

June 2022

# Liverpool Law

Liverpool  Law Society

THE MAGAZINE FOR THE LEGAL SECTOR IN  
MERSEYSIDE AND THE NORTH WEST



## The Group Distance Challenge

**Maxwell Hodge smash their  
target for Ukraine - p.30**

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# June 2022

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## DEADLINES

- 27th July
- 25th August
- 26th September
- 27th October
- 28th November



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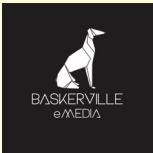
Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

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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#### Editorial Committee Dates 2022

Meetings start at 11.00 am

**21/06/2022**

# Welcome to the June 2022 edition of Liverpool Law

## Welcome to the June edition of Liverpool Law



Our editorial meeting this month was in person and it was lovely to see everyone at Helix and to meet our new publishers face to face. I have to admit I was very nervous, I had only been at the Weightmans office once since March 2020 due to furlough, pregnancy and now maternity leave!

After a good chat with Ann before the meeting she soon put me at ease and reassured me that I wasn't alone (thanks Ann!).

We had a lengthy meeting and discussed in depth how we can engage with our readers more and encourage your wonderful contributions. Our new publishers Baskerville e-media have a plan to increase social media activity across all platforms, so please keep an eye out for them and tell us your thoughts.

Simon is also sending out emails to our members to introduce himself to the best contacts at each member firm/chambers to provide content, if you don't receive your email please feel free to contact us at the editor email address and I will ensure all contributions are considered at the editorial meetings.

If you have any other suggestions on how we can engage more please do let me know.

**Many thanks**  
Jennifer Powell, Editor  
**Weightmans**  
[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

# From the President

## The latest from the President, Steven Zdolny

### Premises Update

Following our recent member consultation on premises, the Society's General Committee unanimously decided to serve notice to terminate our lease of our Helix premises. The Society has now served notice upon our landlord, and the date to vacate the premises is 20 March 2023. The Society will now commence planning and further updates shall be provided in due course.

### Events Round-Up

It's been another busy month of meetings, including General Committee, Finance & Policy and Regulatory Committee. I also attended the excellent Compliance Conference and Town Hall organised by The Law Society for local law societies.

A key focus of the latter, was the campaign in respect of criminal legal aid. Following 25 years of cuts and inflation, without any significant rise in investment, criminal legal aid is on the brink of collapse. The Government must rapidly implement in full the recommendations of the Independent Review of Criminal Legal Aid. I have written to my local MP to highlight the crisis facing our criminal justice system and to urge the MP to raise this important issue in Parliament. I would encourage members to also support this campaign and more details can be found in the Society's newsletter and on The Law Society's website, including a template letter to be sent to your local MP.

I also had the honour of representing the Society at the Leeds Law Society Annual Dinner, the Chartered Institute for Securities & Investment Annual Dinner and the Liverpool ECHO Regional Business Awards. In addition, Julie O'Hare had the pleasure of attending the Merseyside Institute of Taxation Annual Dinner and listening to the very entertaining Brian Blessed, guest speaker. All these varied events were very enjoyable and afforded an excellent opportunity to promote the Society and our members' work.

I'm delighted to welcome Professor Franco Rizzuto and his colleagues at Liverpool Hope University as members of the Society and Gaynor Williams had the honour of attending the launch of the new School of Law and delivery of Professor Franco's Inaugural Professorial Lecture. Still on the university theme, Julie O'Hare had the pleasure of attending the University of Liverpool, School of Law & Social Justice official new building opening, which looks amazing.



### Feedback Welcome

As always, we welcome feedback on how we can help and support you, our members, so please do let us have your ideas, comments, and suggestions, so that we can ensure we cater to your needs.

Until next time, stay safe and happy reading!

**Steven Zdolny**

President

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

# LLS Meetings & events – June & July 2022

These meetings and events will be held virtually unless notified otherwise (F2F):

Start Time	Meeting/Event
14/06/2022 12:30	General Committee (F2F)
14/06/2022 14:15	Delegation from the Bar Association of Ludhiana, India (F2F)
15/06/2022 13:00	Access to Justice Sub-Committee
15/06/2022 17:30	Newly Qualified, Pupil Barrister & Filex Celebration (F2F)
21/06/2022 11:00	Editorial Sub-Committee
22/06/2022 13:00	EDI Sub-Committee
23/06/2022 13:00	Past Presidents' Lunch
28/06/2022 12:30	Finance & Policy Sub-Committee
29/06/2022 19:30	Committee Dinner to Immediate Past President
07/07/2022 13:00	LLS Directors' Meeting with Councillors
12/07/2022 12:30	General Committee

## Consultation Papers

Papers referred to committees:

The following sub-committees of Liverpool Law Society are 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)

Committee	Consultation Paper title	Closing date
Access to Justice	<a href="#">Legal Aid Means Test Review</a>	07/06/2022
Criminal Practice	<a href="#">Response to Independent Review of Criminal Legal Aid</a>	07/06/2022
Employment Law	<a href="#">Low Pay Commission consultation 2022</a>	20/06/2022
Criminal Practice	<a href="#">Perverting the course of justice and witness intimidation</a>	22/06/2022
Civil Litigation	<a href="#">Solvency II Review: Consultation</a>	27/07/2022
Non-Contentious Business	<a href="#">Changes to the MCA Code of Practice and implementation of the LPS</a>	07/07/2022

# Society organises record-breaking career in the law event for Year 12 students



Sarah Poblete

A record-breaking 214 students and their teachers from 26 schools across the region booked to attend Liverpool Law Society's 'Pathways to the Legal Profession' event held virtually on 27 April 2022. The Society's President Steven Zdolny chaired the event which outlined the various ways students can enter the law as a profession - from the traditional university route, the CILEx route and the modern apprenticeship route.

Kindly sponsored by Weightmans and with speakers from Liverpool CILEx branch, Liverpool John Moores University, the University of Law, the University of Liverpool, a solicitor apprentice from DWF and Isabella Denn-White, Pupil Barrister, 7 Harrington Street

Chambers, the young people heard about all the various ways of entering the legal profession in both a practical and an academic sense.

