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June 2021

Liverpool Law Society

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Merseyside and the North West

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24th June

27th July

23rd August

24th September

27th October

24th November

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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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Blackburn Road  
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Email:  
[j.baskerville@jbaskerville.co.uk](mailto:j.baskerville@jbaskerville.co.uk)



## Welcome to the June 2021 edition of Liverpool Law

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

The summer is fast approaching, the restrictions are easing and things will hopefully start to feel better- with some people even venturing abroad again!

As you will have seen in the May edition and this month we are seeing members return to the offices, albeit on a cautious basis. I made my first trip in after 14 months at home and it still felt quite strange but it was so nice to see colleagues from other teams who I hadn't been in virtual meetings with and have a face to face catch up.

It's nice to see that our CSR pages are starting to fill up again and as always we have our charity spotlight, this month featuring the MEN TOO charity, please give it a read. If you have any charitable activities you would like us to feature or any charities to spotlight please send your submissions to the editor email address and we will look to include.

I am delighted to see an article from Charlie Jones following the Past Presidents meeting and the praise both the LLS and this very magazine received. We haven't missed a single month throughout the pandemic and some months have been jam packed, so thank you all for your submissions and keeping the spirits up in our legal community.

This month we can see firms plans for Pride this year and requests for your photographs to feature, so please send them in.

As always if there is anything in particular you would like us to cover in the magazine let us know and we will cater where possible.

**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:

08/06/2021 12:30	General Committee
10/06/2021 11:00	Leaders in Law roundtable – The Future of the Workplace
15/06/2021 11:00	Editorial Sub-Committee
16/06/2021 13:00	Family Business Sub-Committee
17/06/2021 13:00	Non-Contentious Business Sub-Committee
18/06/2021 12:00	Access to Justice in Liverpool Project meeting
22/06/2021 12:30	Mental wellbeing event with Merseyside JLD
29/06/2021 12:30	Finance & Policy Sub-Committee
30/06/2021 17:30	'Legally Disabled?' Roundtable with The Law Society Lawyers with Disabilities Division
07/06/2021 09:30	Joint V meeting (Liverpool hosting)
13/07/2021 12:30	General Committee

## Editorial Committee Dates

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

It has been a while since I have submitted a column (which bucks the trend of many Presidents gone by, I know) but I was becoming more and more conscious that I was starting to sound like a broken record towards the end of last year and feared I may have bored you all a little more than usual!

I promise I have been busy working away on all things LLS in the background and I am pleased to be back writing this column and letting you all in on my reflection of the last few months.

In preparing this month's piece I thought I would look back a little further though – to this time last year – and it came as a bit of a shock to see that it seems as though no time has passed at all although it feels like a lifetime ago. My opening of June 2020's edition started ...

"As we start to enter a period of lockdown gradually lifting it is only natural that we feel apprehensive – we are, after all, still in a period of uncertainty. What will the world look like? How will working practices now be shaped? Will we ever return to life as we knew it?"

This could well have been my opening for this month!

So, what have I been up to since the start of 2021 as I entered my second term as President? I have been addressing a number of issues and concerns you, as members, have raised.

We liaised with the relevant bodies concerning the security issues at Court and am pleased to report that our concerns were taken seriously and I have been assured that new measures are to be put in place for the transfer of those in custody to Court.

We have continued with our series of Leaders in Law sessions (and thanks to our DVP, Jo Francis, for standing in for me as Chair at our February event) and I really hope that you have found them useful as we all navigate this unusual period of time! Lately, we have deviated from the original format of discussing Covid and associated problems (well let's face it a year in and Covid became the new Brexit of topics we all wanted to avoid).

We have covered topics such as EDI and International Trade but now that we have passed the anniversary of the first lockdown, and as we start our return to the office, I thought it best to go back to the roots of this event. I hope you will join me on 10 June to air your views on the easing of lockdown and what we can do to return to "normal" as safely and efficiently as possible! The event will be an open forum for attendees to share their thoughts, problems and suggestions with your peers!



**Julie O'Hare**

We held another meeting with local MPs, another Joint V meeting, various local group meetings to discuss the future of Liverpool's economy, the LCC homeless stakeholder meeting and a strategy meeting with the Law Society – just to name a few!

I also recently attended a focus group with the Law Society about PC fees and member benefits but have to confess I could not get off my local law society soapbox! I also attended a meeting of 44 local law societies hosted by the President, VP and CEO of the Law Society at which I raised your concerns regarding PII renewal, the closure of SIF and the gap in supervision for junior staff and trainees during the pandemic. I have been told that guidance on all of these issues can be found on the Law Societies website and that they continue to press the SRA for an extension of SIF post September or for an alternative to be in place by October – watch this space!

Attending events such as these only goes to highlight what a great society we have and how much we value our members and their contributions to our local legal profession and I am proud to represent you all when it comes to voicing your views! It also stresses just how advanced we are as a society and

*Continued overleaf*

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although most of the profession across England and Wales has similar issues to address it is good to know that we have the committees and staff to drive a number of initiatives which many local societies are unable to do.

I am really pleased that our ED&I committee has been going from strength to strength and we have now held our first (again remote) event, kindly sponsored by Hays Recruitment, "How to be an Ally in the Legal Workplace". It was a great turnout and so encouraging to see how keen our members are to embrace equality, support diversity and encourage inclusion! Again, a proud moment for LLS and I look forward to our next event 30 June "Legally Disabled" this is a free, members only, event and places are limited!

All of our subcommittees have continued to meet throughout lockdown (remotely of course) as has our General Committee of Board members. We continue to consider a great number of consultation papers and submit responses on your behalf.

If you have any concerns that you would like us to address locally, or nationally, then please do get in touch with our committee chairs via the website. Likewise, if you want to be involved as part of the solution please register your interest in joining our subcommittees – we are always open to considering new members!

As some of our members have taken the leap from private practice to in-house roles I would like to remind you all that we have a dedicated In-House committee who welcome new members to join them in discussing the issues that in-house lawyers face. I take this opportunity to thank Martyn Rodmell,

of Princes, former Chair and founder of the group, for his hard work and commitment to the committee and wish him all the very best in his retirement! Congratulations to Rachel Stalker, of LJMU, who has been appointed as new Chair!

Our staff have worked tirelessly to bring you training remotely – this includes relevant topics that you have asked for and recorded sessions so that you can catch up at your convenience! As we start to return to the office we will be looking at putting face to face training in the diary but believe hybrid training will be here to stay! If you have any training needs please contact us and we shall look at supporting you where possible.

Speaking of face to face – I am really looking forward to being out of the house as soon as possible and we have been working on plans for our Annual Dinner which, this year, will be combined with our legal awards. I remain conscious that this year will have been extremely difficult for some and, sadly, some will not be in a position to celebrate. However, I do hope that you start to feel reinvigorated by the prospect of lockdown lifting and the opportunity to promote the good work that you and your colleagues have been doing over the last 15 months. Keep an eye out for more information, including details on how to submit nominations!

Please keep us posted of how you are all getting on and I very much look forward to seeing you all as soon as possible!

**Julie O'Hare**  
President



## UK-Middle East Legal Services Week 6-8 July 2021

After the successful UK-Africa Spring Conference in April, the Legal Services are GREAT team will be hosting our first ever UK-Middle East Legal Services Week on Tuesday 6 July to Thursday 8 July 2021.

You will have the chance to hear about legal markets in these regions through lively panel discussions with leading legal experts from across the Middle East. The panels will discuss the latest trends and developments in sectors such as infrastructure and technology. Sessions will also be exploring why London is a global centre for arbitration and dispute resolution, and the value of English Law in doing business in the Middle East.

Through tailored networking opportunities with UK and Middle Eastern legal professionals, you will be able to explore new global partnerships and develop fruitful relationships with potential clients and future business partners.

Registration for the event will open shortly but to ensure you don't miss out, follow us on **LinkedIn** for the latest updates.

If you are a lawyer or barrister with experience and expertise of working in the Middle East please get in touch if you would like to get involved. [legalservicesaregreat@justice.gov.uk](mailto:legalservicesaregreat@justice.gov.uk)

Liverpool Law Society

### New Divorce Law, Online Divorce & Financial Orders Certificate with Safda Mahmood

Thursday 8th July, 10am - 4pm (inc breaks)

**There will be new forms, the procedure, new timescales and you want to make sure that you are up to date and ready to avoid making fundamental mistakes going forward.**

This session will be covering the following areas:

- Divorce, Dissolution and Separation Act 2020 – The essentials
- How does this Act change divorce law and procedure as we know it?
- Removal of the Facts for Divorce
- New Terminology to be used
- Joint applications
- What about the 'hardship' and other defences?
- The Online Divorce Process – what do you need to know?
- Dissolution of Civil Partnerships
- Defences to a Divorce under the New Law

**& more**

**Competencies:** B&C

[Click here to book](#)

## New training experience starting with summer update for Employment specialists

Liverpool Law Society is delighted to offer to its delegates a new, dynamic half-day training experience with multiple experts and a chance to interact with speakers (if you attend the live event). The first event in the series will take place on 30 June, with further specialist half-day sessions covering a range of legal topics to be confirmed in the coming weeks and months.

### Employment Law: Summer 2021 Update

Whilst the world generally has seemed to slow down over the last 12 months, for Employment law specialists it's never been so busy. To ensure best use of what little time there is for training, Liverpool Law Society has brought together some fabulous speakers, to supply you with condensed, clear updates in the areas that matter.

North West Regional Employment Judge David Franey will provide an update from the Employment Tribunals, having been appointed Regional Employment Judge on 1 July 2020. Previous to that, Judge Franey was a partner and Head of Employment in the Midlands and the North between 1995 - 2010. Appointed a fee paid Employment Judge in the North West region in 2009, he became a salaried employment judge in 2013.

David Reade QC of Littleton Chambers is a leading silk in commercial litigation and employment law. He has appeared in many leading authorities. David will discuss The Burden of Proof.

Emlyn Williams, Head of the Healthcare Employment and Healthcare Commercial teams at Weightmans, will consider key developments since the seismic decision in the case of Royal Mail v Jhuti. Emlyn has over twenty years' experience as an employment law advocate and particular interests in TUPE, whistleblowing, equal pay and discrimination issues.

Barrister Rebecca Jones of 23 ES Chambers has a diverse employment, commercial and chancery practice. Rebecca acts for both Claimants and Respondents in all areas of employment law at all stages of litigation and for this summer update she will be speaking about 'Employment Status – Uber and out?'

The event will be chaired by Liverpool Law Society's specialist Employment Law Committee chairperson Lindsey Knowles, a Senior Associate in the Employment and Pensions team at Brabners, and there will be plenty of time for your questions.

Put the afternoon of 30th June in your diary now and book your place on this summer update. Alternatively, if you cannot attend the live broadcast, register before 30 June to receive the link of the recording.

For full details about the topics to be covered at this summer update, and to book, [click here](#).

## Consultation Papers

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

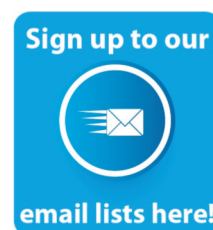
Employment Law  
**Low Pay Commission consultation 2021**  
closing date: 18 June

Non-Contentious Business  
**Residential Property Developer Tax: consultation**  
closing date: 22 July

## 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



### Running out of money to fund care with Caroline Bielanska

Tuesday 15th June, 10am - 12.15pm

*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 at your leisure!*

The course follows a case study, of Elizabeth who was self funding her care in her own home with a wrap around package of care which is no longer affordable or sustainable. **Aimed at private client lawyers who either act as an attorney or deputy, or advise lay people who act as attorney or deputy, about what support is available if the person runs out of money to fund their current care package.**

#### It will include:

- How to involve the local authority
- The needs assessment process
- How to work out if needs are eligible
- When are the local authority under a duty to meet needs
- Limits on provisions to meet needs
- Financial support and financial contributions

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

## Emma Collins, a member of the Non-Contentious Business Committee, on commercial law considerations from our time in lockdown

The work of commercial lawyers remains a mystery to much of the legal profession. I imagine most commercial practitioners would share the sentiment that the breadth of work falling under the 'commercial' banner can be a double-edged sword: the variety of interesting matters that cross your desk in any one day and the continual bewilderment, even after years of practice, at where to start with certain queries. We wouldn't have it any other way.

### Business As Usual

As a team, we advise on contracts for supplying goods and services (both business-to-business and supply to individuals), distribution and agency arrangements, data protection, website terms, software development and licensing, brand protection, advertising regulation, public procurement rules, telecoms and, quite often, anything that just doesn't really sit within any other specialism. Much of our work is the 'bread and butter' of businesses and keeps their operations moving on a day-to-day basis, so in many ways the last 15 months hasn't changed our practice at all. As the pandemic has unfolded we've seen a flurry of instructions to advise on the supply of PPE, face masks and testing kits, the collection of personal data for test and trace purposes and how to manage postponed wedding bookings or cancelled events. We anticipated most of those developments and it has proved very interesting from a technical perspective, with short timescales and changing government guidance keeping us on our toes.

### Business Pressures

Personally, I was delighted to be involved in helping independent local businesses via the Liverpool City Region Growth Platform. All businesses have undoubtedly faced unprecedented challenges since the pandemic commenced but some have also been subject to suppliers or customers trying to act unconscionably on the basis of lockdown. The force majeure clause has certainly had its time to shine during Covid, as have many other well-drafted contractual protections that businesses simply did not recognise they could enforce. In many cases, those seeking support were in fact entitled to rely on contractual or legal protections but it was understandable they felt intimidated or unsure when navigating so many new challenges.

### Legalities vs. Survival

Some businesses have had no choice but to diversify in order to survive, and I'm sure many of us have benefited from novel food and drink delivery options or virtual gifts. Business owners have shown remarkable creativity and resilience in pivoting to meet changing restrictions. As commercial lawyers (you might gather from the title), it is our job to look at the business issue in question, assess the risks and rewards and advise on the best way forward. Ideally, that way forward would involve a few robust (and fully signed) contracts, but the black letter of the law is not always the best solution; we will of course advise on best practice but a business needs to keep trading and maintain goodwill in its reputation, which may mean taking a view in certain circumstances and focusing on the best commercial option.

### Time to Take Stock

That said, and with the optimism of some light at the end of the tunnel, organisations should take the time to catch up on any 'legals' that were simply overshadowed by the pandemic (not to mention the usual raft of legislative developments and the small matter of Brexit having slipped in under the lockdown radar). Governments and regulators have generally been lenient, changes in law have been permitted to cater for lockdown, but those concessions will not last forever. Was that supply contract ever signed – and does the force majeure clause expressly call out the pandemic in the event we see another spike and any other restrictions being imposed? What valuable new mobile apps have been created – and do you actually own all the rights in the software in order to develop it? Has the organisation justified and documented any new scope of personal data being collected from visitors? If you are hosting an event, do you have sufficient rights to cancel or postpone?

