relying on paper-based systems and face to face contact. By adopting new methods of working and investing in better technology they are able to continue to help those most in need. LEAP, the cloud-based practice management software provider, is supporting these legal aid firms in this process, enabling them to maintain their contract obligations, and by working closely with the Legal Aid Agency, ensure the software is up-to-date with the latest requirements.

For legal aid practitioners, LEAP provides a wealth of innovative features, automations, integrations and legal aid content. LEAP provides a completely integrated Legal Aid software package including case management, time recording and billing solution for both criminal and civil matter types in England and Wales. This enables remote working so legal aid practitioners can continue to work uninterrupted from anywhere, capturing time and invoicing to ensure cash flow is not affected. The LEAP Mobile app allows voice to text dictation, time recording and scanning documents on the go. Lawyers can continue to work offline from the police station with automatic syncing.

To ensure compliance and consistency across multiple locations, Legal Aid updates (forms, rates and charges) are automatically applied in line with when legislation changes occur and accessible within the software. LEAP significantly reduces the time a firm spends on billing and assists firms with the compliance and the Legal Aid auditing process. Automatic fixed fee allocation for billing Crime and Civil Controlled Work and integrated submission for both via CWA (contract and work administration) ensures claims can be checked and submitted electronically in readiness for payment, ensuring a faster payment.

LEAP can offer a raft of valuable resources - a library of fully automated and up-to-date legal aid forms readily available and populated with matter data where possible - including CRM11, CRM7, CRM18/CRM18A, CW1, EC-Claim1

Looking forward, family and mediation may well get a boost once (if) we get out of the current situation – and LEAP covers both these areas of law. There is currently a Criminal Reform happening whereby they expect to inject between £35-51M into legal aid. LEAP had to recently implement the Crown Court Scheme 12, which applied an update to the fixed fees that can be claimed along with additional hourly rates for paper heavy cases. All LGFS and AGFS claims can be automatically uploaded to the Crown Court Defence portal.



LEAP supports over 560 law firms practising legal aid (35-40% of the market): for more information on the software visit [legalaidsoftware.co.uk](http://legalaidsoftware.co.uk)

## About LEAP UK

*LEAP is a cloud-based practice management system with integrated time recording, billing and client accounting. LEAP has been developed specifically for small to medium-sized law firms. The software's powerful features allow fee earners and legal support staff to manage their matters more efficiently and profitably from anywhere, anytime and from any device.*

*With an investment of more than £8m each year into research and development, LEAP continually strives to deliver a product that meets the demands of its users. This ensures that law firms using the software benefit from affordable, yet highly innovative technology.*

*LEAP simplifies a law firm's IT infrastructure and provides a world-class system for lawyers and staff to work from home.*

*Currently supporting over 2000 law firms across the UK and Ireland to streamline their practices, LEAP has offices in London, Manchester, Brighton, Edinburgh, Cardiff, Belfast and Dublin. LEAP Web: [www.leap.co.uk](http://www.leap.co.uk)*

# Some end of year reflections and a Christmas book list

As I sat down to write this article, I wasn't quite sure where to start or what to say. Should I reflect on probably the most difficult year that any of us (bar a few nonagenarians who experienced the Second World War) have had; but no that has already occupied acres of digital and actual print and been covered by those more eloquent than I. Should I muse on the reason why, or what the implications are, of cancelling COP26 - the most important global climate change conference of the last decade seemingly with little or no regret by the Government; perhaps. Or should I just sit back on my metaphorical heels and see if I can make sense of where the legal profession is now when it comes to tackling climate change: yes, let's give that one a go and maybe I can throw in the odd book recommendation for the Christmas list along the way.

## Net Zero – trending now

Pre Covid, we could have expected 2020 to have been the year Climate Change came centre stage for a lot of businesses, but once the pandemic took hold, I am not sure I believed so many organisations would declare their intention to be Net Zero and with such ambitious time frames. I was unsurprised by the Silicon Valley disrupters such as Google and Facebook, who followed close behind Microsoft's early lead when in January they committed not only to Net Zero but went further pledging to remove all of the carbon dioxide they had ever released into the atmosphere by 2050. Microsoft also pledged to become 'carbon negative' in its operations by 2030. Ambition writ large by Big Tech.

I guess I would possibly have predicted similar moves from the larger consulting and accountancy practices such as EY or KPMG who have committed to Net Zero by 2030, and PWC whose ambition is Net Zero globally by 2030. I didn't see it coming from Shell, however, and it is certainly a challenge for a petrochemical fossil fuel business. As the year ends I am heartened by the recent UN Climate Press Release of 21 September, which marked the NY Climate Week, which made for very positive reading :

*'The number of commitments to reach net zero emissions from local governments and businesses has roughly doubled in less than a year, as many prioritize climate action in their recovery from Covid-19'.*

This trend is hugely encouraging and what's more it has set the tone for law firms to follow suit. Slaughter and May, and CMS have both announced Science Based Targets for carbon reduction earlier this year, while Addleshaw Goddard have announced they will be Net Zero by 2024. These targets are aimed at reducing as far as possible all emissions both direct and within the supply chain, and where they can't be avoided offsetting them through reliable, certified schemes or better still via carbon extraction. They mean that the legal profession can take direct, measurable action to reduce its impact upon the planet.

We have covered the myriad ways you can reduce your climate impact and increase your sustainability in this column over the last couple of years but the most significant thing any firm can do as 2020 nears its end, is to set yourself a target. It won't be easy and it will require work and engagement by staff at all levels: but the good news is there is heaps of help and support out there – not least from the Legal Sustainability Alliance where firms happily share best practice to help you get started.

Unlike some of the twitter trends, Net Zero is permanent so don't ignore it.

**Book recommendation.** If, like me, you find the prospect of getting to Net Zero a bit daunting and are not sure where to start try 'What we need to do now – for a Zero Carbon Future' by respected economist Chris Goodall, published by Profile Books.

## Home working is here to stay

Despite huge efforts by firms large and small to provide Covid safe working areas, there is no doubt home working is here to stay. The second lockdown and the tier system have meant that just as staff contemplated coming back into the office they had to stay put. The reality is that even with the prospect of a vaccine, most firms new working practices in 2021 and beyond will include a portion of your workforce being home based for at least part of their working week. Embrace this as an opportunity to rethink the office, the space and your emissions. Fewer commuter journeys, smaller office footprints mean lower levels of CO2 emissions bringing you closer to Net Zero. Even with an allowance for home worker emissions this is definitely a trend in the right direction.

**Book recommendation.** Being confined to our homes, or local area can make us feel the world is closing in – why not go on a journey round Britain in the footsteps of some remarkable writers. Let Peter Fiennes be your guide in 'Footnotes – a journey round Britain in the company of great writers' published by One World.

## Green issues matter to staff and clients

One positive legacy of the pandemic is the increasing interest in the natural world, be it rewilding or gardening, and this reflects the wider concern we all have for our natural environment. Being green matters to staff and clients and a sound environmental policy is not just good for your ESG scores but can help to win new business. More and more members of the LSA are focusing on how to evidence their green credentials – from offsetting to supporting cleantech start-ups, firms that lead the pack will benefit across the board.

To take a longer view on where we sit in the scheme of things and the impact, we are having on the planet I recommend 'Life Changing – how humans are altering life on Earth' by comedian and scientist Helen Pilcher, published by Bloomsbury. It shouldn't be funny, but it is.