One of the organisations supporting the event, the University of Law, said "*The University of Law were delighted to be involved with this event for Year 12 students which has been such a success over the years and in informing student about the new routes to qualification.*"

The feedback received from the students and teachers was positive. A few of the comments received appear below:

**Connor Moss**, a teacher from Birkenhead Sixth Form School said "*It was good for the students to be able to understand the different pathways to be able to*

*practice in the legal profession and the many new ways to train as a solicitor. The students were particularly interested in the apprenticeship route and the chance to earn as they qualify.*"

*"What I found interesting was the vast amount of pathways you are able to take. It broadened my views on different routes I may want to further explore"* said Tom Richards, a student from Neston High School.


Another student said "(I

*Learnt more about the different ways into the Law Industry, whether a law degree is required to become a lawyer"*


I would like to thank all the speakers, sponsor and institutions for their time and effort in making this event possible and we look forward to holding the event once again in 2023.

**Sarah Poblete**  
Education & Charities  
Committee member  
Liverpool Law Society

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# Inaugural Lecture at the School of Law



Joint Honorary Secretary of Liverpool Law Society, Gaynor Williams with Professor Franco Rizzuto, Dean and Head of the School of Law at Liverpool Hope University, and His Honour Judge Graham Wood QC, Designated Civil Judge for Cheshire and Merseyside.

**On 19 May 2022 Gaynor Williams, Liverpool Law Society’s Joint Honorary Secretary, was invited to Liverpool Hope University for the inaugural lecture from Professor Franco Rizzuto, and the launch of the School of Law.**

The Vice Chancellor, Professor Gerald Pillay, welcomed guests to the Senate Room, also Trinity Chapel, a large meeting

room with its original stained-glass windows.

Professor Rizzuto, Dean and Head of the School of Law, presented his inaugural lecture, The political limits to constitutional compliance in the European Union - The case of Poland. It was a very thought provoking and topical lecture, and the audience thoroughly enjoyed it.

Deputy Vice Chancellor Dr Penny Haughan concluded the launch of the School of Law, outlining the exciting plans for the future, and the commitment to achieving their goals.

The lecture and School of Law launch was followed by a delicious three course dinner provided by the talented chefs at the University’s Fresh Hope restaurant.



# Hill Dickinson announces first legal director promotions of 2022

Commercial law firm Hill Dickinson has begun its new financial year by announcing the promotion of 11 of its senior associates to legal director.

The promotions are effective from 1 May 2022 and centre on the firm's three largest UK offices, in Liverpool, London and Manchester.

Spanning all three of Hill Dickinson's key business groups - Business Services, Marine and Health - the 11 new legal directors cover a range of practice areas, including corporate, real estate, employment, private client health advisory, health litigation and shipping.

Three of the promotions are in the Liverpool office, six in London and two in Manchester.

Congratulating them on their new roles in the firm, Hill Dickinson chief executive **Peter Jackson** said: "It gives me great pleasure to support our people in building their careers with Hill Dickinson and see their efforts rewarded by promotion through the ranks.

"These 11 individuals have worked tremendously hard to make their mark within their respective practice area teams and have very bright futures ahead of them. In promoting them to legal director we acknowledge their contribution to the success of our firm and share their pride in becoming senior lawyers at Hill Dickinson. I am delighted to congratulate them all."

Hill Dickinson has publicly stated its intentions to improve gender balance among its senior lawyers, with a declared aim, set in 2019, to double the number of women in senior roles by 2024. A key part of that strategy has been to nurture and grow the firm's female lawyer headcount from recruitment onward. Four years on, the number of female lawyers coming through is steadily outpacing men. In this round of legal director promotions, seven of the eleven are women.



Liverpool Promotions, pictured left to right: Joe Orme, Katie Austin, Rebecca Layton

Explaining further, Peter Jackson said: "Our growth strategy and aims in respect of gender balance are deliberately steady. The culture we have created for our people at Hill Dickinson is one of the key reasons people join us but more than that, it's why they stay. This promotions round, as for the past few years, has seen greater numbers of female lawyers coming through, which means we're steadily improving our balance at senior levels while preserving the culture we've worked so hard to maintain."

The full list of promotions is:

Name	Practice team	Location
<b>Business Services Group</b>		
Rebecca Layton	Corporate	Liverpool
Emma McIntosh	Real Estate	London
Louise McMahon	Real Estate	London
Joe Orme	Employment	Liverpool
Rajveer Sehmi	Corporate	London
Will Steed	Employment	London
Alison Batchelor	Real Estate	Manchester
Katie Austin	Private Client	Liverpool
<b>Marine Business Group</b>		
Trudie Protopapas	MBG Shipping	London
<b>Health Business Group</b>		
Rohana Abeywardana	Health Litigation	London
Si�n Davies	Health Advisory	Manchester

# DLA Piper announces promotions across the North West



Christina Sharma



Emma Mills



Richard Ascroft

29 April 2022 - DLA Piper is pleased to announce that North West based lawyers Christina Sharma, Emma Mills and Richard Ascroft have been promoted to partner as part of the firm's annual promotion round, effective 1 May 2022.

Christina advises on complex commercial litigation and dispute resolution across a range of sectors, and is the lead partner for the North West Media, Sport & Entertainment sector. Emma advises clients on contentious and non-contentious employment issues across a range of sectors including technology, financial services, retail and manufacturing. Emma also leads the North West mentoring programme. Richard is highly experienced in all types of real estate law and is the lead partner for the North West Real Estate sector.

The firm has also announced a number of non-partner promotions across its North West offices, appointing six lawyers to legal director and five lawyers to senior associate. These promotions are also effective as of 1 May 2022. The newly promoted lawyers are:

**Legal Directors:**

- Alastair Carruthers - Finance
- Andrew Walker - Real Estate
- Clare Rushton - Construction, Engineering and Infrastructure Dispute Resolution

- Jenna Clarke - Employment
- Jonathan Paines - Corporate
- Richard Buxton - Safety, Health and Environment

**Senior Associates:**

- Eleanor Mountain - Finance
- Grace Imafidon - Restructuring
- Lucy Porter-Grocott - Finance
- Nicola Wilding - Real Estate
- Sam Jones - Corporate

Since the start of the DLA Piper financial year, on 1 May 2022, the North West office has boosted a number of its practice groups by recruiting one new partner - Sophie Stewart to our Planning team; two senior associates; 12 associates, 14 trainee solicitors and five solicitor apprentices.