Despite the hardships, lockdown has generated a great deal of community spirit and camaraderie. Long may that legacy continue although, realistically, many of the goodwill arrangements that suffice in a time of crisis may soon be forgotten, keeping our litigation colleagues busy. Whatever the landscape looks like as we emerge into the 'new normal', I am sure that we commercial lawyers will continue to be challenged by our innovative and determined clients.



**Emma Collins**

Liverpool Law Society

# ADILA

2021 Annual Dinner featuring Legal Awards

LIVERPOOL LAW SOCIETY IS DELIGHTED TO ANNOUNCE THE  
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S P O N S O R E D   B Y





# How to be an ally in the workplace

Many of us have heard the word ally recently within the media and news outlets. This has stemmed from recent tragedies that have had a tidal wave effect across the globe. The pandemic has only heightened the need to raise awareness for marginalised groups within our societies.

With this in our minds, this event, arranged by Liverpool Law Society's Equality, Diversity and Inclusion Sub-Committee, looked at the challenges faced by colleagues and how we can all be allies to each other.

Each speaker gave an informed account of their experience with allyship and the vital place it has in every work environment. Julie O'Hare, President of Liverpool Law Society, opened the event with introductions for all speakers. We then heard briefly from Oliver Gibbons, Senior Business Director of Hays recruitment, who sponsored the event and were also our co-hosts. Oliver provided an insight in to some of the initiatives Hays has been undertaking in their efforts to promote allyship in their workplace, and this included participating in a period of fasting during Ramadan to show support for their colleagues of Muslim faith.

Oliver's colleague, Yvonne Smyth, Group Head of Equality, Diversity, and Inclusion gave the first talk of the event. Yvonne spoke about why having a commitment to diversity and inclusion is now an essential part for planning for future success within businesses, especially the legal profession. Further than that, Yvonne called for accountability in the changes being made within our workplaces to further diversity and inclusion by stating: "We have to make certain it is a policy change and not just a target, and that events and actions aren't just target driven but are to effect systemic change."

Yvonne highlighted the impact of the pandemic in shining a light on the haves and have-nots in our society. "The impact has accelerated and sharpened focus on equality, diversity, and inclusion, with a greater awareness and expectation from individuals. This is an absolute moment in time to take advantage of, to continue to drive movement and progression towards sustainable and meaningful change."

Our next speaker was Lubna Shuja, Vice President of the Law Society of England and Wales. Lubna's discussion focused on how you can become an ally and a leader on race equality. Lubna was informative, in that as a sector we are doing a great deal of work on equality, diversity, and inclusion, however it continues to be vital that many measures are imbedded in the strategy of firms and organisations.

Lubna gave a highly insightful fact based discussion, providing statistics on the experience of lawyers from the black, Asian, and ethnic minority communities.

Lubna was clear that in order to insight change within a firm's culture, senior leadership within firms is key. With those senior leaders promoting diversity and inclusion within their firms being integral. "Everything you do has to imbed diversity and inclusion. Policies have to be inclusive and visible. There is no point in having policies if those policies are not being put in to practice."

Further Lubna went on to say: "The biggest way to be an ally is to be the voice of someone from that minority ethnic background

and call out behaviour that you can see, and be the voice that those individuals don't feel comfortable being."

"Diversity has to be at the heart of all business decisions and has to be pushed up to senior levels within the profession, especially partner level and senior decision making. Improving diversity and inclusion within the legal profession is a moral and business imperative. It is absolutely essential that our profession reflects the communities we serve. We have to make sure talented individuals are able to progress in the practice of law no matter what their background is."

Our next speaker was Alison Lobb, previous Liverpool Law Society President and Managing Partner of Morecrofts. Alison opened her talk by commenting on her awareness that she has personally been very fortunate in her legal career to have always been surrounded by supportive women. However, Alison has had experiences, as with many, if not all women, where she has been subjected to unconscious bias. Alison was clear that from her position she believes; "...it is my job and the job of many others to put my hand out and help up those capable women around me."

Although Alison believes there is an improvement within the legal profession on women coming in to senior roles, this is still lacking. Especially in a profession where the majority of entrants are now women. Alison highlighted the importance of listening to women and giving them the opportunity to talk about what they want in their careers, and signposting them to ways they can achieve their goals. Alison believes learning from others and mentoring among senior levels is key, and should not be considered a waste of work time.

Further, making those networking events and work socialising opportunities not solely around times that are likely to be restrictive to those who have family and carer responsibilities.

Our final speaker was Victoria Jackson, the Chair of BLM's LGBT+ allies network. Victoria raised the point that many people believe discrimination of the LGBT+ community is a thing of the past. However, even though we live in a country that has seen many legal changes, there are still many with entrenched views and biases within the work place. This was highlighted by the statistics presented by Victoria on the amount of individuals who are part of the LGBT+ community that are not open about this to their work colleagues.

Victoria gave examples of how we can all be allies to all marginalised communities: "Use privilege to call out discrimination of any kind. I appreciate that is not always easy and comfortable but that is really where allies count. This is the essence of what being an ally is about."

Victoria closed her discussion and the event with a very important point: "Sometimes we look at the word ally as a noun, but most of the time we should be looking at it as a verb – we should think of the word ally as an active word, and how we can be better allies."

We thank all of the speakers who gave their time to the event, Hays Recruitment for sponsoring the event, and to all those that attended.

**Rachel Kelly- Brandreth**  
EDI Committee Member



# 'Legally Disabled?' Roundtable

on Wednesday 30 June at 5.30pm until 7pm on Zoom

Liverpool Law Society, with the Lawyers with Disabilities Division of the Law Society, invites members to discuss the Legally Disabled Report research findings and recommendations.

This is an excellent opportunity to learn more about the research report recently published and to expand your understanding of the career experiences of disabled people working in the legal profession.

If you are interested in the rights of people with disabilities and working for diversity in the profession, you will enjoy this event.

## Programme

**Legally Disabled research findings presented by video**

Professor Debbie Foster and Dr Natasha Hirst

## **Q&A on findings:**

Led by committee members of the Lawyers with Disabilities Division

## **Discussion:**

**What your organisation can do to address the findings**

*This event is exclusive to Liverpool Law Society members and HR colleagues and partners involved in recruitment and promotion from your firms/chambers.*

*Numbers are limited to 30 and will be on 'a first come, first served' basis*

**To register for this event please email:**  
[committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk)



# Past Presidents' Meeting

**Charlies Jones, President of Liverpool Law Society 2008/2009 reports on the Liverpool Law Society Past Presidents' meeting with the President on 23 April 2021**

I first came across the Liverpool Law Society in the summer of 1978. I had a summer term placement, from my thick sandwich course at Brunel University, as a Casual Clerical Officer in the Lord Chancellors Department at Liverpool Crown Court at St Georges Hall. It was a great experience, and my first introduction to the legal world of Liverpool. I had experience as a 22 year old of legal life in Belfast, but not a real live mainland city where the Beatles, and Waterloo RFC, Liverpool RFC (and of course EFC and LFC) and the Ferries came from, amongst other things.

One of the ' highlights' of my time there was an Open Day. We were told the President and Vice President of The Liverpool Law Society, President Barrie Marsh and Vice President Gordon Lindsay, were to visit and 'inspect' us. Everything had to be shipshape. And it was. And they did. And we all were most impressed. For me and for many, President Marsh was the first President, of anything, we had met. He was a fine person and they both showed great interest in what we were doing. We all thought to be President of Liverpool Law Society was quite something (and it is), a cut above any politician, or Judge. However, when they left, they said to zoom off to other appointments, I never thought the Presidency of LLS was something I would aspire to, or that I would ever zoom anywhere.

Fast forward to 23 April 2021, St Georges Day, and the Annual LLS Past Presidents Luncheon and State of The Society Report from the incumbent President took place - sans luncheon - by Zoom. Who would have thought it? If I had suggested such a thing to Past Presidents Marsh and Lindsay 43 years previously they would have thought I was hanging out with The Beatles and off my rocker!

But it was all organised by President O' Hare (so good she was appointed President twice - a first, and well done Julie) and her outstanding team at LLS headed by Sarah. The President told us of all the work the Society has been doing since March 2020, throughout double lockdowns and a fantastic job they have been doing, of keeping lawyers in touch, keeping Liverpool Law Society relevant, maintaining online training, chatting to firms that may be facing unusual situations, lawyers that may be suffering from having to work remotely, particularly Trainees facing the wholly unique situation of having to undergo a Training Contract REMOTELY .....how bizarre is that ?

In very many respects much harder work and much more work than many other LLS Presidents have had to do. The glamour of attending all the Dinners, Functions and the like has been denied President O ' Hare but regardless she has maintained her usual smiling face and led us. Well Done to you and the LLS Team. We are very grateful.

And well done to all the Zoom attendees, showing that even LLS Past Presidents still have their finger on the Buzzer when it comes to IT.....John Ballam, Donal Bannon, Helen Broughton,



**Charlie Jones**

Tony Ensor, Mark Feeny, Nina Ferris, Alastair Fletcher, Edward Goldsmith, Anne Heseltine, Sir Christopher Hewitson, Glenys Hunt, Charlie Jones, Norman Jones, Paul McCarthy, Richard McCullagh, Peter Rhodes and Tony Twemlow.

And what would Past Presidents Marsh and Lindsay have to say..... ? Well I think they would be pretty proud. That image they created in my mind of Liverpool Law Society and its President, has manifested itself with excellence down the years, and particularly President O'Hare for leading us through such tricky times.

Well Done.

**Charlie Jones**  
**President of Liverpool Law Society 2008/2009**

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# Technology and Covid

**Kevin Brown, IT Director at Weightmans examines how law firms and their teams have adapted to working from home and how lockdown has accelerated the take up of technology...**



**Kevin Brown**

## **In terms of technology, how prepared for law firms for working from home?**

On 16th March 2020 the PM pronounced “stay at home where you can”, followed 10 days later by the first lock down, at that point I don’t think anyone would have predicted that some 13 months later most firms would still have the majority of their staff working from home full time. Yet that is the reality for many of us.

In those first few days there was a huge scramble across the UK for laptops, monitors keyboards and the like to get equipment out to those workers who now had to shift their working life from a fully equipped office to whatever they could make available at home.

At Weightmans we were fortunate, having just completed a move to flexible working in Liverpool many of our staff had already received equipment to allow them to work from home for two or three days per week, so the move to five days wasn’t a seismic shift. Four of our other offices had made that shift over the previous two years meaning that around 80% of our workforce was already equipped. The shift to flexible working in Liverpool had also meant we had around 120 laptops awaiting disposal on our shelves which, whilst not ideal, we could repurpose for those staff who didn’t have equipment.

I know from conversations with other IT directors that some were not so fortunate and spent the early days of lockdown putting in temporary solutions and then tweaking them over the coming months.

## **What forms of legal tech have firms had to adopt for remote working?**

Beyond the basic ability to connect back into the office to access systems I would say that two technologies stand out to me as being essential for remote working and that is digital mailroom and digital signatures.

One of the biggest headaches for any law firm is the sheer volume of paper that floats around the system, thankfully as many of our clients have gone paperless and paperlite so the volume has naturally reduced over the last few years, nonetheless the ability

to open, scan, and distribute incoming mail is essential.

Second to this is the ability to deal with outbound correspondence when the ability to print and post is severely curtailed. As lockdown stretched on it has been essential to have technology in place to replace the need for wet signatures but this must be coupled with strong guidance on when it can and can’t be used.

Digital signatures have been acceptable for quite some time in many instances and the take up has been slowly increasing, but lockdown accelerated the use but presented difficulties for those situations that required witnessing. This isn’t easy when people are isolating and legislation forbids mixing of households, so we saw guidance coming from government agencies on how to make this work and we procured solutions to meet those requirements.

## **How have firms dealt with the training of staff in new technology?**

Even before the pandemic most firms were still figuring out the best way to do this, everyone learns differently so it’s difficult to have a single format to teach the use of technology. We have used webinar training courses for some time to reduce the need for both trainers and staff to travel, and this has become the default over the past year. The is not without difficulties and our training teams have developed a mix of short focused sessions and longer more in-depth courses mix with self-help documents. I am also aware that within our teams there are self-help communities, and this goes beyond technical training.

I think one of the biggest challenges in a full remote organisation is the onboarding of new staff. Technology like Microsoft Teams and Zoom can help, but there is something about being physically located with your team that is hard to replicate. As a manager I know that I have missed the learning by osmosis that you get from sitting next to people, so there is a real challenge to use the collaboration and meeting tools that we have to develop and nurture those communities.

## **Will firms who have found that they can save significant time dealing with paperwork give it all up once lockdown ends?**

I think there is an opportunity that we all need to take as we exit

from lockdown to take all the good practice. What we have proven, through lockdown, is that many of our process we have built up over the years can be re-engineered to be paperless and paperlite. We may see a creep back in some areas, but I think for the vast majority of teams they will look to keep any new ways of working and further refine them.

### Has the pandemic forced the legal sector into investing in technology quicker than it would had lockdown not happened?

Beyond the initial investment to ensure that people had sufficient equipment to work remotely the pandemic has accelerated the take up of technology that been available in the firm for some time. It is likely that all done having Zoom and Teams calls occasionally over the past few years, but now that has changed to a daily ritual.

Likewise, most firms had the ability to support remote working occasionally, but now we have all adopted systems that mean we can do it for a protracted period. I've already spoken about digital mailroom and digital signatures, again, both areas that were being used pre pandemic that have seen adoption accelerated over the last year.

### Will law firms return to old ways of working at the end of lockdown?

I think that is very much a question for the Managing Partners

and not the technologists, but it does seem that the last year has fundamentally changed business. The fundamental role of the office for many years has been as a place that you come to each day to do your job. It's difficult to see, having spent over a year away from the office, wholesale moves back into that environment.

When we do go back to the office perhaps there will be a shift away from what use it for. I can foresee a move to smaller spaces, built for the occasional face to face collaboration and meetings and a place to inhabit while you come into the city centre for court.

Of course, remote working may not desirable, or possible, for everyone. Not all people have the space to work from home effectively or their job may necessitate them being in a particular location so we will still cater for a proportion of our staff who want, or need, to be in the office. That being said, I think many firms will look to retain the best of both worlds and provide a greater degree of hybrid working for all staff than pre-pandemic.

Flexibility in terms of people and processes is going to be key – what we have proven over the last year is that it is possible to maintain productivity and service our clients effectively without the need to be in the office. Let us not forget that many of our clients are also facing many of the same decisions on when to go back into an office and how they can remove paper and streamline processes

#### TRAINING SEAT EXCHANGE

Training Seat Exchange  
Liverpool Law Society is delighted to offer the Trainee Seat Exchange free to members as a way of assisting member firms interchange trainees. The aim is to provide more training contracts on Merseyside and beyond by facilitating an exchange between firms who may otherwise find it difficult to offer their trainees the requisite breadth of work.

The Training Seat Exchange, which is open only to member firms of Liverpool Law Society, operates essentially as a noticeboard whereby the firms detail what seat they can offer and also what seat they are seeking. All those listed below are interested in seeking and/or offering a seat. It is up to each firm to ensure that the terms of the training code and contract are met during any exchange agreed. Liverpool Law Society does not take responsibility for any part of the exchange, or observance of the training code or contract by the firm. The exchange must be discussed and agreed between each member firm on an individual basis.