So as the year draws to a close for all of us, I will end by wishing you a Happy Christmas and a Peaceful New Year and if I may, make one last recommendation. A celebration of that most unlikely but likeable of all mammals that has returned to our shores; Derek Gow's very readable personal story of rewilding – 'Bring Back the Beaver' published by Chelsea Green. Not for nothing do they describe him as a one man wrecking ball!

Amanda Carpenter

CEO Achill Management - sustainability consultants and hosts for the Legal Sustainability Alliance



## Look After Yourself

### Top 10 Tips for Good Mental Health and Wellbeing



#### Keep Active

Find a physical activity you enjoy and make it part of your life, you will feel better and boost your self-esteem



#### Take a Break

Use your lunchbreak to get away from your desk. Step outside for just a few minutes, it can re-energise you



#### Sleep is Important

Sleeping well can improve concentration and refresh you



#### Eat Well

A balanced diet rich in nutrients is good for both your mental and physical health



#### Drink in Moderation

Stay within the recommended alcohol limits: heavy drinking affects brain function and can cause disease



#### Keep in Touch

Maintain good relationships with friends, family and your wider community: strong connections can help you to feel happier



#### Share How You Feel

Talk about your feelings, it can help you cope with problems and feel listened to



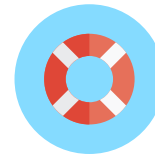
#### Give Back

It has been proven that giving – time or money – can make you feel valued and give you a sense of purpose



#### Be Mindful

Mindfulness – positive emotions and paying attention to the present – can help you enjoy life more



#### Ask for Help

Asking for help is a sign of strength, and can lead to the right support for you, whatever you're going through

## HELPLINE SUPPORT **0800 279 6888**

365 days a year

9am – 7.30pm weekdays, 10am – 4pm weekends and Bank Holidays

You can find useful information and resources on our website,  
as well as download our factsheets [www.lawcare.org.uk](http://www.lawcare.org.uk)

# Liverpool BID Company

**Our regular update from Julie Johnson, partner at Morecrofts Solicitors and chair of Liverpool BID Company's Commercial District BID operating board**

As 2020 draws to a close, it might be traditional to reflect on the year that has passed. After the past ten months, however, it might be preferable instead to focus on what's next.

Much has changed this year, and it has forced a rethink of habits and behaviours we have taken for granted. The next year will be focused on examining which of those changes we want to accept for the long term, and how we want to redevelop our environment to adapt to them.

It goes to the heart of how we want to work, and, fundamentally, what we want our cities and city centres to be.

Twelve months ago, the Spatial Regeneration Framework (SRF) was being agreed for Liverpool's Commercial District. As the engine for Liverpool City Region's commercial activity, it is more than a place for work, it plays a central role in the local economy. The work done in the Commercial District will play a key role in the local economy's recovery in 2021.

The SRF is designed to explore how the Commercial District can work as well as it can for both the city and its inhabitants. Much of the talk of urban planning in 2020 has explored the 15 minute city, and how we can ensure a neighbourhood has everything a community needs within 15 minutes. What would a 15 minute city look like for business?

In essence, this is what an SRF does. It examines how we can upgrade infrastructure, make it easier to travel in and out, how can we make a neighbourhood greener and more sustainable, how can it be more attractive?

These things are important, for more of a green agenda as well as aesthetic concerns. The walk from the train station to our desk is an important part of our daily mood. The ability to access the people we want to work with, to create with, to do business with, is an important part of helping our firms to grow. A commercial district that is focused as much on the people living and working within it is as important as the focus on business growth.

It is inevitable we will spend more time in our offices in 2021 than we have in 2020. That does not mean we should dismiss the renewal of balance many have found in their lives this year. Working from home brings many benefits. But our homes are not designed to be places of work 24/7. It makes more sense to examine how we want to improve the aspects of our places of work, our working



**Julie Johnson**

neighbourhoods, and to achieve a balance between our work and our personal lives.

Mixed use cities reflect our mixed use economies. Twenty years ago, commercial districts would close at 5pm and their streets would be deserted until the following morning's commute. Increasingly, as the residential aspect of these districts has become more significant, more leisure and lifestyle businesses have moved in.

A community neighbourhood means everyone within it, and whether it is a multinational, a gaming developer, a coffee shop, or a resident with a walking commute, the Commercial District needs to be a welcoming and accessible place for everyone.

Liverpool's Commercial District has the capacity to be the 15 minute model for the whole of the city, and for the new balance in our lives in 2021. From how much time we want to spend in the office each week, to how we travel to work, accessibility and flexibility will be important. An environment that's healthy, that allows business to flourish, but is also designed for a day out with friends and family. A vibrant, mosaic of a neighbourhood that allows us to define how we want our city and its economy to evolve in a new era.

**Twitter - @LpoolBIDcompany**  
**Facebook - LiverpoolBIDCompany**  
**Instagram - LiverpoolBIDCompany**  
**LinkedIn - Liverpool BID Company**

# Monthly Costs Update



**Welcome to our new monthly update in which we discuss recent trends and developments in Costs Law and Practice. If you feel that there are costs related issues of interest, please feel free to contact us!**

The High Court judgment in **Belsner v Cam Legal Services** [2020] EWHC 2755 (QB) from 16th October 2016 has wide reacting implications for solicitors acting for victims of straightforward road traffic accidents.

Since 2013 Solicitors have no longer been able to claim success fees from the other side. These fees and other non-recoverable items have been charged on a solicitor/client basis and have been deducted from compensation in successful cases. In cases brought under the Pre Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents, the fixed recoverable fees are limited. Most firms have stayed in business by charging their clients on the basis of their hourly rate and calculating the success fee by reference to those charges.

The problem is where they fail to address s74 (3) Solicitors Act 1974 which says –

“The amount which may be allowed on the assessment of any costs or bill of costs in respect of any item relating to proceedings in the county court shall not, except in so far as rules of court may otherwise provide, exceed the amount which could have been allowed in respect of that item as between party and party in those proceedings, having regard to the nature of the proceedings and the amount of the claim and of any counterclaim.”

In other words, your costs are limited to what you recover. The paragraph refers to ‘proceedings in the county court.’ It seems to have been conceded that it applied here even though there were no proceedings as such. This could well be litigated in the future.

This is subject to an exception in CPR 46.9 (2)

“Section 74(3) of the Solicitors Act 1974 applies unless the solicitor and client have entered into a written agreement which expressly permits payment to the solicitor of an amount of costs greater than that which the client could have recovered from another party to the proceedings.”

This has led to most firms including a suitable paragraph in their retainers such as –

“This agreement expressly permits us to charge an amount of costs greater than that which you will recover or could have recovered from the other party(ies) to the proceedings and expressly permits payment of such sum. This part of the agreement is made under s74(3) of the Solicitors Act 1974 and Civil Procedure Rules 46.9(2) and (3). Insofar as

any costs or disbursements are of an unusual nature or amount these costs might not be recovered from the other party(ies)”

This is the paragraph that was the battleground in Belsner. The case itself was a simple RTA claim that settled for £1916.98. The Solicitors had provided a costs estimate of £2500. They charged a success fee of £385.50, although the CFA itself would have entitled them to wipe out the damages. The absence of any cap on deductions was probably significant.