The North West office is particularly proud to have launched the firm's UK solicitor apprenticeship scheme, which is 6 years in length and provides the opportunity to become a qualified solicitor with a degree level 7 qualification. In parallel with working at the firm, Apprentices also study towards an LLB (Hons) in Legal Practice and Skills, and also work towards the Solicitors Regulatory Authority's (SRA) centralised assessment, the Solicitors Qualifying Examination (SQE).

Mark Beardwood, DLA Piper's North

West Office Managing Partner, said:

*"I am delighted the hard work of so many individuals has been recognised and rewarded this year. Nurturing our people and helping them to realise their potential is a key part of our global strategy and allows us to deliver the highest quality service to our clients. We are also extremely pleased to welcome 34 new starters to the office, which gives a real boost to our already strong pool of talent in the North West."*

Globally DLA Piper has promoted 74 lawyers to its partnership, across many of the firm's practice areas, in 38 different offices throughout 21 countries. Of the 74 promotions, 36 were women (49%) clearly demonstrating the firm's commitment to increasing representation across the partnership.

# A specialist Liverpool solicitor warns half of wills are out of date

Where there's a will, there's a way!



John Paul Dennis

**New research reveals almost half (46%) of people with a will haven't updated it for more than five years. Experts recommend a will is reviewed and updated every five years, or when a major change in your life takes place.**

The YouGov research commissioned by SFE (Solicitors for the Elderly) shows that over a third of people (33%) haven't updated their will for more than 7 years, and over a fifth (24%) haven't dusted it off in more than a decade.

**John-Paul Dennis**, a solicitor at Astraea Linskills legal practice on Castle Street in Liverpool, is accredited by SFE having undertaken additional training to specialise in supporting people, including older and vulnerable people, with wills, powers of attorney, trusts, tax planning and care home fees planning.

He warns that an outdated will could cause severe implications for loved



ones – including missed inheritances and higher inheritance tax fees:

*“Having an up-to-date and well drafted will is crucial to ensure your wishes are carried out in the way you'd like when you die. I recommend a will is reviewed and updated every five years, or when a major change in your life occurs that impacts you or your loved ones, such as divorce, marriage, a new birth or even death in the family.*

*“Many people assume that once you have drafted a will you don't need to review it, and that your wishes will be carried out as you wish them to be posthumously – but unfortunately, that's not true.*

*“If you remarry, for example, your will gets revoked. Or if you marry into a family and have stepchildren that you'd like to inherit your assets, this won't happen automatically unless you stipulate it in a new will. All these details are crucial to*

*avoid family disputes – which we know can be very distressing for loved ones.”*

The research highlighted that almost a third (30%) of people with a will have had significant changes to their lives and circumstances since they drafted it. It also revealed many people believe common myths about wills:

- Only 16% of brits realise that remarrying invalidates a will.
- Less than a third (31%) of people realise stepchildren won't be included in your will unless you stipulate that separately.
- 17% of people wrongly think you can update your will by making changes on the original document and initialling them.

Some 53% of people in the East of England don't have a will in place at all.

**Lakshmi Turner** is CEO of SFE, she says: *“Wills are a powerful legal document and too often people don't have one in place, don't keep it up to date, or don't realise that it's badly drafted. All these things can have a terrible impact on families. It's really important to find a solicitor who specialises in this area of the law – always look for the SFE stamp.”*

To find out more visit: <https://www.a-l.law/>

# Data protection claims: What does the future hold for landlords

## Data protection claims are on the increase.



**A data protection claim can be brought by an individual, against a third party, who has failed to comply with the Data Protection Act 2018 (or 1998) and the General Data Protection Regulation 2018 (GDPR). As a result, the individual has suffered a loss. Loss can be material, such as money, or a non-material, such as emotional distress.**

Claims can also be made if the data held or being processed is inaccurate, as the data subject can ask for this to be erased or amended.

In today's world data is valuable! Data can provide insight and knowledge, which companies may use to their advantage when marketing products. There are also those who want data for other nefarious purposes, and they may obtain that data by hacking a company's computer system.

However, hackers are not the biggest risk to those who handle personal data, it is usually simple administrative errors that can have large repercussions for data controllers. The argument for claimants in data breach claims is that there is a real risk that the breach led to data falling into the wrong hands, meaning possible identity theft and/or financial losses, which can have devastating long term effects.

Landlords and their Agents hold a great deal of personal data. This has led to a rise in expensive claims when mistakes are made. Many landlords will seek to try

resolve the matter quickly by making an early offer of compensation so not to risk increased costs as the case progresses, even with early settlement the costs can be eye-watering for something so simple.

There is hope though in the recent decisions of *Rolfe & Ors v Veale Wasbrough Vizards LLP [2021] EWHC 2809 (QB) (Rolfe)* and *Johnson v Eastlight Community Homes*.

In the case of *Rolfe v Veale*, the Claimants, the Rolfes, owed money to their daughter's school. The school instructed the Defendant firm of solicitors, Veales, to chase this payment. Due to a human error the letter and supporting documents chasing the payment was sent to the wrong email address.

The third party who received the email responded quickly stating they did not think the email was intended for them. The Defendant replied asking them to delete the message, following which the third party confirmed that the original message had been deleted. No phone numbers, bank details or details of the state of the Claimants finances were included in the letter. The Claimants made a claim under s.82 of the UK GDPR and s.169 and the Data Protection Act 2018 and claimed to have lost sleep with worry over the data breach. The Defendant applied for a summary judgment stating there were no real prospects of success and that the damage was too trivial. The Defendant was not denying that there was a breach, just that the information contained within the email was not substantial enough to cause real distress to the Claimants.

The High Court agreed with the Defendants, with Master McCloud stating that given the nature of the data shared and the quick remedy of the Defendant "no person of ordinary fortitude would

*reasonably suffer the distress claimed arising in these circumstances in the 21st Century.*" Summary judgment was awarded to the Defendant and the Defendant was awarded their costs.