The Exchange is open only to Liverpool Law Society member firms and will be time-limited to 12 months at which point you will be able to renew for the following 12 months at no cost. If you would like to appear on the list, please complete our online form [here](#).

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Purchase your first training passport before 30th June 2021 and **receive an additional £50 off!**

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ATTEND TRAINING EVENTS FROM ANYWHERE VIA ZOOM

#### SIGN UP NOW

[CLICK HERE](#) TO APPLY ONLINE



**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.

Our housing solicitor Siobhan Taylor-Ward will be hosting this Ask the Lawyer online information session on 14th June 2021 organised by Our Liverpool and the British Red Cross Liverpool City Region Project



### About this event

The session will be an informative training session on a specific area of Law that affects the people seeking asylum, granted refugee status or other vulnerable migrants. The sessions will be packed with information - with plenty of room for Q&A. We hope the sessions will demystify legal processes and create stronger working relationships across the asylum, refugee and vulnerable migrant support sector.

Vauxhall Community Law and Information Centre's experienced housing and homelessness (including asylum support) solicitor Siobhan Taylor-Ward. Siobhan was the winner of a Legal Aid Lawyer of the Year Award in 2020. She has been described as 'a dedicated social welfare lawyer and dogged campaigner for justice in the broadest sense' is presenting the first session. It will take place between 11am-1pm on Monday 14th June. Full event details can be found by following the below link to the Eventbrite website.

<https://www.eventbrite.co.uk/e/ask-the-lawyer-tickets-155926862443?fbclid=IwAR16rhY5qxFPVeq8ZzC-HNSPX9J4CbbojL6dJgF2rZIT7WDx-prLy4EWuzg>

### Peace & Justice Project

Vauxhall Community Law & Information Centre was honoured to be asked to meet Jeremy Corbyn MP, Dan Carden MP and Ian Byrne MP to discuss the Peace and Justice project launched by Jeremy Corbyn. The meeting was very informative and gave our staff an insight to the motivation and justification for the project. We were particularly interested to hear about the inclusion of access to justice and Right to Food.



Left to Right Dan Carden MP, Alan Kelly, Elly Smith, Jeremy Corbyn MP, Ian Byrne MP.

The impact of Vauxhall Law Centres advice provision on the community in 2020-2021



### 2020-2021 IMPACT

**1846**  
People Advised

**477**  
Welfare Benefit Cases  
opened

**57**  
Debt Cases  
Opened

**78**  
Tribunal Appeals

**66** Won  
**5** Adjourned  
**7** Lost

**£1,988,297**

Total amount of Benefits recovered for clients

**£536,768**

Worth of debt managed by our debt adviser

**£2,525,065**

Total amount brought back into the  
local community by our Centre.

### New Free Saturday Morning Debt Advice Sessions.

We are now operating a Saturday morning free debt advice service for people who may find it difficult to access a service during normal working hours.



Vauxhall Community Law and Information Centre

### Saturday Debt Advice Service.

We offer free, friendly impartial advice to help you ease your financial worries. If you are struggling we're here to help. We can assist to help resolve your debts, our aim is to put you in a better position to tackle outstanding money owed.



Saturday mornings • 9am - 1pm.  
Call 07394991765





# News from Merseyside Law Centre

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



Merseyside Law Centre continue to be busy with welfare benefit challenges, housing cases - in particular homelessness applications - and asylum support work assisting vulnerable migrants under the Our Liverpool Project.

We would like to thank @bermanslaw for their very generous pledge in support of our Legal Education Foundation Justice First Fellow. This will greatly assist the invaluable work our Fellows and the Law Centre are able to deliver.

The Justice First Fellowship was established by The Legal Education Foundation in 2014 to support the next generation of specialist social justice lawyers. The aim is that the Fellowship is a route to a long and rewarding career using law as a tool for social justice, with Fellows going on to become leaders in their field and important advocates for access to justice and the rule of law. Merseyside Law Centre has successfully hosted two Fellows and welcomed a third in January 2021.



Fergal O'Cleirigh Bermans' senior partner commented: "We are delighted to be able to support the Justice First Fellowship. By providing essential legal services to those who are most in need, Merseyside Law Centre makes a vital contribution to the wellbeing of the people of Liverpool".

We would also like to thank Weightmans and Brabners for their continued support.

## JFF Tom Lavin



Tom Lavin began his training contract with Merseyside Law Centre in January 2019. He grew up in Manchester and studied Politics and Social Work at the University of Manchester. After graduating he worked for the housing charity Shelter for four years. He returned to University in 2016 to complete the GDL and LPC at University of Law's Manchester Campus.

Tom has an interest in Tenant Rights and Homelessness. He has been involved in Tenants Union UK campaigns to improve protections for private renters and increase the provision of Social Housing in Manchester and is also a member of the community union ACORN. Tom qualified and was admitted as a Solicitor in November 2020. He remains at MLC predominantly delivering our Housing Possession Court Duty Scheme in Birkenhead and assisting destitute asylum seekers under the Our Liverpool Project in partnership with Liverpool City Council.

## JFF Samantha Maher



Samantha Maher is our new trainee solicitor, who joins us as part of the Justice First Fellowship. Prior to joining us Samantha had worked for 15 years campaigning for labour and human rights, specifically in the garment and textile industry. As a case worker for the Clean Clothes Campaign, she worked on numerous cases of trade union repression, wage violations and unsafe workplaces, most notably working on the design and implementation of two multi-million-dollar compensation funds for victims of the Rana Plaza and Tazreen factory disasters in Bangladesh.

After deciding to retrain in law Samantha studied part time for her GDL and LPC at MMU and achieved a distinction in both. In 2018 she was shortlisted for the "Best Contribution by an Individual Student" award at the LawWork Student Pro Bono Awards for her work as a student welfare rights advisor at Greater Manchester Law Centre.

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)

# Unlocking Brownfield Development Sites in Manchester

Greater Manchester has been allocated £81.1m from the Brownfield Housing Fund (BHF) as part of the drive to accelerate home building across the country. As **Tim Champney, Managing Director of Future Climate Info** explains, this welcome injection of focus on placing brownfield at the heart of city regeneration strategies should also come with open eyes for developers on remediation cost and for existing residents on the impact they may have.



**Tim Champney**

The Greater Manchester Combined Authority has confirmed that 21 projects will be supported by the latest round of grants in a series of tranches awarded through the government's £400m fund. Developing brownfield land is a key priority for Manchester City Council to meet the city's growing demand for quality, affordable housing. The Combined Authority is also working with the Greater Manchester Local Enterprise Partnership to support the 'Build Back Better' campaign, an initiative which sets out to build back the economy and create a better opportunity for a strong and successful recovery following the COVID-19 pandemic.

It follows on from the **consultation by Ministry of Housing, Communities and Local Government (MCHLG)** last summer that sought views from planners, councils and the wider public, in enabling the delivery of more homes across England. A housing need formula is currently used to provide a starting point in the process of local planning for new homes, but a new method, based on prioritised zones, will be introduced to help councils to enable the delivery of 300,000 homes a year by the mid-2020s while prioritising brownfield sites and urban areas.

**Affordable Homes without Green Belt Sprawl**  
Under the proposals, cities will be encouraged to plan for more right-sized family homes and to make the most of vacant buildings. The BHF is designed to support projects which may have stalled due to high costs of bringing them back into use, or to explore the potential of sites that have yet to come forward. This support is well justified for many instances of inner urban sites where industries such as gasworks, chemicals and textile manufacturing may have left a long and toxic legacy in the soil and groundwater.

By prioritising former industrial land, local planning authorities can avoid building on greenfield sites - including Greater Manchester's much-valued green belt. Twenty-four schemes will benefit from the first £37.2m tranche of the five-year funding allocation, delivering 4,318 homes across sites in all 10 boroughs. At least half are proposed as affordable and socially rented properties, as well as shared ownership schemes. Carrington Village in Trafford, North Leigh Park

in Wigan and Riverside in Rochdale were among the first major housing developments to receive the funding.

All sites identified for development were assessed on their viability and how they support the principles of the Greater Manchester Strategy to take a brownfield first approach to development.

If this second tranche is approved, 8,363 homes on brownfield sites will be unlocked through the BHF. This is in addition to the 6,856 homes built as a consequence of £506.7m of investments in 54 schemes across the city-region by the Greater Manchester Housing Investment Loans Fund.

**Mayor Paul Dennett, City Mayor of Salford and GMCA Lead for Housing, Planning and Homelessness, said:** "As we continue to prioritise our response to the impacts of the COVID-19 pandemic in our communities, towns and cities, we also need to take action at the same time to build a better and fairer future for all of our residents.

"This funding will allow us to regenerate brownfield sites, support districts in working towards meeting national government targets...helping us to address the under-supply of housing and meet growing need. However, while we welcome this contribution, it remains the case that affordability as defined by the Government does not always translate into affordability for our residents, and further funding will be needed to deliver genuinely affordable homes across Greater Manchester to tackle the housing and homelessness crisis we face."

The full list of proposed sites under Tranche 2 of Greater Manchester's Brownfield Housing Fund allocation can be found **here**, but highlights include:

- Neighbourhood Rochdale - £4.7m: Capital and Centric's plans to redevelop the former Central Retail Park with 200 homes, a park and a gym will receive £4.7m. Neighbourhood Rochdale is the first big scheme to be brought forward under the council's 'rail corridor' masterplan, which aims to build 7,000 homes around the borough's railway stations.
- Longshaw Drive - £2.9m: Salford council wants to build 177 new homes in Little Hulton as part of the authority's biggest public housing programme since the 1960s. But construction company Wates will not progress the proposal past the planning application stage as their costs were too high for the council.
- Back of Ancoats - £4.7m: Manchester council wants to create a new neighbourhood around Poland Street with 'high quality' public space, 275 new homes including affordable housing, offices and green spaces.

### **Will Brownfield Land Finally Deliver?**

Brownfield land may not be capable of single-handedly solving the housing shortage, but its contribution to regenerating previously developed sites, avoiding ecological damage and minimising urban sprawl, cannot be underestimated. The government's championing of regeneration development initiatives in England's cities with the release of funding is encouraging on many levels. But there are always two sides to every coin. Brownfield sites are often complex: not only in terms of complicated ownership and usage restrictions, but from a design or cost perspective

in relation to contamination issues and ground preparation.

Developers also need to think about how this will impact on their viability models and this can only be achieved by a clearer understanding of the site's history and more forensic investigation on materials that lie in situ, their toxicity and the extent and type of remediation required

Our **FCI Commercial Environmental reports** combines an understanding of the potential contamination risk with intelligent commercial environmental risk solutions that can keep your commercial client's transaction going. With a clear assessment of site history and, as a result, **follow-on options for more detailed testing or insurance provision**, they provide support to greater certainty and enable the unlocking of funding and the path to planning consent smoother.

Renewed enthusiasm for brownfield development will have both positive and negative effects on those already living in close proximity. Urban landscapes can be attractive and sought after, as well as the current proximity to favourite shops, cafes, work or amenities. However, an expectation for the urban landscape to remain unaltered is potentially a road to disappointment.

House-hunters really should take the time to consider the environment surrounding their prospective-purchase. They should ask whether surrounding buildings appear properly occupied and in use and how any changes to their surrounds might impact upon their own enjoyment of the urban ecosystem?

Homebuyers looking at property adjacent to vacant brownfield or commercial/retail units will need to stay vigilant for changes to land use designations or scheme approvals for regeneration. On the one hand, it improves derelict sites and could raise market values through gentrification and renewal, but it could equally increase housing density, loss of views and privacy, increased traffic movement and air pollution.

Closely examining planning application information as part of standard due diligence searches can really help conveyancers and their clients be more wary of the potential changes to their surroundings.

**FCI's Premium Plus Planning Report** pulls "live" planning data from the supplier at the request of each report, ensuring that the very latest available information is used to compile the product.

Using **FCI's unique intelligent FCICapture technology**, we identify planning issues which, although lying outside of the search boundary, if completed may, in reality, extend within the area of interest around the subject property.

This unique approach combines essential information on contaminated land, flood, energy and ground stability checks to complete full environmental due diligence for your client.

**For more information on our Commercial Environmental and Premium Plus Planning Report, contact us on 01732 755 180 or email [info@futureclimateinfo.com](mailto:info@futureclimateinfo.com)**



# Open Space or In Your Face?

**FUTURE**  
CLIMATE INFO

## The NEW FCI Planning reports with Intelligent FCICapture Technology

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Comprehensive planning data to make an informed decision on possible planning and development constraints.



## Building Law Firms back better post pandemic

The prospect of soon being able to embrace family and friends reminds me of the teenager who bought a book on eBay entitled 'How to Hug' and was galled to discover it was Volume 6 of Encyclopedia Britannica. That poor teenager could easily have been me. I once ordered The Wallis Family Global Directory via an advert in my dad's Reader's Digest magazine to find even my own family wasn't in it.

'Building Back Better' is fast becoming the world's slogan - from budget decisions to bovine emissions. But the term is far from a new one. In fact, it's been in disaster recovery parlance for decades. Perhaps not surprisingly, the collective shock and loss associated with a major catastrophe somehow seeds a desire in everyone not just to return to normal but to pursue a better normal.

With its customary stiff upper lip, the UK legal sector has weathered the pandemic storm amazingly well. Who would have thought that December 2020 would be reported as the highest billing month ever for the UK legal sector? But my guess is the numbers disguise growing tensions within many law firms, who are now adjusting to living with increased borrowings, pips that have been fully squeezed, and exhausted management and employees. And, for some at least, evaporating markets.

As we emerge like silky moles from our protective burrows, blinking in the sunlight, is it too early to draw any conclusions from our lockdown experience and, if so, what lessons have we learned that might help us build our law firms back better? It probably is too early, but here are some initial lessons that law firm leader friends have shared with us.

**Lesson One - We will never take our clients for granted ever again.** Ironically, lockdown has given us more time than ever to spend with clients, demonstrating just how much we value them and want to support them through difficult times - even if it has been on a fuzzy Zoom call interrupted by home deliveries and toddlers in nappies. The pandemic has taught us that this is the best marketing investment a law firm can make.

**Lesson Two - We will never forget how our people rose to the challenge.** Like many others providing essential services, those providing legal services have responded heroically to being forced to stay at home with barely any notice, create a fully functioning working environment in the spare room, and keep the plates of justice and commerce twirling for a year or more. If Sid James were still alive, Carry On Advising would be head-to-head with the new Bond film by now, at a cinema near you.

**Lesson Three - We will never forget that without work on the desk, there is no need for a desk.** I have been involved in marketing legal services for nearly 40 years now, as a lawyer and in various management roles, and in that time very little has changed - apart from the invention of the internet, websites, email campaigns, advertising, social media, and artificial intelligence, I suppose. Lockdown has given us all a much-needed jolt to fundamentally reassess our market proposition. It has taught us we need to ensure our services are relevant and needed by our target audience, to find new and compelling ways of communicating our unique selling points, to price our services so that our clients get value for money and we make some profit, and to have colleagues with the skills and attitude to back up our promises. Oh, and to have enough clients willing and able to pay our bills.