The clients contested the deduction of a success fee and argued that any agreement required informed consent. They argued that consent was only ‘informed’ if the client knew exactly what was recoverable from the other side. The High Court agreed. In particular, Lavender J referred to the following sentence suggested by P J Kirby QC for the client-

“For example, if your claim settles at Stage 2 for less than £10,000, then the amount which your opponent will be liable to pay in respect of our basic costs might be £500 plus VAT.”

So this sentence, as a minimum should be included in retainer letters. It is worth thinking about annexing the schedule of fixed recoverable costs from the protocol. This then enables the client to see what their exposure might be. A cap on any deduction is also very important. There should never be any risk that the costs will subsume the damages.

Firms should revisit their retainers urgently. It is likely that this judgment will be appealed. But in the meantime, this should be addressed right away.

In other news, a solicitor has been struck off after submitting inflated claims for costs in PI matters. This included false statements that work had been done by a high-grade fee earner. There was also a suggestion that there was a forged CFA. The District Judge found that she had been dishonest and disallowed

It was also found that, in other matters, a solicitor had failed to advise her client of the ATE insurers of an unsupportive advices from counsel exposing clients to adverse costs.

**If you require help in relation to any costs issues contact Robert Cook at [robert@cook-legal.co.uk](mailto:robert@cook-legal.co.uk) or Mike Yassin at [mike@cook-legal.co.uk](mailto:mike@cook-legal.co.uk)**

# Regulation Update

## The latest regulation news from Michelle Garlick of Weightmans LLP



**Michelle Garlick**

It seems as though I may have tempted fate at the start of my column last month when I said that I hoped that practising certificate renewal was going smoothly for everyone. Thanks to the SRA's new IT system, PC renewal has been anything but smooth, with the SRA forced to extend the deadline for renewals to 20 November because of technical glitches in the process. I hope that you have all managed to get your renewals sorted eventually!

Here is an update of what has been happening in regulation and discipline over the past month:

### **SRA's November update**

The SRA's latest update has highlighted firms' obligations if they have been unable to obtain professional indemnity insurance on 1 October. If you are in that unfortunate position, check out the SRA links here <https://www.sra.org.uk/sra/news/sra-update-86-insurance/> The Law Society has also updated its practice note on the subject of closing down your practice. The Compli team is helping firms managing their way through these difficult times so do get in touch should you need some support.

Thankfully, the SRA has also confirmed that PII renewal in October wasn't quite as bad as people had feared but there has been an increase in mergers and acquisitions. Only 47 firms whose policies expired on 30 September entered the extended policy period – giving them 30 days to secure a new one while covered by their previous policy – compared to 42 in 2019.

The update has also warned firms that scams are on the

increase. One scam email has even been sent to firms which purports to be from the SRA and which contained a link that would most likely have introduced malware into a firm's internal systems.

The SRA is also receiving reports of the return of vendor fraud in conveyancing transactions where properties, usually residential, are being targeted by fraudsters and offered for sale without the consent or knowledge of the genuine owners. The update reminds readers of red flags to look out for and those of you carrying out property conveyancing work on behalf of sellers or buyers will need to be alert to these risks.

The SRA has also issued a reminder to firms about the changes made in January 2020 to the money laundering regulations which changed the definition of tax advisor work and which could mean that firm's activities are now captured whereas they might not have been previously. If you now fall into the scope of the ML regs as a result, you must ensure that the necessary forms are lodged with the SRA.

### **SQE approved**

The LSB has now approved the SRA's application to introduce the Solicitors Qualifying exam (SQE). It will now be introduced in Autumn 2021. Whilst the LSB's decision identifies issues that will need to be managed by the SRA, it did not consider them to outweigh the likely benefits of the changes which it said should have a positive impact on the regulatory objectives set out in the Legal Services Act 2007 and "will benefit people who need legal services" and

"should ensure consistency of standards and improve diversity access to the sector." However, she added that the SQE is 'not without risk' and said the LSB will monitor progress closely.

The JLD has responded expressing its concerns on diversity, stating that the total cost of the SQE is unlikely to prove cheaper than the current route to qualification and student loans may not be available to help candidates from lower socio-economic backgrounds.

### **SDLT Holiday deadline**

The Law Society has called for urgent action to be taken to ease growing pressure in the residential property market ahead of the stamp duty land tax holiday deadline on 31 March 2021. It has written to the government asking for changes to be made to reduce the "immense burden" faced by solicitors and others working in the conveyancing process.

President David Greene has said "Solicitors are doing an incredible job in extremely challenging circumstances, with our members – who are working until the early hours, often remotely, with colleagues on furlough, and under great strain to facilitate moves ahead of the deadline – telling us they have never known a time like this. Many factors limiting the speed of a move – delays in the issues of searches, delays in mortgage offers, problems in the chain and with dependent transactions – are usually out of the control of the conveyancer. An extension to the deadline, or introducing appropriate transitional arrangements, would help release the growing pressure on the conveyancing system, including that on

solicitors".

From a risk perspective, firms need to be alert to these struggles being faced by conveyancers and ensure that they are being properly monitored and managed.

### **LeO seeks 19% budget increase**

The Legal Ombudsman has announced that it will ask for a 19% hike in its budget amid concerns the service is no longer able to properly function with its current funding. The Office for Legal Complaints has confirmed that 5,000 people are likely to be waiting for an investigation into their complaint by the end of this financial year and without further investment, the current minimum six-month wait for an investigation will continue to increase.

### **FCA critical of CMCs over spurious claims**

According to the FCA, too many claims management companies are passing on meritless cases to law firms because they fail to make sufficient checks. In a letter to chief executives, the FCA said CMCs should take more steps to investigate the merits of each element of a potential claim before pursuing it. Failure to collect relevant information before presenting claims to third parties has led to the submission of 'spurious claims, slower processing and poor outcomes'.

The regulator also said it will

carry out 'proactive work' on the impact of whiplash reforms due to come in from next April. 'In particular, we will seek to understand how affected CMCs adapt and take steps to ensure any changes to their business models do not result in harm to consumers.'

The FCA has identified some CMCs established by, or with close ties to, individuals previously involved in misconduct eg where someone involved in the mis-selling of financial products is now profiting a second time from helping making claims against the firm where they worked. The FCA has warned it will refuse applications from CMCs where there is a conflict of interest. Other problems identified include misleading, unclear and unfair advertising, unclear fee structures, poor disclosure of pre-contractual information, and poor service standards.

Solicitors taking work from CMCs must ensure that their due diligence is robust in relation to ensure CMCs they get work from are FCA regulated and conduct themselves in accordance with the regulations to avoid becoming the subject of an investigation by the SRA which shares information with the FCA over poor practice.

## Disciplinaries

### Misleading third parties

- The Solicitors Disciplinary Tribunal (SDT) has struck off a personal injury lawyer who inflated costs, put false information before a court, misled her insurer and "wrecked lives". The solicitor had admitted to a court during cross-examination that a conditional fee agreement (CFA) she had submitted was forged.

The tribunal described her misconduct in failing to inform clients of adverse costs orders, so they only found out when pursued for payment by defendants, as a "client's worst nightmare".