In similar circumstances, which are perhaps more relevant to landlords, the claim in *Johnson v Eastlight Community Homes* arose when a rent statement of the Claimant (amongst others) was sent to a third party by the Defendant in error. The Third party notified the Defendant and within 2-3 hours the original email had been deleted from the third parties system. An apology and explanation was sent to the Claimant. When the claim was made in the High Court the Defendant argued that the Claimant's rent statement was at pages 880-882 of a bundle that was 6,491 pages in total, therefore it was highly unlikely that the third party saw the Claimants details. The Judge stated "I agree with the defendant's submission that the claimant's distress seems more in the realms of the unknown or the hypothetical than in reality..." this case was moved to the County Court rather than the Claimant's claim being struck out, however the move does seem to indicate that the costs could be small claims.

These recent decisions by the Court are a welcome dose of clarity and common sense when dealing with data breach claims and mean that Defendants should not rush to settle claims where the breach is minor in nature.

It is still important for social housing providers, private landlords, and agents to be aware of the risk Data Protection Claims present, mistakes do happen, but that if there is a breaches swift action is taken to rectify it and minimise any impact.

**Rachel Payne,**  
Solicitor, MSB  
[rachaelpayne@msbsolicitors.co.uk](mailto:rachaelpayne@msbsolicitors.co.uk)

# News from the EDI committee

## Update from EDI Chair, Nina Sahu Legal Director at Hill Dickinson LLP



Nina Sahu

I recently attended a local Law Society forum on diversity, equality and inclusion. Representatives from local law societies around the country attended and we were given an update from Sally Brett, Head of D&I Team at the Law Society as to their priorities for this year and next.

Some of the key points were:

1. The planned launch of a **D&I Framework** for member law firms – a core framework will hopefully be published on their website in Autumn of this year to help firms identify the key steps they need to take to embed change. To assist with this there will be focus groups as follows:
  - For medium or small firms (fewer than 50 partners):
    - Monday, 6th June – 2pm to 3.30pm
    - Thursday, 9th June – 2pm to 3.30pm
  - For large firms (50 or more partners):
    - Monday, 13th June – 2pm to 3.30pm
 People can sign up by completing the following [MS Form](#), or by emailing: [Elinor.Westgate-Louttit@lawsociety.org.uk](mailto:Elinor.Westgate-Louttit@lawsociety.org.uk).
2. **Social Mobility** – The Law Society evaluated their Diversity Access Scheme and received very positive feedback from both their corporate sponsors and the awardees and alumni. The Law Society also

continue to work with their Social Mobility Ambassadors, in particular their ‘askanambassador’ email address remains popular.

On the same theme of Social Mobility, the Law Society are participating in the City of London Corporation’s Socio-Economic Diversity Taskforce which aims to increase socio-economic diversity at senior levels in financial and professional services. Local law societies were asked to host roundtables to feedback into the consultation and I’m pleased to say that Liverpool Law Society did just that in conjunction with Manchester Law Society.

The roundtable was held in Manchester on 29.04.22, chaired by I. Stephanie Boyce, President of the Law Society and facilitated by me and Lucy Wildig (EDI committee of Manchester Law Society). The discussion looked at what progress the legal sector had made to improve inclusion; initiatives that have been successful and what barriers remained. We also talked about data collection and publication; whether there was a role for targets and finally what Government, regulators or other sector bodies could do to help firms boost social mobility in the workforce.

The discussion was really interesting – it’s clear that there is large appetite to improve social mobility and further support is needed such as creating a ‘hub’ to pool ideas/resources. To find out more about the Taskforce you can visit their [website](#), follow #WhoGetsAhead on social media and to stay up-to-date with their activity you can subscribe to their newsletter [here](#).

3. **D&I Divisions** – the Law Society continues to work closely with:

Ethnic Minority Lawyers Division, Lawyers with Disabilities Division, Women Lawyers Division and LGBT+ Lawyers Division.

Over the last few years these divisions have been involved in some flagship pieces of research looking at solicitors with these characteristics, working to identify the ongoing challenges and gaps in representation:

1. [Women in Law Pledge](#)
2. [Legally Disabled – researching into the career experiences of disabled people within the legal profession](#)
3. [Race for inclusion: the experiences of Black, Asian and minority ethnic solicitors](#)
4. [Pride in the law: experiences of the LGBT+ community within the legal profession](#)

There are also further events planned such as the Lawyers with Disability Division’s summer networking event in June, hosted in person by Freshfields but it will also be livestreamed so people can join remotely. In July, the Law Society will be hosting events around South Asian Heritage Month and in December, the Law Society will mark the centenary of the first women joining the solicitor profession. The Law Society will also be joining in Pride events in London and Cardiff.

The Law Society has a busy year ahead but we know that our member firms are equally busy. Liverpool Law Society is keen to hear from its members as to what EDI events they have planned – hopefully more in person events will be possible and we look forward to hearing your stories and seeing photos!

# WELLBEING IN THE WORKPLACE POST LOCKDOWN



How to support your colleagues from an equality, diversity & inclusion perspective

**BOOK NOW**

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

**TUESDAY 12 JULY, 4PM  
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# Event programme



4pm - 4.30pm **Registration & Refreshments**

4.30pm - 5.30pm **Programme**

**Welcome** by Nina Sahu, Liverpool Law Society's Equality, Diversity & Inclusion Committee Chair



**EDI - where are we now?** by Jane Eme-Power, Senior HR lecturer at LJMU



**Being a supportive employer post lockdown** by Carolyn Morgan, HR director Hill Dickinson



**Mental Health Support** by Nicholas O'Neill, Chambers Director at Oriel Chambers and LawCare Champion



**Disabilities and the Workplace** by Nick Glossop, National Head of Inclusion and Learning Support at BPP and committee member of the Lawyers with Disability Division



5.30pm **Networking**

This **in-person event** is **free** to attend.

Liverpool Law Society's **Equality, Diversity & Inclusion Committee** looks forward to welcoming you to this event

# News from Merseyside Law Centre

Fighting for equality through social justice to combat poverty & homelessness



The past few months have seen a lot of exciting developments for Merseyside Law Centre. With funding from the Steve Morgan Foundation we have been able to hire a new triage co-ordinator, Tracy Kofi. Tracy has been involved with MLC extensively over the past few years, as a volunteer and a part time benefits adviser. Tracy is to play a key role in re-establishing and delivering essential legal advice and support in the community with our return to face to face advice sessions. Along with being the first point of contact for our clients she has a key role training and supervising volunteers in administration and advice skills to support delivery of MLC advice services. Tracy has taken on a number of volunteers who we look forward to training and integrating into our team. Volunteers have always been an important part of the delivery of our services and we are always looking for more skilled and passionate individuals to join our team. If you are interested please do get in touch.