Nigel Wallis

**Lesson Four - Geography is no bar to growth.** The sector's enforced transition from face-to-face communication to digital communication has opened our collective eyes to a new world of opportunity. Whether it is where clients live and work or where staff live and work, we have learned that, with the right due diligence, culture, supervision, technology and broadband speed, the potential marketplace for work and workers can now grow exponentially. Jurisdiction permitting, of course.

**Lesson Five - Cyber risk must be a standing management agenda item.** Remote working has heightened the risk of allowing gremlins into our systems. It has taught us that, however careful we are, our management teams must remain on red alert and ensure our teams are properly trained, our outsourced IT contracts are properly negotiated and our insurance cover is properly placed.

**Lesson Six - Premises are part asset and part albatross.** There cannot be a law firm in the land that hasn't had at least one discussion about this labyrinthine issue. Lockdown has taught us to expect the unexpected and build as much flexibility into our office facilities as possible. And perhaps to reconfigure them so they are environments our people actually look forward to working in.

**Lesson Seven - Staff welfare is every law firm's number one business priority.** This may be a truism, but the pandemic has reminded us of the direct and inextricable correlation between personal wellbeing and business performance.

**Lesson Eight - Leadership is having the body of a swan and the feet of a duck.** Humility and humanity go a long way in a business leader, as does the occasional hint of vulnerability. But the last twelve months or so have shown that the defining quality in a business leader is the ability to set out a credible direction of travel, to inspire confidence when the going gets tough, and to create an environment where everyone can give of their best. Never since the financial meltdown of the late noughties has this been more important than it is right now.

So, as Nat King Cole once said, there may be trouble ahead, but while there's moonlight and music and love and romance, let's face the music and dance.

Nigel Wallis, Director, O'Connors Legal Services Limited





Department for  
International Trade



## The Department for International Trade's Internationalisation Fund: North West

*Grant funding available via new fund for eligible businesses in England.*

### What is the fund?

The Department for International Trade has launched its new Internationalisation Fund for eligible businesses in England. The fund is designed to support businesses looking to grow their international trade.

SME's can apply for match-funded grants of between £1,000 and £9,000 which will be available for proposed future activities (subject to eligibility).

To secure a grant, the business will need to fund a proportion of the costs itself. This varies according to where your business is based and will be up to 50% of the total cost.

Funding is subject to availability within your region, and will be prioritised for businesses who can demonstrate they have high export potential.

### Eligible Activity

The fund can be used to support areas including but not limited to:

- PR
- Market Research
- IPR
- Translation / Cultural Advice
- Social Media and SEO
- Participation in trade shows
- Market development
- Routes to Market
- Overseas Business Environment / Due Dilligence

### How to Apply

Contact your International Trade Adviser or our customer services team on:

T: 0333 320 0392

E: [info@tradenw.org](mailto:info@tradenw.org)

An International Trade Adviser will:

- Check your eligibility
- Provide more details about the fund
- Discuss your project and support your company to make the application

In partnership with:



**European Union**  
European Regional  
Development Fund

## Knowsley Chamber and Morecrofts combine forces with launch of the Knowsley Legal Team

Knowsley Chamber of Industry & Commerce and Morecrofts Solicitors have announced they will be working closer together in the coming year to provide a dedicated legal service to Knowsley based businesses to help them grow out of the pandemic.

The arrangement will see Morecrofts up-lift their membership with Knowsley Chamber to Executive Partner status, forming a team of legal experts specifically to service Knowsley-based businesses from their branch in Prescot.

The firm's Knowsley Legal Team will focus specifically on aspects of law where businesses need most support. The initiative will ensure that Knowsley businesses are offered national levels of service, delivered locally on their doorstep.

Alison Lobb, Managing Partner at Morecrofts, said: "We are extremely excited about our new Knowsley Legal Team, and our joining forces with the Chamber to ensure as many Knowsley businesses as possible access this local expertise, it makes complete sense.

"Excellent legal advice and support is more in need than ever – particularly to businesses, and our award-winning team are here to provide this and guide clients when needed.

"Knowsley Chamber is highly regarded across the Liverpool City Region and we are looking forward to working with them in a more strategic and focused partnership to help businesses grow out of this pandemic."

Morecrofts join current Executive Partners ABGI-UK, who provide specialist, R&D Tax refund services and Begbies Traynor who operate The Directors Advice Line specifically for Knowsley businesses seeking support with repaying loans, deferred tax bills and impatient creditors.

Lesley Martin-Wright, Chief Executive, Knowsley Chamber,

said: "We're delighted to be expanding our partnership with Morecrofts as they join our exclusive group of Executive Partners. Morecrofts investment in Knowsley over recent years is clear to see with their offices and growing team in Prescot. Their tireless work on the Merseyside on the Independent Business Awards over the years has been superb and something we want to help promote across Knowsley. We also have synergies with our Knowsley Women in Business Network and the support from the female-led senior team at Morecrofts makes for a perfect match and an ideal partnership which we are looking forward to developing."

Members of Knowsley Chamber already have access to the free national legal service provided by The British Chambers of Commerce via phone and website. The Morecrofts Knowsley Legal Team will bolster that initial free advice with local experts who can meet with businesses and take the support further. The team will provide support in specific legal areas, including Litigation, Commercial Law and Personal Legal Services.

The Morecrofts Knowsley Legal Team includes; Donal Bannon, Michael Gossage, Alison Williams, Derek Dawson, Kim Okell and Alex Parkington.



**The Knowsley Legal Team**

### Building Regulations & Planning Permission for Conveyancers with Richard Snape

Thursday 17th June, 1.30pm - 4.45pm

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.

#### Topics covered include:-

- 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

& more...

Competencies: B

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## Brabners partners with Foundervine to empower under-represented and minority founders of tech start-ups

Brabners has reaffirmed its commitment to championing equality, diversity and inclusion with the launch of a legal knowledge accelerator in partnership with social enterprise Foundervine.

The new legal accelerator programme will help digital and tech start-up founders from underrepresented and minority backgrounds across the UK as they look to grow their stakeholder and peer networks, overcome barriers to scale and expand their operations.

Set to begin in May, the accelerator will provide comprehensive legal masterclasses and operational training, helping to build founders' acumen in a wide range of areas including equitable involvement, funding and investment, commercial operations, asset protection and achieving successful outcomes and exits.

The six-week programme will also deliver dedicated one-to-one support, community-building initiatives and networking events, with an initial cohort of 25 early-stage founders taking part.

Foundervine is a social enterprise specialising in digital start-up and scale-up accelerator programmes, with a focus on nurturing entrepreneurs from diverse groups. To date, Foundervine has supported more than 2,000 founders in developing skills to accelerate their ventures.

The partnership reinforces Brabners' commitment to driving long-term positive change in the communities it supports, including issues relating to equality, diversity, inclusion (EDI) through its EDI committee, Together Action Group.

The number of start-ups in the UK is rapidly growing, with more than 670,000 new companies incorporated in the UK in 2019, double the number launched in 2017 according to the House of Commons Library. But just five per cent of the UK's small businesses are led by someone from an ethnic minority group, despite 13 per cent of the UK population belonging to a black, Asian, mixed or other ethnic group, according to the 2018 Race Disparity Audit.

Many start-ups operate at risk, without access to the legal advice needed to help scale their businesses safely, an issue substantially more pronounced for those whose founders are from underrepresented backgrounds.

Nik White, managing partner at Brabners, said: "Whether it's in relation to innovation, sustainability or diversity, we're committed as a business to improving the world around us, which is why we're taking action to help to bridge the gap for entrepreneurs from underrepresented groups.

"Foundervine is a truly game-changing enterprise led by an incredible team, and their values for empowering tomorrow's entrepreneurs are closely aligned to our own. We're proud to partner with the team and look forward to driving lasting positive change together."

Piers Dryden, head of Brabners' technology sector team, added: "The UK is home to a burgeoning ecosystem of world-class innovators, and at a time of economic and cultural reset, it's vital



**Nik White**



**Piers Dryden**

we nurture this pool of exceptional talent, and provide skills, resources and support to help them achieve their ambitions.

"Many founders setting out on their journey have limited access to legal advice to help scale their businesses effectively. These challenges are only compounded for founders from diverse communities, which is why we are taking direct action to provide support to the next generation of business leaders."

Cecil Adjalo, director of operations at Foundervine, said: "It was clear from our first meeting with the team at Brabners that diversity and inclusion are at the heart of the firm. Their commitment to bringing about positive change via the legal profession and dedication to supporting ventures looking for the skills and expertise to scale at pace speak for themselves. We're incredibly pleased to work alongside the team and will draw on their extensive experience to accelerate the future of many inspirational leaders from underrepresented communities."

## Covid-19, Residential Tenancies and Rent Arrears

The English Housing Survey have undertaken a Housing Resilience Study during the Covid-19 pandemic and have published statistics from the second wave of the study which show that 11% of social housing tenants are currently in rent arrears

What can Registered Social Landlords and Local Authorities do however about this, with the Government restrictions which are currently in place? The Coronavirus Act 2020 provides protection to residential tenants by delaying when landlords can seek possession of a property. The legislation increased the required notice period when seeking possession.

The current legislation increases the length of notice that must be given in a claim for possession based on rent arrears to 6 months. The exception to this is if the tenant has accrued more than 6 months rent arrears, in which case 4 weeks notice can be given.

There is no longer a stay on possession proceedings so once the relevant notice has expired, proceedings can be issued and they will progress through the court with some amendments to the usual process.

The main changes to the process are as follows

1. A Coronavirus Notice (pursuant to Practice Direction 55C) must be attached to the proceedings at issue for an accelerated possession claim, or within 14 days of a possession hearing otherwise, stating as to how the coronavirus pandemic has affected the tenant or other members of the household.
2. Aside from accelerated possession claims, the claim will be listed for a review hearing. This will not be an attended hearing but the parties should be available should the judge need to discuss the claim when undertaking the review. The new mediation service may be offered at the review.
3. At least 14 days prior to the review hearing contact details should be provided to the court along with an electronic bundle of the relevant documents. These should also be provided to the tenant which must be confirmed to the court
4. Following the review hearing a substantive hearing will be listed. At the substantive hearing 2 copies of a Pre-action Protocol (if applicable) and Coronavirus Notice should be brought to court and a copy of the Notice served on the tenant 14 days before the hearing

Even when a possession order has been obtained there is still currently a stay on enforcement. If the tenant is in arrears of



**Amy Tagoe**

more than 6 months it would be an exemption from the stay on evictions and an application could be made to enforce the possession order by way of a warrant. The current stay on evictions is in force until 31st May 2021.

If the level of arrears does not fall within the exemptions a warrant could still be applied for in the usual way on form N325 but an eviction notice will not be served until after 31st May 2021. Tenants will also be given at least 14 days notice of the eviction.

If the exemption applies and it is noted in the possession order that it is exempt from the stay in evictions a warrant can be applied for in the usual way using form N325.

If the exemption applies but it is not stated on the possession order an application must be made on form N244. The application must be served on the tenant and the application will be listed for a hearing

**Amy Tagoe, Associate Solicitor**  
**Housing & Regeneration Team, MSB Solicitors**

Save the Date...



### **The 2021 Private Child Law Conference** on Wednesday 8th September, 12.45pm - 4.30pm\*

This year's must-attend training event for solicitors, barristers & other practitioners involved with private child law. The conference will round-up key developments in law & practice.

**With speakers; Kate Burnell QC - St John's Building Chambers, Ruth Kirby QC - 4 Paper Buildings Chambers, Teertha Gupta QC - Unit Chambers & Lisa Edmunds - Unit Chambers**

*\*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 at your leisure!*

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

## 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



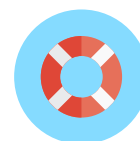
#### Give Back

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

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### Brabners advises on sale of Liverpool-based MSite to Infobric Group

Brabners has advised the shareholders of MSite on its sale to Infobric Group.

Brabners' corporate team in Liverpool, led by Andrew O'Mahony and including Daniel Hayhurst and Alex Thow, advised on the transaction.

Based in Liverpool, MSite is the UK's leading workforce management supplier to the construction industry. Around 40% of the UK's construction workforce is currently enrolled on MSite's platform, which is deployed across the country by major contractors including Morgan Sindall and Vinci Construction.

The sale of MSite to Swedish-based Infobric creates a leading European digital supplier to the construction sector. Infobric's services are used on more than 16,000 construction projects and by more than 300,000 users.

It comes as the market for digital technology in the construction sector is growing significantly, particularly across productivity and safety.

The Brabners team worked closely with MSite and its shareholders in order to close a comprehensive legal due diligence process, negotiate the transaction and take it through to completion within two months.

Andrew O'Mahony, partner at Brabners said: "We are delighted to have advised the shareholders of MSite on what is a highly significant deal in the construction technology sector. MSite is a market-leading business which Brabners has had the pleasure of advising for many years, and we are glad to see a great outcome for all involved. We wish Neil and the team every success moving forward."



**Andrew O'Mahoney**

Neil Norman, founder and CEO of MSite, added: "MSite has trail-blazed digital workforce management in the UK Construction space for 20 years, but our ambitions have always been to be a global company.

"Entering a transaction for the first time, you quickly realise the invaluable contribution of your advisors. Nik White, Andrew O'Mahony and the Brabners team did much of the heavy lifting and guided us through all the legal-speak whilst steadfastly protecting our position throughout. They kept pace with the many deadlines and late-night calls, but most importantly, they were instrumental in giving us peace of mind throughout, and helping us to expand MSite's global reach."

### MSB launches Podcast series

MSB Solicitors has launched a brand new podcast, to help bring its teams back together after lockdown, having recruited more than 40 new members of staff over the past year.

Titled 'The Journey' the podcast series sees Trainee Solicitor, Thomas O'Reilly interview MSB's Partners about the incredible journeys they have been on to get to where they are today in their careers, sharing the challenges, highlights and experiences they have faced along the way.

Emma Carey, Managing Partner at MSB, said: "The past year has been incredibly challenging, with working from home meaning we haven't been able to connect in the ways we ordinarily would. This, coupled with the fact that we've grown our team significantly over the past year has meant that we want to find ways of bringing us all together again and finding connections.

"Our team make us who we are and as we continue to grow, we want to make sure everyone, new and old, is able to get to know our Partners, who are an integral part of our business.

"As well as our team members, we're also encouraging anyone who is interested in hearing the fascinating stories our Partners have to tell, to tune in. I'm so proud to have launched this new podcast series and can't wait to share all of the brilliant episodes we have lined up."





# Hill Dickinson 2021 legal director promotions sees all-women success in Liverpool

Hill Dickinson has announced its first promotions of 2021, which for the first time sees all six legal director promotions in the Liverpool office achieved by women.