- In another case, a 16 year PQE solicitor accused of transposing a signature on a witness statement has been cleared of wrongdoing by the tribunal when it found that, whilst negligent, the solicitor's actions did not amount to professional misconduct. The solicitor was acting for property developer clients in a dispute over a joint venture. The parties involved in the dispute agreed a consent order for the filing of witness evidence but the solicitor went on sick leave before the deadline, without a signed witness statement from one of her clients. The SRA alleged that, to avoid being in breach of the court order, when the solicitor returned, she filed and served unsigned versions of the witness statement, then attached a signature from another document. The tribunal heard that the client complained he was asked to sign the last page of a document which was not the one sent to the courts. The solicitor accepted she had made a mistake but denied acting recklessly or dishonestly, arguing that she believed the client had authorised the filing and service of the second version of the statement, which was the version to which she attached his signature. She also believed the second statement was identical to the unsigned version already served.

The tribunal found numerous differences between the unsigned and signed versions of the witness statement and said the client had ultimately not signed the statement that was filed and served second time around.

But the tribunal was also satisfied that she was not aware of changes that had been made to the statement and that she genuinely – if mistakenly – believed it had been approved.

- A commercial property solicitor, admitted in 1999, has been struck off for falsifying documents with Tipp-Ex. He was found to have changed the dates on copies of legal charges before submitting them to Companies House, in two

separate property transactions, having missed the 21-day deadline after filling in an accompanying form incorrectly. His defence (not one that I would recommend!) was that he 'honestly believed his conduct was common practice'.

The tribunal found that he had 'failed to act with moral soundness, rectitude and a steady adherence to an ethical code', adding that he 'did not seem to understand or appreciate the seriousness of what he had done'.

### Threatening an SRA investigator!

A commercial litigator who settled a claim without telling his client and later threatened an investigator from the Solicitors Regulation Authority has been struck off the roll. The Solicitors Disciplinary Tribunal found that he had been 'deliberately intimidatory' with clients and acted against their interests to ensure payment to himself and his firm.

During the SRA's investigation into his conduct in the litigation, he had a 'threatening nature' and his conduct was 'unacceptable and completely inappropriate'. The tribunal found he had tried to intimidate an SRA officer, boasting he was 'genius level talent', the 'best litigator in the City' and that he would 'end the SRA'.

The solicitor admitted he had been frustrated and reacted badly to the situation and what he saw as unfairness towards him. He was ordered to pay £30,000 in costs as well as being struck off.

### AML

A former partner has been fined £2,000 after admitting that he caused the firm's client account to be used as a banking facility.

The partner helped to arrange payments for non-clients and where no service was being provided. This arrangement continued even after the partner had left the firm, with

his successor also fined for not noticing what was going on for around nine months. The solicitor had acted for a corporate client on a commercial arrangement and facilitated payments to third parties. The client had instructed him to set up payments from three of their own clients who were not linked to the firm. He then caused or allowed the firm to make payments to the client from funds held in escrow accounts. The firm self reported after two such payments coming to almost £800,000 were identified, where there was no underlying transaction and the firm was not offering any regulated service.

The firm itself had already been rebuked in a settlement agreement with the SRA.

On another AML case, a solicitor handling six-figure international transactions with no experience of ever having done so has been suspended indefinitely.

The SDT found that the solicitor had accepted £122,000 from a Chinese client and subsequently paid out £112,000 of those funds to third parties without having established the identity of parties involved in the transaction and relied upon his own supposed personal knowledge and trust. The tribunal found he knew about anti-money laundering regulations but chose to fail to comply with them, failing to ask any searching questions of parties paying or receiving funds into client bank account. This should serve as a reminder to ensure that all your teams working in the regulated sector understand the importance of asking questions of clients with regard to source of funds and wealth.

Until next time, I hope you all have an enjoyable and peaceful Christmas.

**Michelle Garlick**  
**Weightmans LLP**

## Court case in Menorca (Spain) for a UK client who realised that his property, bought in 1980, was not registered in his name at the Land Registry

We recently obtained a Court Order from the Courts in Menorca (Spain) in one of our UK client's case:

Our client bought an apartment and a garage in 1980 in Menorca.

He completed the transaction using a local lawyer who, for some reason, did not sign the transfer of the garage.

Therefore, although our client paid for the garage and has been using it since 1980 and, of course, has been paying taxes for that asset, he did not have a title deed and the garage still registered at the seller's name, something he found out three years ago.

Unfortunately, this is a problem that we have seen at our firm affecting other UK clients who bought property long time ago using an attorney. Assuming their property was registered at their names and e.g. at the time of selling it or inheriting the property, we find that it was not the case.

In that case, were no title deed was signed, we had to issue a Court proceeding alleging the ownership via "usucapio" or acquisitive prescription.

Article 609 of the Spanish Civil Code sets that one way of acquiring ownership is "by prescription". Someone who has no title but has been using a property, continuously, peacefully and acting publicly as owner, for a period of 30 years, is entitled to claim the registration of his/her ownership.

In that case, the client provided us with all correspondence with his

lawyer back in 1980 to prove his engagement to sign the purchase deed for both, the apartment and the garage. He also kept documents to prove he paid the price in 1980 (and the lawyers' fees, I am afraid).

We obtained personal statements from neighbours to confirm that our client had been using the garage since 1980 and we also obtained certificates from the tax office in the Balearic Islands as evidence of our client's payments against local taxes, action that proves him acting as owner. These evidences along with some other certificates from the Community of Owners, proving that our client was called for all meetings as owner of the garage and paying the maintenance fees since 1980, helped us to support our allegations i.e. our client's right of having the garage registered in his name.

This all may seem quite logical and straightforward once you have many evidences, but the claim has to be addressed to a Defendant which in these cases is the registered owner. The registered owner was obviously the seller, a non-Spanish resident who in 1980 sold the property to our client, which current contact details, of course, our client did not have.

After some attempts to obtain the Defendant's details without success we asked for the claim to be served by default. A hearing took place in Menorca after which the Judge accepted our petition, and a Court Decision was made declaring our client as the lawful owner of the

property. This Court Decision is now our client's title deed so we took it to the Land Registry and our client is now free to sell his property, pass it to his beneficiaries by Will or dispose it as he may wish.

Our recommendation to property owners in Spain who bought property long time ago using an attorney would be to carry out a Land Registry search to make sure the property is correctly registered in their names: This can be done quite easily by a Spanish lawyer who will guide you/your client on what to do if the search turns to be negative.

Having a property registered at the Land Registry is necessary to be able to transfer it by its owners. A different situation but with some similarities occur when spouses own a property in Spain, one passes away and the widow assumes that the deceased's share is automatically transferred into his/her name as it happens in the UK. In Spain there is no shared ownership so the Land Registry must be updated after someone dying, and the deceased's share should be formally transferred to the surviving spouse.

**Claudia Font**  
**Partner, Solicitor & Spanish Lawyer**  
**gunnercooke LLP**  
[Claudia.font@gunnercooke.com](mailto:Claudia.font@gunnercooke.com)



**Claudia Font**



# Samaritans at Christmas

With the relaxation of Covid-19 restrictions over the holiday many of us are arranging to get together with our families and loved ones to celebrate and to meet those we have been kept apart from. We are the lucky ones.

Spare a thought for those who won't be part of any celebration this year. There will be thousands of people who will be on their own, without family, friends and those who will be struggling either with mental health issues, other pressures and in despair for whatever reason, Samaritans will be there for anybody who needs us as we have been for over 60 years.

Our volunteers are getting ready for Christmas, they will be giving up part of their Christmas to be there 24 hours a day. We answer a call every 7 seconds and on Merseyside we are proud to be available 365 days a year, with Christmas and New Year no exception. To meet the Christmas demand we will be doubling up on the number of listening volunteers who will be available (keeping safe and keeping our distance of course!)