Our face to face services have now relaunched in our Bold Street office and at a new location, Dovecot MAC. We run a triage session in the mornings from 10am-12pm, Wednesdays at Bold Street and Monday and Thursdays at Dovecot MAC. We will be making appointments for clients to return the same afternoon if we are able to help. This return to face to face services will make a great deal of difference to the communities we serve as we know from feedback we have received that often clients feel much more comfortable and at ease when recounting their issues in person rather than by e-mail or over the phone.

We are delighted to announce that we have added two new board members to



our board of trustees, Bernie Wentworth and Maureen Wilson.

Some more exciting news for MLC, our 'Our Liverpool' caseworker David Kenny has been accepted onto the Social Welfare Solicitors Qualifying Fund. As stated by YLAL, this is a 'unique and nationwide scheme, for and by the legal profession, which covers the full training and assessment costs for dedicated social welfare legal workers wishing to qualify as social welfare solicitors. It is supported by 18 major law firms and counting.' It will allow David to study the SQE1 and SQE2 with Barbri and will fund his exam fees to sit the SQE exam. This incredible scheme helps provide better social mobility opportunities, for individuals like David who have not studied Law at a higher education level, into the legal profession and will ultimately improve access to justice for those most vulnerable and in need in society.

*"This is a fantastic opportunity which I'm incredibly grateful for. Without the SWSQF I wouldn't be able to qualify, and I'm really looking forward to developing and continuing my career in social welfare law".*

## Case Study

Our welfare benefits case worker, Lesley Tipping, has provided us with an important case study this month, demonstrating the importance of our work challenging unjust DWP decisions.



Mr. C's PIP appeal was adjourned as the tribunal Judge advised him to seek representation. Mr C tells me he contacted a number of agencies prior to MLC but was turned away. He tells me he was on the verge of giving up when he contacted MLC.

Mr. C had been awarded PIP at the standard rate for mobility (only). However due to the disabling effects of his condition he was seeking the enhanced rate mobility component to enable him to get a motability car.

We agreed to represent Mr. C and went about obtaining supportive medical evidence which is often crucial in a successful appeal outcome. This evidence was then submitted to all parties.

Following the submission of evidence, the DWP revised their initial decision without Mr C being subjected to a further appeal hearing. They awarded PIP at the enhanced rate to help with Mr C's mobility needs and the standard rate to help with his daily living needs.

Mr C was extremely thankful for MLC's assistance.

As always, 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



# My First Week in Court

**By Jack Moore, who commenced his pupillage with Oriel Chambers in October 2021.**



**I think it's safe to say that I wasn't quite sure what to expect when I began my first week in court for a small claim on a cloudy Monday in Birkenhead: it was a bit daunting, but I don't think I was expecting it to be quite so much fun!**

On my first day, although it was a bit nerve-racking when I was about to walk in, I found that the moment I was in the courtroom itself, I largely forgot my nerves and got stuck right into the work I had to do; and when I left the room at the end, I felt a real sense of achievement at holding my own – if perhaps a little dazed! Thankfully, every kind of hearing you do is only unfamiliar the first time, and so you'll build up your experience really quickly.

As for the rest of the week, my varied caseload took me to an equally varied group of courts: on the Tuesday, I was prosecuting for a probation matter in Wigan; and on Wednesday, I was in the

Crown Court in Preston for a committal for sentence, robing up in a gown and wig for the first time on the job.

On Thursday and Friday I was prosecuting in Llandudno and so spent the night in between there. I had stayed up until three in the morning preparing for Thursday's trial – a complex harassment case – only to come into court later that morning for the trial not to go ahead! Any disappointment I felt was quickly made up, however, by the fact that this suddenly freed me up for an enjoyable (if windy) afternoon by the seaside before the next day's papers came in.

On that note, the sheer unpredictability of your week is what is so compelling about the second six and about life as a barrister in general – no two days are the same! You may be as likely to work hard preparing cases very late into one evening as you are to find yourself unexpectedly free for an

afternoon. It's definitely a career which involves a lot of 'give and take' with your time, but if you are motivated and self-directed with your workload (and very adaptable) then this is definitely the career for you.

So all in all, it was definitely a tiring week, but also an extremely rewarding one – and I couldn't have done it without the help of the various members of chambers (in one instance, a barrister from another chambers in Liverpool), and my supervisor, all of whom were only too happy to help me whatever the time and whatever the query. It has also been really great to spend time with the other pupils in the city and share in our experiences of pupillage together, and the Bar is nothing if not a good support structure. You may be self-employed, but you're not alone.

I can't wait to see what the rest of the six months have in store!



# Merseyside Junior Lawyers Division



**Beth Walker**

**This month, MJLD have hosted two events for our members.**

On 19th May we were honoured to collaborate with ABS (Absolute Body Solutions) who hosted a wellness

workshop at their new gym situated at 14 Castle Street. This was fantastic event which encouraged attendees to remember to look after our bodies and souls – something that we often forget about after a day's work! We really hope to be able to work with them again in the future.

On 25th May we had the wonderful Donna Smith of Odonnata hosting 'The Burn Bright Masterclass'. The aim of this workshop was to assist junior lawyers with how to burn bright (not out!) in your legal career. Donna provided us with three hacks on how to overcome self-sabotaging barriers to ensure that we become successful lawyers. This event was one that definitely went down well with the committee as we feel that naturally, as junior lawyers, we feel the only way to be successful is to work hard, work long hours and never switch off – which isn't the case!