The all-female line up is a positive sign that the firm's commitment to developing the careers of its women lawyers is working and that it is successfully challenging many of the traditional barriers to career progression.

Those promoted to legal director in Liverpool are: Elan Iorwerth and Emma Howard (Corporate), Kate Steele (Commercial Litigation), Aoife Ryan (Regulatory), Nina Sahu (Health Litigation), and Louise Wilson (Health Advisory).

The six legal director appointments in Liverpool are part of a firm-wide promotions round comprising 19 new legal directors in the UK and internationally.

Commenting on the promotions, Peter Jackson, CEO of Hill Dickinson, said: "I am delighted to announce our senior promotions for 2021 and especially pleased to see more women coming through the ranks to take up senior roles as legal directors in the business in our Liverpool office. I would like to congratulate them personally and on behalf of our board on their outstanding achievement. The past year has been an extremely challenging one, which makes their hard work and career progression even more admirable. These promotions are testament to their continuous work not only throughout the pandemic but also throughout their legal careers with Hill Dickinson". Carolyn Morgan, director of HR, added: "We're extremely proud that all of our Liverpool senior promotions this year are



**Top: Elan Iorwerth, Emma Howard, Kate Steele**  
**Bottom: Aoife Ryan, Nina Sahu, Louise Wilson**

women and that more women are progressing into senior roles across the firm as a whole. We realise that achieving parity in senior roles can't happen overnight but we are working very actively to address the barriers that often affect women's progression and ensure that all of our people—at all stages of their careers and regardless of working patterns and career breaks—have the same opportunities to grow and develop".



**Peter Jackson**

## MSB celebrates record year with 43 new starters and highest ever turnover

MSB Solicitors, has marked a number of significant milestones, despite a challenging year.

The firm has seen its profitability reach record highs, with a 25% growth compared for 17% the previous year. It has also seen turnover increase from £6.3 million to £7.5 million.

MSB has significantly grown its team over the past year, in response to increased client demand and the launch of new offerings. The firm has recruited 43 new starters across the business, including four associate solicitors, three new equity partners and a head of department.

As part of its commitment to providing pathways for future talent, of the nine training contracts awarded last year, 100% have been taken on full-time as qualified solicitors. In addition, in February 2021 alone, MSB offered six new training contracts – the most it has ever offered in a full year.

For the first time, this year MSB has also set up its Partnership Programme, which provides senior associate solicitors with opportunities to become partners in the business.

Emma Carey, Managing Partner at MSB, said: “The past year has been incredibly difficult for so many people, and we have had to work so hard to ensure our clients were impacted as little as possible as we transitioned to working virtually, alongside the many changes to legislation and complexities that we have all had to weather.



**Emma Carey**

“It’s through the hard work and determination of each and every one of our team members, who go above and beyond for our clients, that we have been able to have such a successful year, despite the challenges we have faced.

“Supporting the next generation of the legal profession is so important to me so I’m incredibly proud that we have not only been able to help our existing team members progress in their careers but have brought on a record number of trainee solicitors to help them forge successful careers in the industry.”

### Working with the SRA Accounts Rules 2019 with Linda Lambert

Tuesday 22nd June, 2pm - 4pm

*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 at your leisure!*

**Internal controls, the COFA both the role & report, and a comprehensive Accounts Manual for procedures, are all a part of ensuring proper compliance. These are even more important since the 2019 Rules are now in place.**

#### Topics to be covered will include:

- Holding of Client monies including Third Party Money Accounts
- Recording & Usage of Client Monies
- Billing and disbursements
- Interest on Client funds
- COFA role including Bank Reconciliations
- Accountant's Report

[CLICK HERE TO BOOK](#)

### A Leasehold Dwellings Update with Richard Snape

Monday, 21st June, 1.30am - 4.45pm

**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)

*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 at your leisure!*

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# Liverpool lawyer given double stamp of approval by industry panel

A Liverpool lawyer has been given the seal of approval by the Law Society for his work across both clinical negligence and personal injury.

Carlos Lopez, head of clinical negligence at Hampson Hughes Solicitors, is the only legal expert in Liverpool to be accredited by the industry panels for the two practice areas. It is the first time he has been accredited for his work in clinical negligence, while it is the third re-accreditation for personal injury.

The accreditations, which were confirmed this month, recognise specialist knowledge among the legal profession and act as a benchmark for clients when selecting the most appropriate solicitor for their needs.

Individuals are awarded an accreditation by the Law Society based on their technical expertise and quality of client service in specific areas of law.

And, Carlos' double accreditation means his efforts across personal injury, which includes public liability, abuse claims and accidents at work, and clinical negligence, which focuses on matters where healthcare has been below standard, offers clients peace of mind and reassurance of expertise.

Carlos, who has practised law for 26 years and is already an assessor for the clinical negligence panel, said: "Quality, trust and experience should be at the core of any practice area of law, especially when dealing with claimants pursuing clinical negligence or personal injury cases.

"These are often extremely sensitive cases, with clients unsure about how they navigate the process and sometimes reluctant to hold those responsible to account. It's therefore vital that the service they receive is of the utmost quality and tailored to their needs – this is something I'm incredibly passionate about, so I'm thrilled to be recognised by the Law Society.

"The accreditation is not only a recognition of how we operate but, importantly, it provides reassurance to clients that they are getting a high standard of service. I'm extremely grateful to Hampson Hughes for supporting me in my applications and am looking forward to taking the business forward."

Emma McConlough, managing director at Hampson Hughes, said: "We're extremely proud to have such an industry-leading expert as Carlos on our team, providing the very best in client services. To be recognised by both the personal injury and clinical negligence panels is a rare feat and is true testament to his versatility and commitment to achieving the best outcomes for our clients.

"We're confident that Carlos latest round of accreditations will strengthen client relationships and pave the way for further team members' panel recognition."



**Carlos Lopez**

## Carpenters Group are proud to announce that they are now a member of the UK 30% Club

The 30% Club's mission is to reach at least 30% representation of women on all boards and senior leadership teams globally.

You can learn more about the UK Chapter of the 30% Club here: <https://30percentclub.org/about/chapters/united-kingdom>

WELCOME TO THE 30% CLUB



"I am extremely proud to be joining the UK Chapter of the 30% Club. Carpenters Group is built on gender equality and I am thrilled to be connecting with other business leaders who recognise the importance of diversity and inclusive cultures"

**Donna Scully**  
Director / Joint-Owner  
Carpenters Group



# Celebrating Pride in 2021

Sadly the annual Liverpool Pride Festival won't be happening in 2021. In previous years, Liverpool Pride has been a weekend-long festival to celebrate LGBT culture held annually at the Pier Head and Gay Quarter in the city centre.

The first Pride parade took place on 28 June 1970 which marked the first anniversary of the Stonewall riots in New York. The riots followed a raid by the police on the Stonewall Inn in Greenwich Village, dragging staff and patrons out on to the street and culminated in six days of demonstrations.

Pride has been celebrated in June ever since and many firms have joined in the celebrations. However this year (and in 2020), firms are finding other ways to celebrate and champion the LBGT + Community.

## Bennett Williams

Bennett Williams are looking forward to supporting Liverpool Pride even though the march isn't taking place this year. Pride is one of our favourite festivals, there is a real party atmosphere with music, singing, and a colourful procession, promoting equal rights for LGBTQ. We will be celebrating Liverpool Pride with our LGBTQ friends and family, and waving our rainbow flags in support.



## BLM

For Pride month BLM's LGBTQ+Allies Network plan to run a number of education events during the month to educate and raise awareness. The firm are also planning to create a 'Virtual Pride Photo Album', collating photos of employees across the firm showing how they are celebrating Pride month. The LGBTQ+ Allies Network is also looking into a joint celebratory event with the other affinity networks in BLM and hope to share details across social media shortly.



## Carpenters Group

To mark Pride month, Carpenters Group have donated inclusive books from a specialist bookshop to **Whitefield Primary School** and **The Hive Wirral**. Carpenters Group recognise how important it is that children grow up seeing themselves and their families reflected in stories. Whilst Pride has to stay at home again this year, Carpenters are asking colleagues to send photos of them celebrating, with a prize for the most fabulous. We'll be changing our teams backgrounds and logo too! In order to educate and inform their recently created Inclusion Champions Group, some of the team will be attending Stonewall webinars where they will learn more about Pride and Trans inclusion in the workplace.



## MSB Solicitors

Sadly Liverpool Pride March isn't taking place this year but at MSB Solicitors we will celebrate Pride in some form and hopefully host an event. We are also renewing our Navajo Kitemark to confirm our commitment to the LGBT+ community and through Agent Marketing and Open Media we are sponsoring a city-wide campaign which will showcase amazing members of our LGBT+ community on screens over a 6 week period.



## Morecrofts

Morecrofts wish everyone a happy Pride, and we will be encouraging all our people to get involved with Pride in Liverpool's digital offering this year.

We've worked with Pride in Liverpool as their legal partners and supported the events held, and we are looking forward to seeing, and being a part of the From Now On theme impact of the Liverpool festival over the next few years.



## Hill Dickinson

Hill Dickinson will embrace and celebrate Pride in a number of ways throughout the month. We'll be raising awareness of the history of Pride and what it means to be an active ally through shared written pieces put together by our LGBTQ+ networking group. We'll also be hosting a panel event internally to discuss topics including what Pride means and intersectionality, for which we look forward to being joined by a representative from Manchester Pride.





## **The CPIA and Disclosure – Recent Developments with Clive Smith**

Thursday 24th June, 1.30pm - 4.30pm

*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 at your leisure!*

**This course is aimed at anyone wanting to update their knowledge generally on disclosure, and for those who would like to get a better understanding of the law relating specifically to sexual offences.**

### **What this course will cover:**

- Brief refresher on CPIA duties
- Defence disclosure requirements – can inferences be drawn under s. 11?
- Disclosure of digital evidence generally
- Disclosure in sexual offences
- What is a reasonable line of enquiry in a sexual offence case?
- What if the complainant doesn't want to disclose evidence – is that the end of the case?

[CLICK HERE TO BOOK](#)



## **\*NEW\* Employment Law: Summer 2021 Update**

Wednesday 30th June, 1.30pm - 4.30pm

Chaired by Lindsey Knowles, Brabners, with the following sessions:

**Whistleblowing – what's the latest?**  
Emlyn Williams, Weightmans LLP

**Employment status – Uber and out?**  
Rebecca Jones, 23ES Chambers

**General Update from the Employment Tribunals**  
Regional Employment Judge David Franey

**The Burden of Proof – should we be hung up about it?**  
David Reade QC, Littleton Chambers

Speakers will then take any questions you might have.

*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 at your leisure! approx. 3 months, to view as many times as you wish.*

[Click here to book](#)



## **Service Nightmares & How to Avoid Procedural Death - Update on Service Rules & Court /Trial Fee Traps**

with Jeffrey Zindani

Tuesday 29th June, 1.30pm - 4.30pm

**Missed time limits by civil litigation solicitors are one of the largest sources of professional negligence claims reported to insurers. This timely seminar will guide you through key procedural rules to avoid what the courts have described as "procedural death".**

### **Covering:**

- Back to the Future: Why is this Still Happening?
- Covid: Rules and Common Myths
- Limitation and Standstill Agreements- Are They More Trouble Than They Are Worth?
- Service Rules and Common Errors
- "Last Known Address"-Case Law Guidance
- Supreme Court Guidance on Service by Email.
- Court Fees and Abuse of Process-Latest Guidance

**& more**

[Click here to book](#)



## **How to deal with and prevent an SRA Investigation**

With Robert Blech & Andrew Blatt

on Friday 2nd July, 10am - 12pm

**This should be attended by all partners/directors/sole practitioners as well as COLPS/COFAS**

An SRA enquiry can be a stressful experience and a financial burden. They can be incredibly time consuming and often the firm and its managers will not know why their firm has been targeted and what the end outcome is likely to be. This webinar addresses what a firm can do to avoid an enquiry in the first place and what to expect and how to deal with one if it does occur.

This is an essential guide to a solicitors greatest fear...

### **Covering:**

- What is an SRA investigation?
- Who may be subject to an enquiry?
- How do the SRA Investigate?
- How to deal with an investigation if one occurs?
- What you can do to avoid an investigation in the first place
- The SRA's approach to law firms during COVID 19

[Click here to book](#)

## Liverpool Chamber Affiliate Membership

### How your membership will help you stay #WellConnected

Affiliate membership of **Liverpool Chamber** through **Liverpool Law Society** offers a suite of services to boost profile, gain valuable insights and enjoy reduced price attendance to a range of key events.

To request an **affiliate membership application form**, please email [contactus@liverpoollawsociety.org.uk](mailto:contactus@liverpoollawsociety.org.uk)

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- 1** Company logo and profile listed on the Chamber website
- 2** Member discounts on attending selected Chamber events
- 3** Invitation to Chamber and LLS affiliated events
- 4** View latest member news and events
- 5** Digital membership certificate
- 6** Use of the Chamber logo on your business promotional material

**Liverpool  
Chamber.**

# Council Member's Report

## Council Member Nina Ferris



A special meeting was held last week to discuss the pressing issue of the closure of SIF on 30 September 2021. The PI committee chair gave a statement which covered the following issues:

- The history of where we are including correcting some commonly held myths.
- The regulatory constraints that the Law Society has to work within.
- What the Law Society has been doing over the last 18 months.
- Challenges and communications
- What we are trying to achieve
- What members can do to help.

### History and correcting commonly held myths

SIF was formed in 1987 and provided PI for solicitors through a mutual fund. In the late 1990s, many firms believed the SIF premiums were far too high and the larger firms were subsidising smaller firms. It was believed that an open market solution would be far cheaper for the profession. A ballot of the profession took place and the profession voted to bring it to a close and obtain PII on the open market.

As a result of this decision by the profession, SIF was put into runoff and closed to new entrants in September 2000. Those firms that had closed prior to September 2000 were told that they would continue to be covered by SIF indefinitely and that remains the position.

One of the misconceptions that has been going around is that all firms have been assured by the Law Society or others that they will be covered by SIF indefinitely. That assurance has never been given apart from for those firms that closed prior to September 2000.

By 2004 SIF had built up considerable reserves. It was recognized that SIF had far more reserves than were needed to deal with the claims of those firms which closed pre-September 2000. So, in 2004 the Society decided that some of those funds would be used to provide post 6-year cover for the firms which closed post 2000 without a successor practice.

At that time it was decided that this additional cover would continue for claims notified prior to September 2017. It was when the Law Society set up this post six-year run off cover by SIF that it was envisaged at that time it would close in September 2017.

### Regulatory constraints

From 2007 the SRA have had the exclusive jurisdiction to deal with the regulation of solicitors to the exclusion of the Law Society. The Legal Services Act defines regulatory functions as including indemnification arrangements. SIF falls within the definition of indemnification arrangements.