Christmas is a time when we normally go out, meet people and try to fundraise via street collections, bag packing at supermarkets and in other face to face locations this is a way too for us to raise awareness. Unfortunately, because of Covid-19, none of these activities can take place but we are reaching out to ask if anyone can help us raise funds so we stay open. Our branch responds to over 30,000 calls per year.

As a retired solicitor and a Samaritan's volunteer I am appealing to members of the profession and their clients to consider making a donation to your local Branch to enable us to continue to keep our lines open this Christmas and throughout 2021. You can donate

through our Virgin Money Giving page here and also by texting to 70085 and donating £5 which will help us answer one call.

Finally, all the volunteers at the Liverpool and Merseyside branch wish all the members of the Liverpool Law Society, their families, friends and clients a safe and happy Christmas holiday and their best wishes for 2021

If you want to find out more about how you can volunteer and become either a Samaritan Listener or Support Volunteer you will find all the details on our website  
<https://www.samaritans.org/branches/liverpool/>

Samaritans is open 24 hours a day 365 days a year. Our free phone number is 116 123 and our email address is [jo@samaritans.org](mailto:jo@samaritans.org)

**Tony Summers**  
**Deputy Director and Trustee**  
**[Tony1@liverpool-samaritans.org](mailto:Tony1@liverpool-samaritans.org)**  
**25 Clarence Street, Liverpool L3 5TN**

Samaritans of Liverpool and Merseyside is a Charitable Incorporated Organisation registered in England and Wales (117022).

## Dear Liverpool Law

We find ourselves in difficult and stressful times, which only exacerbates what for all lawyers can be a difficult and stressful profession.

At LawCare we are here to help you if you want, and we would really appreciate it if you can help us, if you have a spare moment, by completing the questionnaire you can enter through the link in the attached FAQs for Life In The Law.

Also, if you need to call us, please do. We are here to listen, offer information, help signpost you to support, and offer peer support if appropriate.

Thanks very much.

Yours Sincerely

**The LawCare Team**

**0800 279 6888**

**Monday - Friday . 9.00am to 5.30pm.**

## The Big Give - Be a LawCare star and give the gift of emotional support this Christmas

Support LawCare's telephone helpline and online service for legal professionals struggling with mental health issues and the impact of Covid-19. Help us research the factors that contribute to poor mental health in the legal professions. Healthy justice needs healthy lawyers.

LawCare is taking part in The Big Give Christmas Challenge, the UK's biggest match funding campaign.

From noon 1st December to noon on the 8th December any donation you make to LawCare via our page on **The Big Give** website will be doubled from a matched pot of funding we have already secured. Even if we exceed our target you can still donate! Please note that all donations must be made by a credit or debit card via The Big Give website to be eligible for matched funding.

All funds raised will contribute to LawCare's support service, which costs over £200,000 a year to run and has been running for over 20 years. Demand for our service continues to rise year on year and we expect that many more lawyers will contact us next year as the impact of COVID-19 is truly felt.



## FAQs FOR LIFE IN THE LAW

lifeinthelaw.org.uk

### What is LawCare?

LawCare is an independent charity offering emotional support, information and training to the legal community in the UK and Ireland. We work to promote good mental health and wellbeing in legal workplaces and drive change in education, training and practice.



### Who is on LawCare's research committee?

In 2019 LawCare set up a committee to work on a research study on its behalf. The research committee is made up of Kayleigh Leonie (LawCare trustee and solicitor), Dr Emma Jones (University of Sheffield), Professor Richard Collier (University of Newcastle), Caroline Strevens (Reader in Legal Education, University of Portsmouth), Lucinda Soon (Solicitor and PhD researcher), Nick Bloy (Executive Coach and founder of Wellbeing Republic) and representatives from LawCare's staff team.

### What is the aim of the Life in the Law research study?

Mental health and wellbeing in the legal community has become a growing concern internationally in recent years. We know that a number of professional bodies have been running their own surveys focussing on wellbeing and mental health; however, we want to evaluate wellbeing across the whole profession.

The aim of this research is to explore the impact of work culture and working practices on the wellbeing of legal professionals in the United Kingdom, Republic of Ireland, Channel Islands and Isle of Man. To do this the study will use an online questionnaire to ask about an individual's current workload and the requirements of their role (including any management responsibilities they may have); their working environment (for example, how much autonomy they have and how supported they feel); what well-being support is offered by their workplace (if applicable); and what self-care practices (such as a hobby or exercise) they use. The questionnaire also uses three academic research scales for burn-out, psychological safety and autonomy.

The results of this questionnaire will form the basis of an academic paper and will be used to improve the support available to legal professionals by enhancing our understanding of the issues that affect mental health and wellbeing. The data will help us drive long lasting cultural change in legal workplaces to benefit both the present and future generations of lawyers.



### Who will be able to participate in the Life in the Law research study?

The online questionnaire will be open to all current members of the legal profession and support staff to the legal profession in the United Kingdom, Republic of Ireland, Channel Islands and Isle of Man. The aim is to include participants who represent a range of interests within the legal profession, including members of the judiciary, solicitors, barristers, patent attorneys, trade mark attorneys, chartered legal executives, legal apprentices, trainees, pupils, paralegals, legal secretaries, business support staff and others, both employed and self-employed.

We are therefore writing to all professional bodies in England, Wales, Scotland, Northern Ireland, the Republic of Ireland, the Isle of Man and the Channel Islands to ask for their support in promoting the survey to their membership.



### What is the timeline for the research study?

The questionnaire will launch on 6th October ahead of World Mental Health Day on Saturday 10 October 2020. The questionnaire will remain open for completion until 31 December 2020 and LawCare hopes to be in a position to share the results by Mental Health Awareness Week 2021.

### How can your professional body support the Life in the Law research study?

LawCare would be very grateful if your professional body could send the link to the questionnaire to your members once it goes live on 6th October 2020. The link is [lifeinthelaw.org.uk](https://lifeinthelaw.org.uk). We have included graphics for social media posts so that you can advertise the survey to your members online.

LawCare hopes the data from the research study will be useful for your professional body and will assist with your own work in supporting wellbeing in the legal profession. As well as sharing the results of the research study, we hope to be able to also provide you with an overview of the results specifically for the members of your professional body. LawCare will also ensure that your professional body is acknowledged for its support in the report setting out the survey's findings.

### We've got questions about the research study, who should we contact?

If you have any questions about the research study, please email [admin@lawcare.org.uk](mailto:admin@lawcare.org.uk) or visit [lifeinthelaw.org.uk](https://lifeinthelaw.org.uk) for more information.

**LawCare**  
Supporting the Legal Community

# Legal Community Champion

**Each month in Liverpool Law we are celebrating those people who are helping others in the community through charity work and volunteering. This month we celebrate Beryl Edwards who recently retired from Carpenters at the age of 80.**

Meet Beryl. She is a Carpenters Group "living legend" and spent her entire life carrying out missionary work. She retired recently at 80 after joining us aged 63, serving 17 years!

Since retirement, she has continued to focus on her amazing missionary and charity work. During lockdown she has spent her time sewing scrubs for ScrubHub Liverpool, who provide them to local NHS and key workers, and counselling refugee women remotely for a charity & knitting clothes for their babies.