Moving forwards into June our big focus as MJLD is on our Summer Ball which is taking place on Saturday 30th July 2022 which is our last social event of the season. We are so excited to be able to host our Summer Ball again after not being able to host one for the last 3 years due to the dreaded 'c word!'. It will also be our time for our bi-yearly awards. This year we'll be asking management of organisations to be making the nominations which are kindly sponsored by Liverpool John Moores University. Once nominations are closed LJMU will be hosting interviews to select the winners. Emails regarding corporate tables have been sent out this week, however if you have not received an email and you wish to purchase a corporate table please email [DavidTarttelin@msbsolicitors.co.uk](mailto:DavidTarttelin@msbsolicitors.co.uk). We are hoping this will be a fantastic opportunity to bring all of our committee members together, old and new. Watch this space to find out what amazing venue we have chosen!

## Access to justice: Caseworker placements

**In 2017 I was elected as the Member of Parliament for Liverpool Walton – a vibrant community which I am immensely proud to represent. My constituency office is located at the heart of Anfield, close to both Liverpool and Everton football clubs. The area ranks as one of the most disadvantaged in the UK.**

Amongst the many issues my team and I identified through casework was the lack of specialist legal advice available to those on low incomes.

In response, my team linked up with a network of law centres and advice agencies who provide free legal advice. This included the University of Liverpool Law Clinic, which is operated by solicitors and volunteer law students. In 2018, I offered three students a placement in my constituency office.

Gabriel Apolloni was one of the first students to be on placement in my office, and he is one of our success stories. He currently works for me in Parliament as a full-time researcher, and he is beginning his Bar course in September.

Today we continue to work with the University of Liverpool, and now with Liverpool John Moores University, offering placements to law students from both.

In partnership with Liverpool Law Clinic, my office hosts monthly free legal advice sessions for parents and carers of children with special educational needs. We have also partnered with Shelter to offer free specialist housing advice for constituents.

My staff and I have attended the access to justice meetings since 2018 hosted by the Liverpool Law Society, enabling us

to build relationships with law advice agencies such as Vauxhall Law Centre, Merseyside Law Centre, Equality and Employment Law Centre, MSB and other solicitors. They have all provided high-quality legal advice to Liverpool Walton constituents, for which I am hugely grateful.

My constituency office team also support and join the legal aid walk to support Vauxhall Law Centre, who have provided valuable support to my office since the very first day I was elected.

The vital relationships we have developed have allowed us to plug gaps in provision and help empower people in Liverpool Walton.

**Valerie Beach**

*Caseworker on behalf of Dan Carden MP  
Member of Parliament – Liverpool Walton*

# Liverpool Chamber.

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# Council Member's Report

from Councillor Nina Ferris



Nina Ferris

The Council agenda for May was as busy as ever. The early May meeting took place virtually and covered a number of key issues that TLS is working on which affect all members (such as SIF) as well as specific groups (Criminal Legal Aid).

## Queen's Speech

The Queen's Speech on 10 May 2022 contained 38 Bills intended to be put forwarded during the current session of Parliament. Council Members were provided with analysis by the TLS Public Affairs team.

Five Bills were identified as of particular interest from a Law Society perspective:

- Bill of Rights
- Economic Crime and Corporate Transparency Bill
- Levelling Up and Regeneration Bill
- National Security Bill
- Brexit Freedoms Bill

TLS will monitor progress of those Bills and others and consult and

respond as appropriate through the Parliamentary session.

## Criminal Legal Aid

TLS continues its campaign to secure a sustainable future for criminal legal aid lawyers.

On Wednesday 27 April the President gave evidence to the Justice Select Committee on the continued plight of criminal legal aid lawyers and the government's failure to offer an adequate uplift in rates as part of the criminal legal aid review. The President outlined the crisis facing our justice system, with the number of criminal legal aid firms halving since 2007 and only 4% of the profession aged under 35. If the 15% increase in criminal legal aid rates recommended by Sir Christopher Bellamy is not implemented, these trends will continue.

The President has since released a call to action asking the legal community to "join the fight" and respond to the UK government's consultation on criminal legal aid. She said: "The government has failed the justice system and has let down victims, defendants and witnesses. We need the legal community to come together right now and speak with one voice if we are going to stave off a disaster. The criminal justice system has been brought to its knees across England and Wales. Victims, defendants and witnesses are suffering the consequence whilst hard-working solicitors are being forced out of the sector in droves by the economic reality."

*Please consider responding to the consultation which is open until 7 June 2022.*

## Justice System

It is not only the criminal courts which are plagued by backlogs and

delay, and TLS also supported the committee's call for a specific action plan to ensure adequate capacity in the civil and especially family courts. The President said: "Sustained and significant investment is needed across the justice system. We have long warned about the crumbling courts estate and welcome the committee's recognition of the urgent need to ensure courts are fit for purpose."

## Judicial Review

The Government accepted a key recommendation from TLS and agreed to remove the statutory presumption (in favour of prospective-only quashing orders) from what is now the Judicial Review and Courts Act, in a major win for justice and the rule of law. Removing the presumption was TLS' top priority for improving the bill. We had raised concerns that this presumption could have led to cases of people successfully challenging unlawfulness but being denied proper redress for the harm they suffered. The win on the presumption was the culmination of almost two years of campaigning and engagement around the government's plans to reform judicial review.

## Ukraine

TLS has continued to respond to the crisis by work including:

- An offer to government of technical expertise on sanctions - an offer that remains open.
- Publishing, promoting and updating detailed guidance and support to ensure firms know what their obligations are and remain compliant.
- TLS support and expertise during the passage of the Economic Crime (Transparency and Enforcement) Act to highlight potential loopholes in the new framework and engagement with officials to ensure these were closed.
- Support for firms who have closed/

- separated from their Russia offices.
- Support for our counterparts in Ukraine - and solicitors and law firms are involved in several initiatives to provide free legal advice to Ukrainians, such as Ukraine Advice Project UK and the Ukraine Justice Alliance.
  - Support for the efforts of UK firms with offices in Kyiv to safeguard their lawyers and staff.

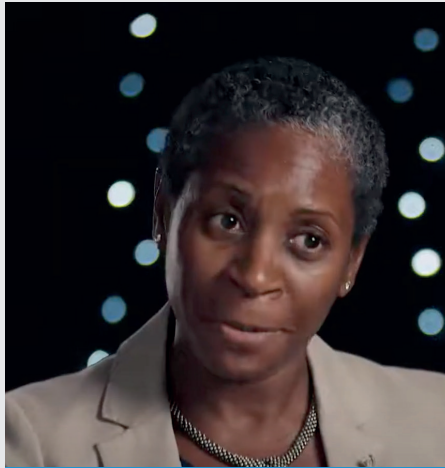
TLS will continue to monitor and respond to developments. All resources are available through TLS website.