The Law Society was required to delegate regulatory functions, which includes indemnification arrangements, to the SRA. Therefore, the SRA have exclusive jurisdiction to decide on the continuation of or the closure of SIF. The Law Society cannot make that decision. Furthermore, even though the SRA have made a decision that post six year run off cover is not a regulatory requirement and not required for client protection, because of the constraints upon the Law Society by the Legal Services Act, the Law Society as the representative body are not allowed to fill the gap caused by the closure of SIF.

This is the reality that we have to work under and unfortunately a lot of people have not fully understood the constraints that the Law Society is under.

Following a request by the Law Society in 2013, the SRA agreed to extend the closure of SIF until September 2020. In 2016, the Law Society again invited the SRA to extend the closure of SIF until September 2023. The SRA declined to do so.

### What has the Law Society been doing over the last 18 months?

Nick Gurney Champion took over as chair of the PII Committee two and a half years ago. Since then he has had the potential closure of SIF as top of the committee's agenda. For the last 18 months to two years, TLS have been in discussion with brokers, underwriters and insurers to see if there was any appetite for a market solution to fill the gap caused by the closure of SIF.

Although some encouraging noises were made by a few brokers, as we got closer to the September 2020 deadline it became clear that there was little if any appetite for a commercial SIF replacement.

I made my concerns on this known to the Chief Executive and the chair of the Board, and in early 2020 the SIF Working Group was set up to address this issue. In about April or May of last year, the Working Group agreed that from the evidence we had obtained a SIF replacement in the market was not going to



happen, and with COVID in full force, the ability of our retired members to obtain alternative cover caused by the closure of SIF was going to be impossible. Therefore, a further request was made to the SRA to extend the closure of SIF for a further three years. The SRA board considered this request and, I think reluctantly, agreed to extend it for a further year until September 2021.

The reasoning behind their only granting a one-year extension was that they believed a further extension beyond one year was unaffordable.

Over the last 12 months ongoing discussion have taken place with brokers and insurers to try and find some solution which the market could offer and which the Law Society could endorse and recommend to its members. Those discussions are ongoing. Some interesting and possibly helpful suggestions have been made. It is too early to say whether those discussions will provide any workable solution. The PI market at the moment and the Covid situation have very much hindered progress.

In tandem with this, the SIF Working Group decided to take advice from leading counsel as to the Law Society's position under the Legal Services Act and the IGRs. We wanted clarity on what we could do within the rules and what we could or could not force the SRA to do, not only with keeping SIF open but also with regard to the SIF surplus.

In March of this year, the Law Society wrote to the SRA asking them to fully explain, in accordance with the requirements of the Legal Services Act, why they have made the decision to close SIF. The SRA responded in early May and failed to deal with the specific questions. The Society wrote again in forceful terms, asking them to properly and fully answer questions and to give detailed reasons for their decision and we understand this is to be considered by the SRA Board at its meeting on the 8th of June. They have specifically been asked to delay closure of SIF.

The LSB Consumer panel were horrified at the imminent closure and impact on consumers and indicated they would raise this with the LSB and with the SRA. The President, had a follow up meeting with the LSB Consumer Panel, as a result of which a joint letter has been prepared and is shortly to be sent to the SRA setting out our joint concerns for consumers and for members and requesting the closure of SIF be put on hold.

## Communications and challenges

The publicity through the Gazette and direct communications with local law societies has been on going over the last 12-18 months but has considerably ramped up over the last few months.

One of the challenges we have is making direct contact with retired members. Sadly neither the Law Society nor the SRA have data for our membership going back more than about six or seven years. Trying to make contact with firms and members who closed down since 2000 has been extremely challenging.

## What are we trying to achieve ?

- We are putting substantial efforts into persuading the SRA to extend the SIF closure date.
- We are putting substantial efforts into trying to find a market solution to fill the gap if SIF does close.

Unfortunately we are unable to offer solutions at this time. I am hopeful that there will be one or more solution that we will be

able to offer to our members, but unfortunately at this time those are not certain enough or in detail enough to be made public.

## What can you do to assist?

First, assist with getting the message out, especially to retired members.

Secondly, clarify the many misconceptions that are flying around. This is not a decision being made by the Law Society. It is only a decision that can be made by the SRA.

Thirdly, encourage members to write to the SRA and the LSB expressing their concerns with the closure of SIF, particularly as a client protection issue rather than the protection of solicitors, though that is important as well.

We heard many first-hand accounts from council members who may face issues because they were sole or small practices who closed without a successor practice. There are undoubtedly members of Liverpool Law Society, or retired members who may face issues. Please do contact us and write to SRA LSB, the more evidence there is, particularly in relation to how clients may lose out, the more pressure can be brought to bear to hold the fort until a solution is found. Updates will be provided as soon as they are available.

In other news, the nomination process has started for the next DVP at TLS and hopefully I will be able to give you a rundown of the candidates next month.

**Nina Ferris**  
Council Member



## Overage Restrictive Covenants and Conditional Contracts

with Richard Snape

Wednesday 14th July, 1.30pm - 4.45pm

**Restrictive covenants continue to cause problems on a regular basis and overage clauses are coming very much back into fashion. The course aims to look at some of the issues involved.**

Topics include:

- Enforceability of restrictive covenants against third parties
  - The implications of the Supreme Court decision in *Alexander Devine v Housing Solutions* (2020)
  - Remedies for breach of restrictive covenants
  - Enforceability of overage clauses
  - The trigger event
  - Case law on interpretation
- & more**

**Competencies: B**

[Click here](#) for more information and to book

## LEAP and InfoTrack: End-to-end digital conveyancing

**Providing a powerful suite of solutions from client onboarding and searches to post-completion and e-signature services, the InfoTrack integration with LEAP digitises the entire conveyancing process and assures compliance and productivity throughout. Seamless, two-way integration empowers firms to operate more efficiently, achieving savings up to 30% of time per matter.**

The past year has been a busy time for conveyancers due to a growing UK housing market, caused in part by the extended SDLT holiday, the gradual easing of social distancing and the government-backed 5% deposit scheme. To cope with this process heavy, fixed fee work, technology has become the lifeblood of many conveyancing firms, helping them to meet customer demand and generate efficiencies and increased profits.

Conveyancing firms have needed to become more adaptive, agile and efficient throughout each stage of the transaction, and the full integration of the powerful features of LEAP and leading digital conveyancing solutions provider InfoTrack has provided a safe and convenient way for firms to fully digitalise conveyancing services.

**Key benefits afforded by the integration include:**

### Initial enquiry

- Digital client onboarding - removing the difficulty of securing the information needed for new transactions by providing self-serve capabilities for clients to submit their details online.
- Streamlining the creation of client care packs, verifying identity and funds, and gathering accurate information directly from the client via questionnaires and Law Society TA forms.

### Instruction

- Access to up to date and fully automated Land Registry and property information forms – providing all the legal forms and precedents needed to conduct a property or conveyancing matter. Boosting efficiency, forms are automatically populated with the details recorded in the LEAP matter including Client Care and Terms of Business, Property Information Forms (TA6), Fixtures and Fittings (TA10) and Application to Change the Register (AP1).

### Pre-exchange

- Order searches, and manage and respond to requisitions in one place, from the one system - Order Land Registry, local authority and property searches, and obtain the results, directly from within LEAP, avoiding the rekeying of data.
- Quick creation of a Report on Title with Property Report - Usually time-consuming, automate the collation of essential information to create a comprehensive title report for a property transaction in as little as 15 minutes.

### Exchange

- Effective collaboration on documents – comment, reply to and amend key conveyancing documents with clients, and other parties in real-time with a digital audit trail.
- E-Signatures – allowing clients to sign documents digitally from anywhere in the world on any device, eliminating delays and driving efficiency.

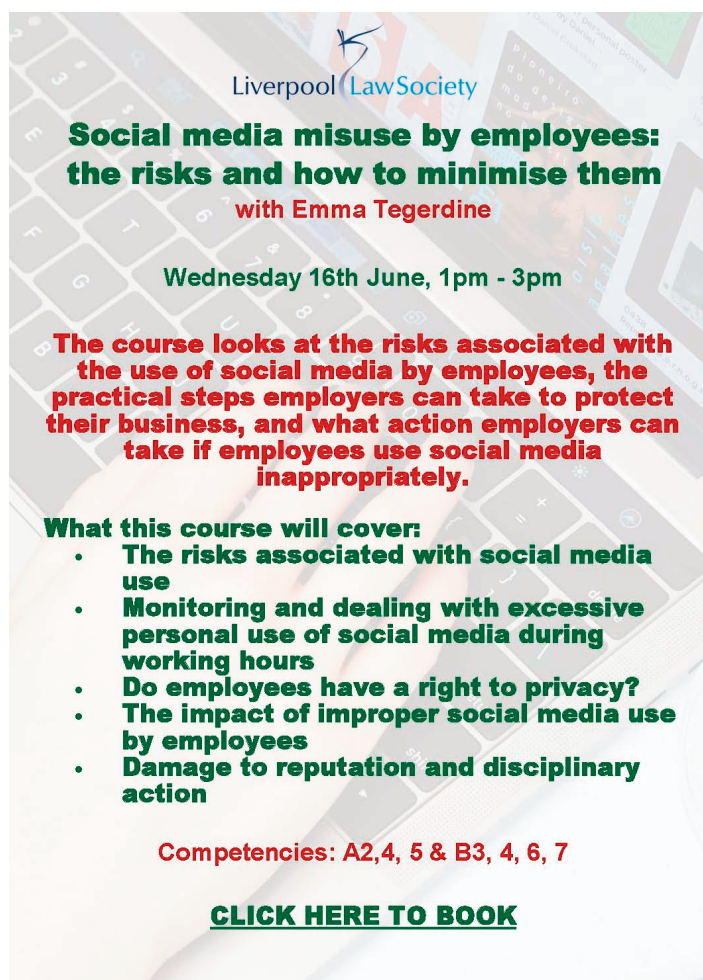
### Completion

- Produce the complicated completion statements at the touch of a button.

### Post-completion

- Streamlining the process of submitting your SDLT or lodging your AP1 - direct integration with the Land Registry and HMRC saves time, effort, money and achieves consistency when managing and monitoring post-completion tasks.

Integration between LEAP and InfoTrack provides everything needed to complete a digital transaction with ease, improving the client experience, whilst generating significant efficiencies to enable conveyancing work to be handled more profitably.



Liverpool Law Society

### Social media misuse by employees: the risks and how to minimise them

with Emma Tegerdine

Wednesday 16th June, 1pm - 3pm

**The course looks at the risks associated with the use of social media by employees, the practical steps employers can take to protect their business, and what action employers can take if employees use social media inappropriately.**

**What this course will cover:**

- The risks associated with social media use
- Monitoring and dealing with excessive personal use of social media during working hours
- Do employees have a right to privacy?
- The impact of improper social media use by employees
- Damage to reputation and disciplinary action

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

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



## In conversation with Jay Bhayani



**In 2021, it's anticipated that two new law firms will open every working day. To help these budding startups to get their businesses off to a flying start, Quill caught up with its long-time client, Jay Bhayani at Bhayani HR & Employment Law, to share her wisdom on the practicalities of setting up a law firm.**

### **Tell us a little about yourself and your practice**

Bhayani HR & Employment Law is a niche practice offering straightforward employment law advice along with outsourced HR services. I launched the business six years ago and have grown to such an extent that I now have offices in Sheffield, Leeds, London and, most recently, Leicester.

### **Was it a smooth transition from partnership to sole proprietorship?**

In a word, no. My original business plan was based on an agreement with the managing partner of the firm I was leaving whereby I'd arranged to take my team, clients and precedents with me.

Unfortunately, this plan didn't materialise. The agreement fell apart because the partnership took umbrage with my leaving. I left with absolutely nothing and ended up with a 4-year trademark dispute over my name.

Resultingly, I started completely from scratch on my own with not a single piece of paper, renting a small windowless unit off a dual carriageway somewhere. I did lots of crying and lots of planning.

Although it felt far from it at the time, my previous firm actually did me a favour as I built a business fit for its time rather than relying on what I'd always done. I was also more determined than ever to prove to myself and others that I could succeed.

### **How did you go about building a business from the ground up?**

I took measured risks, some of which were personal risks such as the trademark dispute which was costly, and thought carefully about whether I was taking the right steps at every stage of the journey. Plus, I worked hard. Even though it was exhausting, the hard work was more fulfilling and rewarding because I was doing it for myself.

My only regret is wishing I'd set out on my own ten years earlier when I was in my early 40s with more time and energy.

### **How important is technology to running your business?**

I've always had a physical office and I've always had a remote working infrastructure. There are some big draws to having an office, for example giving credibility to potential clients and distancing life at work from life at home. Likewise, I'm a fan of remote working and I've made this option available for employees from the outset.

I have to confess, I didn't have a clue about technology but quickly discovered the benefits of cloud software. As long as I have access to a phone or laptop, I can see time recordings, outbound expenditure, inbound fees due and cash flow generally.

The same concept applies to my staff who are currently spending only one day per week in the office with the rest of their time working from home. This single day in the office gives my employees the chance to collaborate, supervise, file and organise anything that can't be done at home. It gives me the chance to check in with them and ensure their wellbeing isn't being unduly impacted during these Covid times.

It's Quill's cloud practice management and legal accounting software that allows us to operate in this truly flexible way.

### **As an outsourced service provider, do you advocate the outsourcing model?**

From day one, I've been both a supplier and consumer of outsourcing services. Being a complete novice regarding financial management and compliance, I instructed Quill to handle my legal cashiering and payroll with the compliance responsibilities that accompany these jobs, for instance, client account management and bank reconciliations. I simply wouldn't have known how to deal with any of this.

As a new business, it's vital to concentrate on servicing clients and instruct help elsewhere. It would be impossible to replicate Quill's services in-house because of its vast collective experience and knowledge in these heavily regulated functions.

Outsourcing is a no brainer. Why would any business owner waste their management time on tasks outside your specialist areas when they could be charging a good rate delivering legal services instead?

Outsourcing costs far less than paying for someone in-house and outsourced suppliers have far more expertise than one person doing the role. Outsource to a company that understands how law firms operate and you're at a real advantage.

### **Do you have any parting tips for entrepreneurs?**

Before going it alone, work out your relationship with the firm you're leaving so you know your starting point. Plan based on what the reality of your situation is whilst being adaptable and prepared to change as your business progresses.

Get the right technology in place for remote working capabilities but don't completely rule out having a bricks-and-mortar office as well. Serviced offices are readily available and you don't need a huge space unless you have lots of staff. Speak to cloud software providers – Quill included – about technology.

At the same time, play to your strengths and outsource to cover the skills you lack. Again, using Quill as an example, this could be legal cashiering and payroll support. In Bhayani Law's case, this would be outsourced HR support.

With solid foundations in place, there's nothing you can't achieve with resilience, dedication and hard work. Success is yours for the taking.



### **About Jay Bhayani – Solicitor & Managing Director**

Jay is a specialist employment law solicitor and leads the HR & Employment Law Team. She has over 25 years' experience in dealing with all aspects of HR and employment matters and specialises in complex and sensitive issues.

The Firm's innovative Watertight fixed-fee HR support package is a cost-effective solution that provides complete peace of mind for clients. This, together with her energy and enthusiasm is a winning approach.