We are very proud to be able to support Beryl with these efforts, as well as keep in touch with friends and ex-colleagues, by providing a Carpenters Group iPad. It was delivered by 3rd Line IT Technician, Luke, who has volunteered to give her weekly lessons.

Donna Scully says, "So much bad stuff at moment but here's some good especially if you're a 'Beryl' fan like me! That 80+ ex-missionary/secretary got her iPad today so she can continue her charitable work whilst she shields. If you've always helped others, why let Covid stop you!"

**If you would like to nominate someone from your firm, please email [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)**



**Luke and Beryl**

## Running PI Claims for Minors From Start to Finish

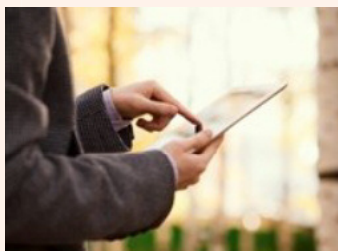
On Friday 22nd January, 1pm - 2pm

**Can't make the date/time or need to revisit the training?**

No problem, booking onto this event means you will receive a link to access a recording of the event to watch at your leisure!

**Nicky Carter will cover:**

- Limitation Issues
- Portal Concerns
- a) Interims
- b) Approval
- c) Quantum Advice
- d) Documents
- Contributory Negligence
- Approval of Settlements



**[CLICK HERE TO BOOK](#)**

## The A to Z of statutory wills

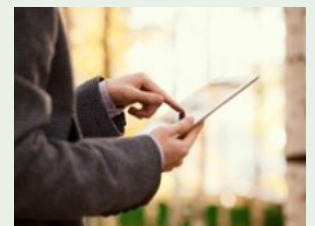
On Thursday 21st January, 9.30am - 12.45pm

**With Caroline Bielanska**

This course takes delegates on the journey to getting an order for a statutory will and is aimed at private client and Court of Protection lawyers and support staff wanting to improve their skills in making an application for a statutory will for a person who lacks mental capacity.

**Caroline will cover:**

- Initial considerations
- Obtaining evidence of testamentary incapacity
- The court's approach to best interests
- Drafting witness statements
- Dispensing with notice to notify
- Working with the Official Solicitor



**[CLICK HERE TO BOOK](#)**

## Dear Liverpool Law

Firstly, many thanks to Liverpool Law for allowing to use their pages.

I have been working since retirement with a very worthwhile and genuine charity, Cooperation Ireland, [www.cooperationireland.org](http://www.cooperationireland.org), which does great work in promoting and maintaining a happy and peaceful Ireland and encouraging reconciliation. Having been born and raised in Belfast and educated in Belfast and Dublin, it is a cause very close to my heart.

Profile raising and fund raising has historically been done via Dinners - not very much in vogue currently.

But cycling very much is, and we are planning the inaugural Merseyside Maracycle on 15 May 2021, as described in the flyer below. Liverpool and Merseyside has a very close link to Ireland, not least among lawyers. So, it would be great if you could join us for the day. There will be a contingent from Ireland - so there should be some genuinely grand craic.

Please contact me (Email or Mob), if you have any queries or questions, and I would be delighted to try and help.

Best Wishes to all, and I hope to see you in May, if not before.

Charlie Jones

MOB : 07841671732.

Email: [charlie.craigymor@gmail.com](mailto:charlie.craigymor@gmail.com)

### **CO-OPERATION IRELAND MERSEYSIDE MARACYCLE**

#### **SATURDAY 15 MAY 2021**

**100K (62 MILES) LONG ROUTE  
OR 50K (31 MILES) SHORT ROUTE**

Charity Cycle Challenge starts West Kirby to Woodside, Ferry across The Mersey, Liverpool to Southport and back to Liverpool. Finish at Liverpool Docklands. Long and short routes start & finish at the same place.

Join us after the ride for Post Event Celebrations

**HELP RAISE FUNDS FOR CO-OPERATION IRELAND'S PEACE-BUILDING WORK WITH YOUNG PEOPLE**

**Raise a min of £100 for Co-operation Ireland**

**Fully Supported Bike Ride  
Refreshments on Route  
Back up Crew  
Train, Ferry & Post Event Party Inc  
Cycle Shirt for all Participants  
Overnight hotel package available if required**

For further details  
Email: [Charlie.Jones@cooperationireland.org](mailto:Charlie.Jones@cooperationireland.org)  
or [Winne.Orr@cooperationireland.org](mailto:Winne.Orr@cooperationireland.org)  
[www.cooperationireland.org](http://www.cooperationireland.org)

**co-operationireland**  
working for a future together

Ireland's leading peace building charity maintaining and strengthening good relations with Britain



## Can you help local Foodbanks?

During lockdown and the new Tier system many families will be struggling to pay their bills and put food on the table. In the UK, more than 14 million people are living in poverty – including 4.5 million children, and this will increase over the winter

One way to help is to donate to foodbanks around the region. We have compiled a list of foodbanks - please email [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk) if you know of a foodbank which needs adding to the list.

### **The Trussel Trust** [www.trusseltrust.org.uk](http://www.trusseltrust.org.uk)

#### **Wirral Foodbank**

Unit 14 Wirral Business Centre, Dock Road, Birkenhead, CH41 1JW

#### **North Liverpool Foodbank**

16-18 Larkhill Ln, Liverpool L13 9BL

#### **South Sefton Foodbank**

60 Peel Road, Bootle, Liverpool, Merseyside, L20 4RW

#### **South Liverpool Foodbank**

Bridge Chapel Centre, Heath Road, Liverpool L19 4XR

#### **Knowsley Foodbank**

Huyton L36 6AP

#### **St Helens Foodbank**

Atherton St, St Helens, Merseyside, WA10 2DT

### **Fans Supporting Foodbanks - Twitter** **@SFoodbanks**

Fans Supporting Foodbanks is a joint initiative between rival Liverpool F.C. and Everton F.C. supporters, founded in 2015 to tackle food poverty in Liverpool. It provides a quarter of all food donations to north Liverpool food banks and has helped to develop a network of fan-driven food banks across the UK.

They are unable to make matchday collections creating a massive blackhole in stock and need to replenish supplies. Can you donate?

Online <https://donorbox.org/fanssupportingfoodbanks5years>

Text - FOODBANKFC to 70460 to donate £5

(Texts cost £5 plus one standard rate message)

### **MICAH Liverpool** [www.micahliverpool.com](http://www.micahliverpool.com)

Donations for Micah Liverpool can be left in the plastic donation boxes in the entrance aisle at Liverpool Cathedral or Liverpool Metropolitan Cathedral. Items can be ordered online and delivered to St James House, 20 St James Road, Liverpool, L1 7BY.

**Please ensure you check the opening times and any restrictions on access before going to any of the services providers.**

# Charity Spotlight

## fooDResolution

### No place for hunger

In 2018 I noticed the increasing need for foodbanks throughout the country. It really angered me that foodbanks were needed and that there were so many and that organisers were so desperate for donations.

I made my first donation at the Fans Supporting Foodbanks collection at Anfield in December 2018 before the Merseyside derby. My son and I had carted a few bags to Anfield from town and we both felt angry as we handed over a couple of shopping bags full of simple staple foods like pasta, tea, sanitary items and tinned meats. I was angry that in 2018 (as it was) we needed to do this in the UK.