### SRA fining powers

In a move that has sparked concern for many, the Solicitors Regulation Authority (SRA) is set to reform its approach to financial penalties including an increase of its fining powers by more than 1,000% without balancing these changes with appropriate safeguards. The SRA's proposals will see its fining powers increased from £2,000 to £25,000.

The TLS consultation response proposed a moderate increase in the fining threshold of between £5,000 to £7,500 would assist the SRA in making decisions in a greater number of straightforward cases, speed up the process and avoid cases being transferred to the Solicitors Disciplinary Tribunal (SDT), saving costs and reducing stress for all parties concerned.

TLS remains of the view that such the proposed increase is not appropriate, given the SRA will act as investigator, prosecutor and judge, in potentially many more serious and significant cases which currently go before the independent SDT. The SRA does not have the same independent status or clearly defined processes and transparency, with the SRA not publishing reasoned decisions in the same way as the SDT.



**I. Stephanie Boyce, LS President**

The President said that *“the right of appeal to the SDT is not an adequate safeguard. Many firms and individuals faced with challenging an adverse decision from the SRA would find the prospect of an appeal and the associated costs of appealing daunting. Furthermore, a solicitor facing an SRA investigation has to be aware of the high likelihood that they may bear the regulator’s costs as well as their own.”*

She pledged that TLS will continue to work in the best interests of its members and keep them informed of any impending changes, adding *“Robust and fair regulation is essential for the public interest.”*

### LPAs

The Ministry of Justice (MoJ) and the Office of the Public Guardian (OPG) launched a consultation in July 2021, seeking views on how modernising the LPA service could increase efficiency and make LPAs more accessible via a digital channel.

LPAs are arguably one of the most important legal documents that a person will make because they delegate such wide-reaching powers over their life. The consequences of an attorney making a bad decision could be catastrophic for the donor.

TLS agrees that work should be done to improve the speed and accuracy of making an LPA, and is pleased that the government is looking at proposals to improve support for those who will struggle with using digital channels, as more needs to be done to ensure the reforms do not negatively impact vulnerable, disabled or older people.

### Solicitors Indemnity Fund update

The SRA has agreed to defer the closure of the SIF for a further 12 months to consider other options that would better protect consumers of legal services. A number of respondents to the consultation agreed with TLS that the SRA's preferred option to close the fund would undermine consumer protection, which could conflict with their regulatory responsibility to protect and promote consumer interests.

### Elections to Law Society Council

Finally, notice of 2022 elections will be published shortly. Council seats representing members from all regions of England & Wales and different groups within the profession fall in to three categories: geographic, work practice and characteristics. A number of these seats will be up for re-election in 2022.

I would urge all solicitor members of LLS to keep up to date their My Law Society account. Up-to-date information on My LS will enable TLS to notify all members so they can stand and vote for Council seats for which they are eligible in Council Elections. Make sure your voice is heard.

As always if there are any issues that you consider TLS should be considering, or if you need any assistance from TLS, you can contact me as your regional TLS council member at [nina.ferris@hilldickinson.com](mailto:nina.ferris@hilldickinson.com).

# 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



Julie Johnson

**A new piece of artwork, supported by Liverpool BID, is to be unveiled in Liverpool city centre to show the impact of climate change in the city region.**

Three colourful totems by artist Alicja Biala have been commissioned by Liverpool Biennial to visualise the statistics and figures related to how Liverpool is one of the areas most at risk from rising sea levels.

Merseyside Totemy will be on display at St Nicholas Place, Princes Dock from July 2022 and will remain in situ for two years.

Each totem will feature markers pointing to three areas of Merseyside threatened by rising sea levels: Liverpool City Centre, Formby and Birkenhead. Visitors will then be able to digitally interact with each totem to access information on the data that determines its proportions, gathered by the artist and researchers Jason Kirby and Timothy Lane from Liverpool John Moores University. The data represented shows what Merseyside will look like in the year 2080 if ice caps continue to melt and sea levels continue to rise at their current speed. Children in the region will be around retirement age in 2080, meaning that they will experience these effects of climate change within their lifetimes.

The totems will be produced at Castle Fine Arts Foundry Liverpool using materials that reference traditional shipbuilding, including painted and rusted mild steel, whilst the patterns on the work will be inspired by the architecture of the region. The plinths for the totems are based on stone filled gabion baskets that would usually be used to build sea defences and every material used in the creation of the work has been chosen to ensure maximum longevity and reusability. Further information on plans for the sustainable afterlife of the work will be revealed in due course.

The project is part of our ongoing commitment at Liverpool BID Company to bring large scale artworks to the city, while also using art to encourage discussions around issues like climate change.

Public art has the power to transform our streets, squares and public places. Our commitment to supporting the presentation of art is a vital part of how we create a catalyst for future activity, how we make places more attractive and inviting to live, work, visit and explore.

*"The work looks striking and it will bring a colourful and thought-provoking addition to our famous city-skyline. With the addition of a new sculpture on The Liverpool Plinth later this summer it will mean we are bringing two artists to this corner of the city. There is such an appetite for new art in the city and we're delighted to be launching the summer with such a vibrant start."*

The information will be available at [www.biennial.com](http://www.biennial.com) this summer



# Liverpool BID Community Choir



**Amy Rachel Planche**

**Given the pandemic, there has been an increase in issues with anxiety and depression, which has of course affected everyone, in every profession and walk of life.**

Did you know that music is often used to alleviate such conditions? Listening to live music can release oxytocin. A certain tempo can affect your heart rate, blood pressure and breathing. Upeat music obviously can assist in a more positive or optimistic outlook, whilst a slower and smoother tempo can calm your senses, quiet the mind and relax

muscles. Music also lowers cortisol, which reduces stress.

But in my opinion, the best form of music to utilise in assisting with anxiety and depression is singing. Singing can produce neurotransmitters such as dopamine, serotonin and oxytocin. Additionally, issues such as hyperventilating (often suffered by those with anxiety, as you can end up hyperventilating when having a panic attack) can be alleviated by singing – as it is not physically possible to hyperventilate and sing at the same time!