In addition to her legal work, Jay is an 'Entrepreneur in Residence' at Sheffield Hallam University and a member of their management school advisory board, a past member of the Law Society's Women Lawyers Division Committee as well as a mum of two teenagers!

### **About Quill**

Quill 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 cashiering services. Get in touch for more information about Quill's practice management software and outsourced legal services by emailing [info@quill.co.uk](mailto:info@quill.co.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**

In May, to mark Mental Health Awareness Week, I was invited to do an interview on BBC Radio Merseyside about how businesses can make sure their workforce are feeling mentally, as well as physically, strong as we enter this next stage of the recovery.

On 17 May, indoor hospitality, entertainment and leisure venues opened for the first time since before Christmas. This was a big step for hospitality and for the workforce. Although social distancing measures remain in place, it means more employees are physically returning to their place of work.

Many offices, while still adhering to the work from home guidance where possible, are exploring hybrid measures to allow staff to work for a few days in the office, with regular testing in place.

This means for many individuals, May was the first time they returned to the regular rhythm of work since the Winter. There is an assumption that everyone will be excited and enthused about the transition, and many are, but that does not mean it is not both overwhelming, concerning and anxiety-inducing for some. With the focus on public health as it quite rightly has been during the pandemic, we cannot, as we start considering what the future world of work looks like, ignore the importance of making sure our workforce is as healthy as they can be, offering support as it is needed.

There is a list of support available, and guidance for offices on the Liverpool BID website  
<https://www.liverpoolbidcompany.com/available-mental-health-support-in-liverpool/>

The workplace and its period of transition was the focus of another milestone in May as Liverpool BID Company and Professional Liverpool published the Office Market Review, examining the impact of the pandemic on commercial office takeup in 2020.

Office moves across Liverpool city region were hit by the pandemic, perhaps unsurprisingly, with take-up down 50% compared with 2019 – but there are signs the private sector is strengthening post-pandemic and planning for future growth.

The stay at home and working from home orders meant that office moves were made at the end of leases but were postponed where possible, meaning many firms decided to stay put, waiting to make an office decision after the lifting of lockdowns from the pandemic.

There were 130 deals in Liverpool City Region in 2020 equating to 282,261 square feet. In the Commercial District



**Julie Johnson**

total office take-up was 142,030, down 58% compared with 2019. There were 73 transitions in the Commercial District, compared with 84 in 2019.

To mark the launch of the report, The Future of Office Space in Liverpool was an hour long online panel discussion, bringing together business and BID to reflect on the use of office space, the impact of the pandemic and the next steps. The flexibility of the working week, as opposed to a standardised model, is something we are likely to see in the next five years. National office take up has been slow but Liverpool's office return and take up has been stronger, largely because of the offer of the city centre, its mixed economy is a huge draw. LightNight and Liverpool Biennial marked the reopening of arts venues, and as the roadmap to recovery continues more vibrancy will return.

The sense of community and working together has been a notable characteristic of the past 15 months in Liverpool. This togetherness, of looking out for and taking care of each other, needs to be a feature of our future world of work as we return to offices and new-look working weeks.

**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!

## Let's talk about DBAs!

There is lots of talk about Damages Based Agreements (DBAs) especially as the right to recover legal costs in many RTA cases is removed after the end of May 2021. One option is for firms to act on the basis that they will charge a percentage of the damages recovered. Anyone who has ever followed a US legal drama will be familiar with the idea of the lawyers taking part of the winning to cover their work. These contingency style agreements were, for many years, unlawful in litigated cases on this side of the pond.

In a straightforward case it is a simple idea, and everyone knows where they stand. Let's say a claimant suffers a whiplash injury in a car accident and their claim is valued at £3100 under the tariff. Because the claim is valued at less than £5k there is no prospect of recovering legal costs. This means there is no point in running the case on a traditional CFA as there are no costs payable by the other side. Under a DBA, you charge say 25% of the award (with or without disbursements) - £775. Everyone is happy.

But it might not always be as simple as that. This was the case in **Tonstate & others v Wojakovski and others** [2021] EWHC 1122 (Ch). The solicitors were acting under a DBA which entitled to 25% plus VAT of –

*"...damages, monies, costs incurred by your previous lawyers, other sums and/or derive any benefits (excluding our hourly rate costs and Counsel's fees) in or arising out of all of the current Court proceedings..."*

It was a complex action, but one outcome was that Mr Wojakovski retained 25% of the shares he owned in Tonstate. The solicitors argued that this amounted to a benefit and therefore they were entitled to a charge over the shares as security for their fees. He was already the owner of the shares. His interest was preserved, not derived from the action, and so was excluded from the DBA as drafted. Zarcoli J. added that in any event the solicitors' claim probably failed in any event as the DBA Regulations 2013 limit the entitlement to a percentage of 'sums recovered.' So even if the agreement had been drafted differently it would still not have been enforceable.

There are many problems with DBAs which explains why there has been a limited take up since the rules were relaxed in 2013. The effect of the indemnity principle is to limit recoverable costs to the amount of the agreed percentage in many cases. So if the DBA permits a 30% deduction from a client who recovers say £6000, that would entitle the lawyers to charge £1800. If the incurred costs were in fact £5000, the lawyers would be limited to the agreed percentage as against the third party.

Another difficulty surrounds hybrid agreements. These are agreements under which the lawyers receive an agreed percentage if they win but are paid a lower sum if the case fails rather than nothing at all. It has been assumed that these are not permitted. A similar hurdle faces those lawyers who include a

termination clause. So, if a client breaches or terminates the DBA, it is cancelled and the lawyers can charge for the work done. The DBA Regulations 2013 appear to block this type of clause. Paragraph 4 limits the payment that can be charged to 'the payment' which is the amount recovered from the other side. On the face of it, no other charge at all is permissible.

These problems were addressed in the case of **Zuberi v Lexlaw** [2021] EWCA Civ 16. The Court of Appeal found in favour of the use of termination clauses. They did this on the basis that the regulations only governed parts of the agreement and that it was perfectly reasonable to have a freestanding termination clause. Any dispute in relation to the amount charged could be resolved via the lawyers' regulatory regime –

41 .... 7.5 Only qualified legal representatives, who are subject to regulation by their professional bodies and whose conduct may be subject to challenge through those bodies, will undertake civil litigation (i.e. contentious business). It is therefore considered that, at this stage, further regulation is not required. Moreover, the consequence of failing to comply with these Regulations is that the DBA will not be enforceable and, in those circumstances, the representative will receive no payment. There is a concern that this could lead to attempts to avoid payment, by suggesting that the legal representative had failed to comply with one or more of the additional regulations (as happened when CFAs were subject to greater regulation), leading to satellite litigation.

42. It is clear, then, from paragraph 7.5 that the regulation of the circumstances in which lawyers could recover their costs and expenses on termination of a DBA was not intended to be covered by the Regulations, and was to be left to their professional regulators. In addition, if there is a dispute about a solicitor's "costs", the client is entitled to have those costs assessed by the court under section 70 of the Solicitors Act 1974. There were, therefore, consumer protection measures already in place." Lewison LJ

Although Zuberi was about terminating agreement there is no logical reason why the same principle cannot be applied in the case of hybrid agreements. It is certainly arguable that the Court of Appeal have opened the door to the flexibility that such agreements would bring.

The DBA rules themselves are a mess and are well overdue a full review. A draft set of rules was prepared in 2019 by Nick Bacon QC and Professor Rachael Mulheron. We certainly hope that new rules will appear once the world settles down again. DBAs can be an effective way of securing access to justice. The Zuberi case appears to open the door a bit, but a root and branch review is really what we need.

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 Danielle Best of Weightmans LLP

Step 3 of the roadmap out of lockdown is now underway and we can finally meet indoors – a bonus with all the rain we have seen lately. Hugs have been given the green light with caution and we hope you're all staying safe whilst enjoying the extra activities we can do. Here is an update on recent regulatory news.

### **Law Society issues guidance on post-lockdown supervision of junior lawyers and trainees**

If things stay on track and we move to Step 4 of the roadmap on 21 June, allowing all workplaces to return to pre-pandemic ways of working, many firms will be looking at hybrid working models in the hope of retaining some of the best bits from the extended period of home working. In anticipation, the Law Society has issued guidance setting out good practice for firms to take into account when deciding working arrangements with a view to ensuring that junior staff and trainees are appropriately supervised and supported when working remotely.

Whilst not mandatory, the guidance contains useful information on remote working, wellbeing and working patterns amongst other things, and will assist law firms in complying with regulatory requirements regarding supervision.

### **SRA consultation on 2021-2022 business plan, budget, and fee levels**

The SRA has launched a

consultation in relation to its 2021-22 business plan and budget covering key areas of work including the Solicitors' Qualifying Examination, supporting technology, evaluating ongoing reform programmes and increased monitoring of AML arrangements.

The business plan also confirms plans to set up a new independent Quality Assurance Team to provide quality assurance over the standards and consistency of SRA enforcement decision making. The creation of this new team will hopefully help to address concerns raised in the past recent years about inconsistent decision making, disproportionate numbers of BAME practitioners being subject to disciplinary proceedings, cases being pursued against junior lawyers who have reported mental health issues as well as the excessive costs involved in some proceedings.

AML continues to be one of the biggest risks for law firms and is a key focus in the draft business plan and budget which confirm various plans to address the risks including to expand the programme of AML visits to firms and the creation of improved AML resources such as webinars. Watch this space for news on the ever-expanding AML regime.

The consultation also requests feedback on the proportion of the practising certificate fee received by the SRA and the proposed reduction to the Compensation Fund

contribution for individuals (from £50 to £40). The consultation runs until 25 June 2021 and can be accessed on the link below.

<https://www.sra.org.uk/sra/consultations/consultation-listing/business-plan-budget-2021-2022/>

### **Review and comparison websites**

In April 2021 we asked you to 'watch this space' for developments on the prospect of a single digital register for law firms and on the possible requirements for law firms to signpost clients to review and comparison websites for legal services, as suggested by the Legal Services Board (LSB) in a discussion paper on how to improve transparency of quality in the legal services market. The SRA has also been undertaking a pilot scheme using comparison and review sites for legal services involving 20 law firms.

The Law Society has recently shared its views on these issues, commenting that there is already a range of quality marks in the legal sector that exist for consumers such as quality assurance standards set by the SRA and the Legal Aid Agency as well as Law Society accreditations. The Law Society considers that the LSB's strategy should examine how to enhance the level of consumer engagement with existing quality schemes, prior to considering new measures.

Whilst the Law Society is supportive of the current SRA



**Danielle Best**

pilot scheme involving review and comparison websites, the idea being to improve the transparency of quality indicators, it has indicated that it would oppose mandatory requirements for law firms to make clients aware of review websites and to encourage them to leave reviews. The key reason is that such a scheme would benefit larger firms with more resources and could result in them monopolising the sites, potentially creating a disparity from the outset, leaving behind smaller firms and sole practitioners.

The Law Society is also against the idea of a single online register of all regulated lawyers on the basis that it will increase costs for frontline regulators and the profession and also increase consumer confusion. Its view is that it would be better to improve and promote existing professional registers held by regulators.

There are also questions around how consumer review sites would be regulated including how unjustly negative feedback would be monitored and dealt with as well as concerns that websites could become one-sided and more often used for negative feedback by unhappy clients than those who were pleased with service. The SRA pilot remains underway so look out for an update when the findings are

shared – hopefully concerns will be further considered and addressed before any policy changes are made.

## Disciplinary Decisions

### A lack of transparency

A law firm director and his solicitor wife have been struck off and fined after the SDT found that they had accepted loan notes from investors for general business development, but instead used them to satisfy the firm's liabilities including staff wages and tax liabilities. The loan notes were received from 34 individuals with a collective value of more than £1million. The SDT found that the loan notes were not intended to be used to pay the firm's liabilities and that the director was aware that he should have advised his clients to take independent legal advice and the failure to do so was a deliberate and conscious decision to avoid the investors undertaking due diligence.

The investors never received any money back including one investor who lost his life savings. The firm was placed into liquidation in 2016 owing more than £3million. The SDT found that the director and his wife had been dishonest, struck them both off and imposed a fine of £84,000. Both were also banned by the Insolvency Service for 13 years from acting as directors after allowing the firm to use 'misleading marketing and financial material to attract investment'.

### Misleading the High Court

A solicitor has been struck off after being found to have deliberately misled the High Court in 2014. It was found that the partner of an international law firm had allowed leading counsel to make misleading submissions to the High Court and he had also misled the solicitors

acting for the other side. The solicitor had become aware of discrepancies in the dates of telephone calls which meant that a party could not have been discussing the aftermath of a grenade attack because the calls pre-dated the attack. The solicitor failed to inform the court, stating to his team that "we can get away with the date error", and proceeded to sign an affidavit in order to secure a freezing order. He later used the order for submissions to Interpol and other law enforcement agencies in extradition proceedings. The freezing order was overturned when the issue came to light in 2015 and the law firm was ordered to pay £800,000 in costs. Six years later, the solicitor finally appeared before the SDT, pleading "ignorance" and that he was "brutally overworked" in his defence. This was not accepted by the SDT and, due to the level of dishonesty, it was found that there was no alternative but to strike him off. He was also ordered to pay costs in the sum of £42,525.

### Misleading multiple clients

The SDT has struck off a solicitor who dishonestly informed hundreds of litigation funders that there was no risk of losing their money when investing a collective £19 million to bring claims for miscalculated mortgage payments. The solicitor never issued any claims or sent out part 36 offers. It was found that letters before action were not in compliance with the relevant pre-action protocol and as such the claims set out therein were even more likely to be rejected. No recoveries had been made in the two-and-a-half years before the firm was shut down by the SRA and some of the funds had been used to pay the firm's expenses. A brochure had set out assertions to investors which the SDT

decided were misleading and it found that the solicitor's actions were dishonest and lacked integrity. Further, the claims were not progressed adequately and there was a systematic failure when managing the thousands of files that the £19 million was to supposed fund. Accounts rules were breached and correspondence with investors was at times inappropriate.

The SDT determined the action taken by the solicitor was for selfish financial gain, resulting in him being struck off and also fined in the sum of £104,000.

### Ignoring suspicious claims

A solicitor has been fined £35,000 after failing to undertake adequate identity checks on customers which would have highlighted that personal injury claims being brought were potentially fraudulent. Whilst the

solicitor's argument that the pattern that suggested fraudulent claims could only be seen in hindsight was rejected by the SDT, it was decided that a suspension or being struck off would not have been proportionate because, although the solicitor had acted recklessly and with a lack of integrity, it was not severe enough to warrant action for protection of the public. Conditions were imposed on the solicitor's practising certificate to prevent him from practising on his own or as a partner.

**Danielle Best**  
Principal Associate  
Weightmans LLP

## Managing alcohol & substance misuse by employees with Emma Tegerdine

Wednesday 16th June, 10am - 12pm

This course will tackle substance misuse by employees, including whether it should be dealt with as a health or disciplinary issue, and when it is lawful to carry out drug and alcohol testing.