I was inspired that day by the lads at Fans Supporting Foodbanks, just normal people like me who had done something to make a difference. I thought 'what could the dispute resolution community achieve if we set up collection points across the country?' After all, the efforts in Liverpool that day were started by two groups of football fans with passion but with very little resource, and without the network of connections that we have in our community. Just look at what they have achieved since – inspirations!

So I started fooDResolution. Here we are, two years later and we have had collections in several towns and cities across the UK. In May 2020 we opened a Just Giving page and have been donating money to various foodbanks across the country. So far we have raised £1,250. Before then we had raised enough collections in person to feed more than 300 families.

We still need help though. We are planning an old-fashioned (or 'antwacky' as my nan would say) collection in Liverpool once COVID is clear, but in the meantime, so probably until spring 2021, our collections will continue online. We call on you to make a difference, we need you to help support the needy in your local community.

We encourage you to either donate to our Just Giving page or to donate locally. If you donate locally please tag us in on social media so we can highlight what you have done and



**Gregory Hunt with Dave Kelly of  
Fans Supporting Foodbanks**

that maybe it was fooDResolution that inspired you to do it.

If you are involved in dispute resolution at any level for any business big or small this is aimed at you – let us rise to the challenge and make a real difference. There really is no place for hunger in our society.

You can donate [here](#).

**Gregory Hunt**

# Covid-19's impact: Practice areas by work type

By Julian Bryan, Managing Director, Quill

Showing clear signs of recovery in the sector, legal activity in September bounced back to an average of 19% more than pre-Covid levels, according to the legal matters benchmarking tool, Quilldex.

At its lowest point, Quilldex reported overall cases dipped by 36% in April 2020, but this has now rebounded to 19% in September 2020, buoyed by **family law** (25%), **private client law** (36%), **conveyancing** (49%) and **employment law** (49%). Let's take a deeper look into these areas of rebound.

## Family law

The emotional pressures of isolation and lockdown have taken an unfortunate toll on families. Compared to January, we've seen a 25% rise in September in **family law** matters relating to divorce, childcare and financial remedy due to relationship breakdowns. Child protection applications are up and property and investment values are also in flux or freefall. This all makes financial settlements harder to achieve.

Correspondingly, HM Courts and Tribunals Service has seen an increase of 17% in family and divorce matters. These government figures are based on matters progressed to court, which are slightly fewer due to court closures and halted trials.

According to the latest *Law Gazette* news, family courts now face a backlog, further exacerbated by complications caused by the drastic altering of financial circumstances and prioritisation of child protection cases, as intimated above. Further upheaval is expected following the summer, half-term and Christmas holidays, and not to mention Brexit, as reciprocal agreements around custody remain unclear.

For family lawyers, it's a busy time both now and ahead.

## Private client law

Quilldex saw a 36% hike in **private client** matters such as LPAs, inheritance, probate, wills and tax. The reality that we must all confront our own mortality is leading to many using this time to get affairs in order and plan for the future.

HM Courts and Tribunals Service also confirmed an influx of probate applications relating to coronavirus. And, the Office of National Statistics (ONS) figures finding deaths from 7-13 September 2020 were 5.4% higher than the five-year average.

## Conveyancing

The upswing in matters is amongst its most apparent in **conveyancing**. Here, daily new cases fell to around a third of normal levels in April, indicated by a 64% drop, due to the lockdown and mandated halts placed on property moves by our government, but this is now running at 49% above the benchmark.

This trend follows a revival in the property market since lockdown restrictions were eased, and chimes with Land Registry data showing that applications in June were 64% higher than in April. In addition to the large-scale reopening of the property space, other ramifications to the housing market come in the form of the current stamp duty holiday, further incentivising buyers to proceed with house sales and adding to conveyancers' workloads.

## Covid-19: The practice areas most impacted by work type

Quilldex:  
Percentage difference  
Jan 2020 vs. Sep 2020

### Employment



### Conveyancing



### Private client



### Family



Overall  
cases  
19%

 **QUILL**  
*accountable to you*

info@quill.co.uk  
quill.co.uk/quilldex

## Employment law

**Employment** case numbers correlate to key dates in the Coronavirus Job Retention Scheme calendar, which defined deadlines for furloughing employees. Said to be costing the government £60 billion by the Office for Budget Responsibility, take up of the scheme relates to claims for almost 10 million jobs. On top of this, the ONS reports that unemployment grew by 4.1% in the three months up to July, leading to a spike in employment tribunal cases from people challenging decisions about lost jobs.

The Ministry of Justice has published data showing that 39,093 single claims and 5,915 multiple claims are now outstanding in the employment tribunal. These factors culminate in a heavier-than-usual caseload for employment lawyers. In Quilldex, this plays out in notable highs (average 57% increase in August) and modest lows (average 31% drop in April).

## More steady areas – legal aid, criminal and immigration

**Legal aid** is one of the steadiest graphs in Quilldex, although even that showed a rise of 10% in its September average, perhaps better mirroring ongoing cuts to legal aid rather than any Covid phenomenon. The **criminal** graph is also relatively steady, albeit with a peak of 17% rise in activity in September and trough of 52% in April. Nightingale courts have been opened to alleviate the pressure on the court system in dealing with approximately 550,000 outstanding criminal cases; the backlog of which has grown as a result of coronavirus and the subsequent inability of courts to function safely for much of the year.

While **immigration** matters dipped by 53% in May and stayed low throughout the summer months, it eventually rose by 11% in September. With widespread travel restrictions including entry and exit bans in the UK, combined with the Brexit effect on employers and universities, immigration has remained a constant source of work for solicitors throughout the coronavirus outbreak and is expected to continue up to the transition period for leaving the EU, which ends on 31st December 2020.

## Slower areas to recover: Commercial and civil law

Quilldex suggests **commercial law** being slower to recover with September rates being 19% lower than January's, painting a picture of instructions increasing gradually as business activity resumes and contractual relationships become more complicated, thereby demanding input from legal experts.

In comparison, **civil law** saw a 56% increase in matters compared to January, likely due to the aforementioned complex contractual provisions and ensuing disputes, amongst other civil-related legal affairs.

## Planning for the future with technology

While the adverse impact of coronavirus has been felt by us all and Covid-19 itself deemed a catalyst for change, the positive is that law firms have adapted well and are in a strong position to secure the future of their businesses.

Technology plays a vital role in optimising operating models and reinforcing strategic plans, and now, accelerating growth

during uncertain times. Never before has the digitisation of traditional ways of working been more in the spotlight. Modern, more virtual-friendly law firms are the way forward, and having cloud-based software is one tool to success.

The reason for the shift in focus from on-premise to cloud-hosted applications is straightforward. The former is installed on a company's own servers, and is accessed on-site and nowhere else. The latter is deployed via a cloud computing model for anywhere, anytime, any device access via an Internet connection.

Enabling staff to do their work from home efficiently and securely without interruption is now a foremost concern for law firms. Essential technology infrastructure is a crucial part of business continuity and disaster recovery plans for any legal practice keen to weather the storm and keep servicing their clients virtually.

## In summary

If law firms have learnt one thing in 2020, it is to hope for the best and prepare for the worst. And not even the most pessimistic individual could have imagined how 2020 would turn out.

After a difficult few months, it is heartening to see new instructions returning to pre-pandemic levels in so many areas of law, and in many instances exceeding them.

This year has confirmed like no other that the law is a robust sector with plenty to look forward to as the UK continues its journey back to (some sort) of normality.