### What this course will cover:

- How to spot alcohol and drug misuse by employees who are coming in to the workplace, or working from home
- Whether substance misuse is a health issue, or a disciplinary issue
- Is alcohol or drug addiction a disability?
- The lawfulness of alcohol and drug testing
- Tips on developing an effective substance misuse policy
- Practical guidance on how to manage suspected alcohol or drug misuse

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

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



# News from Merseyside Junior Lawyers Division

This month MJLD have been busy planning our next big event, which will be Pizza and Pride! With Liverpool Pride just around the corner, what better reason to get our members back together for our first face to face event of the year. We anticipate this will be in an outdoor venue and we look forward finally welcoming you back. Watch this space for more information about this event and how to sign up.

The MJLD Marshalling Scheme is also well under way following the huge COVID set back. Student Emily Thorbjornsen who participated in the Marshalling Scheme at the Crown Court, says "I am very grateful to the court for allowing me this opportunity, particularly HHJ Woodhall who organised my time with the court, as well as the judges for being allowing me to shadow them and share their experiences with me. Further, I am thankful to the Merseyside Junior Lawyer Division for setting up this scheme and organising it for me. The advice and words of wisdom I received from the judges will stay with me throughout my career. This experience has made me more determined than ever to pursue a career at the Criminal Bar on the Northern Circuit."

Lucy Parr, our Careers & Education representative, says that "The Marshalling Schemes provide students with an invaluable experience and we are continuing to receive amazing feedback from the students involved."

At MJLD we have listened to your concerns this year about how Junior Lawyers are now more than ever feeling their fire burn out. We are now working with Liverpool Law Society and Donna Smith (Odonnata) titled 'Burn Bright Not Out in your Legal Career'. Amanda Sime, our Press & Publicity representative, recently attending a taster session and tells us "I found the whole training session incredibly beneficial and can't recommend it enough. Everyone in the legal profession should take part in this training. It was powerful, thought provoking and really brought to my attention the daily tasks I am completing that will lead to burn out if not rectified."

We are also working towards a second session with the LLS where we will ask both Employers and Trainee/NQ Solicitors about the impact the pandemic has had on the employability of lawyers who have trained remotely. For this we really want to hear from you. Over the coming weeks, we will circulate a survey asking for your opinion on these matters and we want your brutal honesty to make a difference for those coming next. We can assure that all information disclosed will be anonymous and we want you to tell us about your positive and negative experiences surrounding remote training.

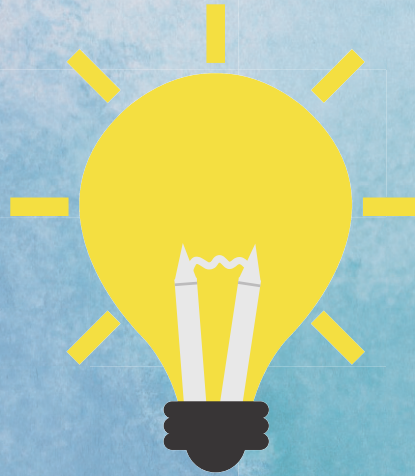
Working with Liverpool Law Society is important to us as it means that employers will hear your voices too and, in turn, can help make a difference towards your development and growth within the legal sector.



**Amanda Sime**



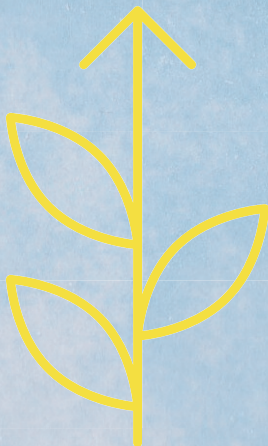




Merseyside Junior Lawyers Division & Liverpool Law Society

# THE BURN BRIGHT MASTERCLASS

How to burn bright (not out!) in your legal career



**Presented by Donna  
Smith of Odonnata!**

**Award winning  
Coach & Professional  
Development  
Consultant**

**Tuesday  
22nd June  
12:30pm**



# Ken Mullen of CEL Solicitors takes on ultra marathon to inspire others to run

After a year of cancelled sporting events, one man set himself the challenge of running 50 miles around Liverpool in hopes to inspire others to get moving.

Ken Mullen, who is a proclaim developer at law firm CEL Solicitors, had signed up to take part in the Manchester to Liverpool Ultra, a unique 50-mile race following the Trans-Pennine Trail, the Manchester Ship Canal and the River Mersey, in support of a friend and fellow running coach.

However, when the event was on track to be cancelled due to the Covid-19 pandemic, he decided to take matters into his own hands. With the support of his running club, the Docksiders Runners, Ken created a route of five 10-mile legs spanning the Liverpool City Region.

Ken said: "I decided that I didn't want to waste the training or the sacrifices I made in preparation for the race, so needed a plan B just in case the Manchester-Liverpool Ultra was cancelled. It was from there the Liverpool to Liverpool Ultra was born."

Three weeks later, the Manchester-Liverpool Ultra was announced as going ahead, but Ken decided to go ahead with his local race plans anyway.

The series of runs each started at the Pier Head, where supporters gathered to cheer Ken on, and where some of his friends and fellow runners joined in to take part.

Ken said: "Running is so



**Ken Mullen and his supporters**

important for both your physical and mental health. It certainly saved me, and I want to inspire other people to challenge themselves and change their lives.

"Even in my day-to-day, I have already inspired people in the office to take up the Couch to 5K based on my journey and I've helped coach several members of staff.

"I see it as my way of saying thank you to a city that has given me so much!"

Ken completed the race in 14 hours, and received a handmade medal for his efforts, but he is not finished yet. He added: "Quite a few people in my running club, myself included, have signed up for the London Virtual Marathon, and I have also volunteered to help coach and run some of the long runs with them in preparation.

"I'll also be taking part in the Liverpool Rock n Roll event which has always been one of my favourites, and next year is my 10th year running, so I'm sure more adventures are on the horizon!"

To follow Ken's story, or for more information on his running journey, visit: <https://celsolicitors.co.uk/cels-marathon-man-eyes-liverpool-based-ultra-marathon/>

**Send your Charity & CSR stories to  
[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)**



## MSB Solicitors introduces their new Social Committee

For the last year, colleagues, friends and families have been forced to spend their time apart, missing out on milestones, birthdays, and even the small things. At MSB, whilst the teams have remained connected through virtual meetings and phone calls, socialising with one another in person has been sorely missed.

As we ease out of Covid restrictions, MSB Solicitors have banded together to create an all new Social Committee.

The aim of the new Committee is to focus on making up for lost time, to bring back a sense of community and camaraderie amongst all of MSB staff. MSB feel this is particularly important for new staff who have joined with us during the last year, so they can fully flourish within their new roles.

In addition to this, it is a great opportunity for MSB to give back to Liverpool's fantastic hospitality sector that has suffered so greatly during the course of the last 12 months.

The Committee began when a small group of staff in the firm's Widnes office started to arrange Zoom events for their team such as quizzes and games nights so the team could still blow off steam with one another despite the challenging times.

As lockdown began to ease plans began to form for greater events, and it was agreed that a Committee like this could benefit the whole firm.

Over the next few months, the Social Committee will look to organise a few events for their staff to finally spend some much-needed quality time outside of work.



**MSB Social Committee**

But it is not just about socialising. The Committee also want to run charity events on behalf of the firm and intends for each and every event to have a charitable theme, raising money for different charities across the City, with a special place for MSB's nominated charity of the year, the Anthony Walker Foundation.

Keep an eye on MSB's Social Media accounts to keep up to date with the upcoming events.

For any further information please contact Beth McKeown, Trainee Solicitor  
bethmckeown@msbsolicitors.co.uk

## Emma takes to the pitch with The 23 Foundation

On the 25th May Carpenters Group's Business Delivery Lead, Emma Teare, took part in Anfield Play on The Pitch and got to play football alongside Jamie Carragher!

The 23 Foundation offered a place to Carpenters Group to thank them for their support during Covid.

Carpenters Group would like to say a huge thank you to Les Wright from The 23 Foundation and to Jamie Carragher for arranging this amazing opportunity."



**Emma Teare and Jamie Carragher**





# Recharge in nature

## Top 10 tips for reconnecting with nature

**LawCare**  
Supporting the Legal Community

Get up early to watch the sunrise – a few minutes peace at the start of the day can set you on the right track.

1



Leave your curtains open a bit a night so you wake to daylight – this helps with setting a healthy sleep rhythm.

2



Have your morning coffee outside, see how many birds you can spot – this acts as a form of mindfulness, allowing you to be quiet and still for a moment.

3

Reclaim your lunchbreak and get outside whatever the weather – leave your phone at home. A break outside away from your desk gives you perspective and improve your productivity.

4



If you live near the sea, a lake or a lido try cold water swimming which is proven to help diminish the fight or flight response – but do research it first!

6



Walk or run without headphones, listen to the sounds around you – a lack of distraction helps to ground you in the present moment.

5



Go out at night and look at the stars – it's a great way to calm a busy mind and connect with the world.

7



Try forest bathing – walk slowly through a wood and forest and just 'be', taking in the atmosphere with all your senses.

8



10

Take every opportunity to watch and be around animals – no matter how small.



9

Grow your own vegetables, plants or flowers in a garden, balcony or just a pot on a windowsill. Gardening is proven to benefit your mental health.



**For emotional support call  
0800 279 6888**

Access online chat, email support, factsheets and other resources at [www.lawcare.org.uk](http://www.lawcare.org.uk)



facebook.com/LawCare



@LawCareLtd



linkedin.com/company/lawcare

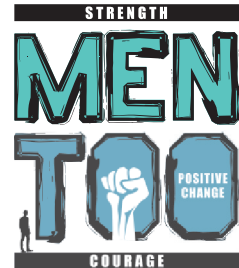


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# Charity Spotlight

# MEN TOO



MEN TOO is a relatively new charity; established 2018 in response to local need for support for men with a wide range of complex life issues and needs including mental health and suicide ideation.

The aim of MEN TOO is for men to come together in a safe and confidential space to heal and recover from a variety of difficult life events and circumstances; including child/bereavement, relationship break ups, redundancy and loss of jobs all of which impacted upon their mental health and well-being.

MEN TOO in collaboration with its partner charity WEB Merseyside (established 1995) who was instrumental in supporting and setting this charity up for men, provides a wide range of 1-1 and group support, including a range of holistic therapies aromatherapy, relaxation, reflexology, mindfulness, meditation and a range of therapeutic arts, crafts and sandplay activities, including anger management, therapeutic counselling, and personal development training. Every six weeks MEN TOO also arrange a social outing this can be anything from a walk to a place of interest; or an activity like visiting art galleries, museums going bowling, fishing, or learning a new skill like pottery. This gives the men the opportunity to have fun, increase their confidence and skills, and build up their support network and friendship groups.

All of the services that MEN TOO have developed have been as a result of 'user led' consultation, men accessing our services have developed the aims, services, mission statement and ethos of the

organisation. They chose the charity's name and requested and named their weekly support groups for men; 'Maintenance for the Mind' sessions. Men simply are at the forefront of every decision that is made by the organization, they are the ones who we believe can be the solution to the change that is needed.

Historically, men have found it very difficult to speak openly about anything that is personal to them and have a history of inward thinking and keeping problems to themselves. Unfortunately, this thinking has impacted upon their mental health to such a level and has led many men to attempt suicide or take their own lives. MEN TOO charity is working with men and the community to change this narrative.

The latest suicide figures from Public Health Wirral show that Wirral's strategy of Suicide Reduction and Prevention awareness training is working as the numbers thankfully show a decrease from 32 deaths in 2019 to 20 deaths in 2020. All deaths were males aged between 22-89 however we are aware that this is still 20 deaths too many. The impact upon individuals, families, services and the community are far reaching; for each death by suicide at least 10 people are significantly impacted equating to 2120 in 2019 and approximately 225,000 in the last 10yrs. Gender is an important factor in suicide, with national and international data indicating that men are significantly more likely than women to take their own life and this has also been the case locally since recording began. Nationally, suicide cases were 75% males and 25% female in 2018 and, in previous years, Wirral has shown a very similar trend 77% & 23% respectively.

Men who have participated in past sessions who want to; are able to volunteer in a peer mentoring role, supporting other men through their difficult times. MEN TOO has recently developed a volunteer induction and training package that supports this progression. We also have volunteer counsellors, training facilitators and fundraisers.

If you wish to support us and make a difference in our communities, you can do this by supporting our charity via donating, or organising fundraising events like sponsored walks, or family fun day events; equally if you would like to volunteer your time or services or if you require any further information about our services: Please contact: **BERNADETTE KING** via [info@mentoomerseyside.org](mailto:info@mentoomerseyside.org) or via 07704353096



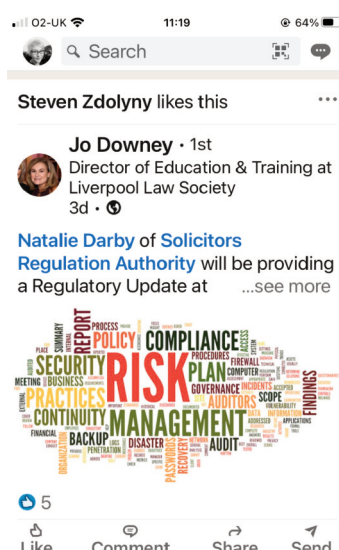
funded  
through





# May 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



**\*\* Training events open to legal professionals nationwide \*\***

Attend from anywhere via Zoom software.

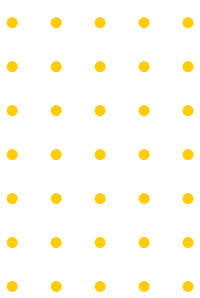
**Can't make the date/time or need to revisit the training? No problem!**

**Booking onto any of our training seminars & conferences means you will receive a link to access a recording of the event to watch at your leisure!**

Some of our forthcoming events are below – for full details, visit: [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)

Date	Title	Speaker
15-Jun	Running out of money to fund care	Caroline Bielanska
16-Jun	Managing alcohol and substance misuse by employees	Emma Tegerdine
16-Jun	Social media misuse by employees: the risks & how to manage them	Emma Tegerdine
17-Jun	Building Regulations & Planning Permission for Conveyancers	Richard Snape
21-Jun	A Leasehold Dwellings Update	Richard Snape
22-Jun	Working with the SRA Accounts Rules 2019	Linda Lambert
24-Jun	The CPIA and Disclosure – Recent Developments	Clive Smith
29-Jun	Service Nightmares & How to Avoid Procedural Death-Update on Service Rules & Court/Trial Fee Traps	Jeff Zindani
30-Jun	Employment Law: Summer 2021 Update	various
02-Jul	How to deal with and prevent an SRA Investigation	Robert Bletch
08-Jul	New Divorce Law, Online Divorce & Financial Orders Certificate	Safda Mahmood
14-Jul	Overage Restrictive Covenants & Conditional Contracts	Richard Snape





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