## About Quilldex

Quilldex is based on new matter openings from a representative sample of Quill's Interactive software users, comprising 7% of all law firms across England, Scotland and Wales. Current figures are based on average monthly activity rates against January 2020 as a baseline. By launching Quilldex to the market, its data gives law firms assurance of their own recovery as well as confidence to progress with planning and investment initiatives over the rest of 2020 and into 2021.

Learn more at [www.quill.co.uk/quilldex](http://www.quill.co.uk/quilldex)



*Julian Bryan is the Managing Director of Quill, which helps law firms streamline and run their practice better by providing simple and easy-to-use legal accounting and case management software, as well as outsourced legal cashing services. Julian has been an advocate for quality software standards and served as the Chair of the Legal Software Suppliers Association from 2016 to 2019. He can be reached at [j.bryan@quill.co.uk](mailto:j.bryan@quill.co.uk).*



# November Social Media Highlights

Each month we will be bringing you a selection of the latest social media posts by Liverpool Law Society and its members

**LiverpoolLawSociety**  
@LpoolLawSociety

Today was supposed to be our 2020 Annual Dinner 🙄 we would have loved the opportunity to celebrate being part of the legal community with you all face to face. Not to worry - we're working on a exciting event in 2021 that we're sure will make up for it 🙄

09:16 · 12/11/2020 · Twitter Web App

1 Retweet 19 Likes

Tweet your reply

**#GoTheExtraMile for @Access2JusticeF**



Tweet your reply

**Merseyside JLD**  
@MerseysideJLD

The date for our awards evening has been set!!

All our nominees have now been emailed so make sure you check your emails to see if someone has put you forward as a shining star! We are overwhelmed by how many talented junior lawyers there are in merseyside! 🌟🌟

sponsored by The University of Liverpool

Tweet your reply

**Liverpool BID Co.**  
@LpoolBIDcompany

As the UK prepares to leave the EU single market and customs union, we have compiled a number of actions that your business must consider as the end of the transition period will affect citizens, businesses and travel to and from the EU. Find out more 📌

[liverpoolbidcompany.com/brexit](https://liverpoolbidcompany.com/brexit)

Tweet your reply

**CEL Solicitors**  
@CelSolicitors

The team at CEL Solicitors is very proud of our owner and founder, Jessica Hampson, who was invited to contribute to a new book 'How to Start a Law Firm' by Rachel Roche from @Roche\_Legal 📖 #legalnews #lawfirm #legalcareers



Tweet your reply

**Steve Cornforth #justiceforall**  
@SteveCornforth2

I have arrived at Once Brewed!!! Will have a virtual Pint of Twice Brewed tonight! Now over half way there. This is to raise funds for Access to Justice - you can sponsor me here.

[uk.virginmoneygiving.com/SteveCornforth...](https://uk.virginmoneygiving.com/SteveCornforth...)



Tweet your reply

**Jaye Haynes · 2nd**  
Talent Acquisition Partner at Slater and Gordon Lawyers (UK) for Personal Injury a...  
5d · Edited · 📌

Goodness me!! I can't believe it's been over a year since we attend the **Liverpool Law Society** ...see more



Tweet your reply

**Director/Owner at Carpenters Group**  
4d · 📌

I'll just leave this with you. It's why Marcus Rashford fought so hard for hungry children. It's why we have to do anything we can to support each other during these terrible times. They call them the 'new hungry' & the 'new homeless' as opposed to those who were suffering before Covid. #hunger #homelessness #foodbanks #poverty #2020 #Covid



Leave your thoughts here... @ Post

**MSB Solicitors**  
@MSBSolicitors

Next up in our Family team series, @EmmacareyEmma shares her career highlight: "Being shortlisted for Corporate Gay Ally in the Natwest LGBT Awards, nominated by my trainee at the time @tomstockton. It confirmed MSB is an environment where people can be proud to be themselves."

Tweet your reply

**Emma Palmer**  
@Evpalmer

So this arrived today, no ceremony thanks to Covid - years of no sleep and hard work all distilled into one piece of paper. #doctorate #hardworkpaysoff #neveragain



Tweet your reply

**Liverpool BID Co.**  
@LpoolBIDcompany

Anyone who lives, works or studies in Liverpool can - as of today - get tested, even if you don't have symptoms.

#LetsGetTested

Book a test 📌📌

[gov.uk/testliverpool](https://gov.uk/testliverpool)



Tweet your reply

**Donna Scully · 1st**  
Director/Owner at Carpenters Group  
16h · 📌

Just wanted to say huge congratulations to Dave Kelly & Ian Byrne MP founders of Fans Supporting Foodbanks for winning the Unsung Hero at this years BBC North West Awards. This community organisation has collected food at Anfield & Everton since 2015 & inspired other Football Clubs around the Country to do the same. With stadiums closed, they upped their game to get Football Clubs/ players involved with donations, got fans to divert the Sky viewing charge to support their work, supported supply of...

Leave your thoughts here... @ Post

## Training events open to legal professionals nationwide

Attend from anywhere via Zoom software.

Can't make the date/time or need to revisit the training? No problem!  
 Booking onto any of our training seminars means you will receive a link to  
 access a recording of the event to watch at your leisure!

DATE	TITLE	SPEAKER
14-Jan	A Leasehold Dwellings Update	Richard Snape
14-Jan	Building regulations & planning permission for Conveyancers	Richard Snape
15-Jan	Insolvency Update	Chris Beanland
19&20-Jan	Residential Conveyancing for Support Staff (2 day course)	Ian Quayle
21-Jan	The A to Z of statutory wills	Caroline Bielanska
22-Jan	Running PI Claims for minors from start to finish	Nicky Carter
26-Jan	Introduction to Wills and Probate & connection with Family Law	Safda Mahmood
27-Jan	Confidentiality & restrictive covenants in employment contracts: the latest developments	Emma Tegerdine
27-Jan	Misconduct dismissals - tricky issues & latest developments	Emma Tegerdine
28-Jan	SRA areas of focus: AML Risk Assessments & Transparency Rules	Tracy Thompson
03-Feb	Complaints to Compliments	Vicky Ling
10-Feb	End of life care planning	Caroline Bielanska
12-Feb	Directors' Duties	Chris Beanland
24-Feb	2021 Housing Disrepair Conference	Various
10-Mar	2021 Costs Conference	Various

**For full details & to book, visit: [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)**

# Quill's business continuity assured software & services



## TIME RECORDING

Stopwatches for desktop & mobile



## AML CHECKING

AML searches during client set-up



## CENTRAL DATABASE

Safe repository of contacts & matters



## MS INTEGRATION

Close links to Word, Outlook & Excel



## PAYMENT PROTECTION

Sort code & bank account validation



## SOFTWARE APP

Progress matters whilst on-the-go



## 24/7 SUPPORT

Monitoring around the clock



## SECURITY ASSURANCE

ISO 27001 & Cyber Essentials certified



## OUTSOURCED CASHIERING

Always-available model



## DICTATION APP

Dictate documents on your smartphone



## ADD-ON SYSTEMS

Forms & document bundling



## ACCOUNTS MODULE

Fully compliant accounting



## REAL-TIME REPORTING

Pre-defined & bespoke reports



## PERSONALISED DASHBOARD

WIP & KPIs at your fingertips



## AFFORDABLE FEES

Avoid heavy upfront CapEx

Strengthen your BCDR plan  
Just choose Quill



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Practice management software | Cashiering service  
Legal accounts software | Payroll service | Typing service