The positive impact singing has on your mental health is further increased in a group setting. As such, one of my favourite ways to sing is in a choir. Specifically, Liverpool BID Community Choir.

Liverpool BID continues to support and assist the businesses and professions of the City; Liverpool BID Community Choir is a prime example of such. Taking place from 5.30pm to 7pm every Wednesday at St Nicholas Church, the Choir is where people working

in the City come together so sing a varied repertoire in a fun and stress-free environment. With the wonderful Luke acting as Music Director, songs vary from Disney classics such as ‘You’ve Got a Friend in Me’, to Leonard Cohen’s ‘Hallelujah’ up to The Killers ‘Human’, and anything and everything in between.

Members have included people from businesses all over Merseyside; social care, medical, restaurants and of course the legal profession. The Choir is entirely funded by BID; meaning that unlike all other Choirs in the area it is completely free to join. Additionally, it is an audition free choir; all you need to do is pop down after work and enjoy the release of dopamine and oxytocin consequential to singing, and enjoy the comradery of doing so in a group setting, with some wonderful people.

All are welcome, and I would be overjoyed to meet others in the profession and share the joy of singing.

**Amy Rachel Planche**  
Solicitor at Carpenters Limited

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## Regulation Update The latest Regulation news from Andrea Cohen of Weightmans LLP



Andrea Cohen

**Things are a little quiet in the world of risk and compliance at the moment, but as we know only too well, that can all change overnight!**

### Consultations

Continuing the 'trend' we reported earlier this year, the SRA is continuing its run of consultations, opening two in the last few weeks:

#### SRA Business Plan and budget for 2022-2023

The SRA has opened a consultation on its strategy for the next year. The SRA's Corporate Strategy sets out its strategic priorities, with three specific objectives:

- setting and maintaining high standards for the profession and ourselves
- technology and innovation
- anticipating and responding to change.

Amongst proposed changes, the element of the proposed practising certificate fee that will fund the SRA is to increase by £6, while the compensation fund contribution is to be reduced by £10, a net reduction of £4, and law firms contribution to the compensation fund will be reduced by £70, to £690.

The Business Plan confirms that, as expected, particularly in light of recent events, anti-money laundering remains a high priority for the SRA. Within strategic objective number 1, which will cover 92% of the funding, there is a commitment to expanding the number of firm inspections and desk-based review activity relating to AML. If your firm has not carried out the Regulation 21 independent AML audit yet, or needs help generally, please get in touch with the Compli team – [compli@weightmans.com](mailto:compli@weightmans.com)

The consultation is open until 17 June 2022 and can be found on the SRA's website.

#### Publication of Regulatory Decisions consultation

The SRA is seeking views on the principles surrounding publication of regulatory decisions and its approach when doing so, including: the timing of publication e.g. should information be published about ongoing investigations, when at the moment it is only when the SDT has certified that there is a case to answer that information is published; the level of detail published, and how long published decisions should remain online, and the types of exceptional circumstances that might lead to a decision not to publish information or what type of conduct should never be removed. At the moment, most decision notices are removed after 3 years, except where there are ongoing restrictions on the ability to work within the profession. The consultation opened on 10 May and

closes on 2 August.

#### LSB consultation on regulatory performance assessment framework

In addition, the Legal Services Board, which regulates approved regulators (including the SRA and BSB), the Solicitors Disciplinary Tribunal, and has oversight of the Office for Legal Complaints (which is responsible for administering the Legal Ombudsman scheme) is consulting on its proposed regulatory performance assessment framework. The framework was introduced in 2018 to improve the oversight of regulators' performance and address poor performance through regular assessments and thematic and targeted reviews. The LSB's view is that there have been significant improvements in some regulators' performance but now considers there are 'different approaches which could be more effective and better reflect the importance of the regulatory objectives.' The consultation closes 1 July 2022.

#### Guidance and Practice Notes

The SRA has recently (18 May 2022) published new guidance 'Solicitors undertaking regulated claims management and immigration activities' which provides some guidance on when solicitors need to be FCA regulated to provide such services and/or when they can rely on the exclusion for claims management activities carried on in the ordinary course of legal practice.

The Law Society has published two sets of anti-money laundering (AML) guidance to help members comply with the updated HMRC Trust Registration Service (TRS) regime, one relating to non-corporate work, for those who do private client work, and the other corporate, for those who advise on trusts that arise in a commercial context. It has also published a series of Q&As on Sanctions and Russia.

#### Changes to Tribunal Listings

The Solicitors Disciplinary Tribunal (SDT) has announced that with effect from 1 June 2022 the new listings strategy will be effective. Case management hearings and interim applications will be heard remotely by default. Applications for in-person hearings can be made, but it will be for the Tribunal to determine, even if the parties are agreed.

All substantive hearings will be listed in person by default, although applications for a remote hearing can be made. The Tribunal's Guidance "Points to Note: In-Person/Hybrid and Remote Hearings at the Tribunal" is no longer to be used, with, in first instance proceedings, the Overriding Objective (Rule 4 of The Solicitors (Disciplinary Proceedings) Rules 2019, together with the specific facts of the case being relied on.



## Disciplinary decisions

### Rebuked for failing to advise client to seek independent legal advice

Under a regulatory settlement agreement, a solicitor of 50 years PQE has been rebuked and ordered to pay £300 costs for drafting a will in 2002 for his friend, in which one of the beneficiaries, who was to inherit half of the residue of the estate, was related to the solicitor, and the solicitor was appointed one of the executors. The SRA said there was no indication the client did not act voluntarily, capacity was not an issue and there was no suggestion that had he been advised by an independent solicitor he would have acted any differently, but by not advising the client to seek independent legal advice and not ceasing to act, the solicitor was in breach of the rules. The solicitor said the breach was unintentional, this was an isolated incident, and he had no previous regulatory issues in his 50 year career.

### Fined and rebuked for not disclosing the conflict of interest

In another regulatory settlement agreement, a solicitor who acted in relation to a residential property transaction on behalf of both his stepsister (the purchaser), and one of his father's companies (clients of the firm), which was providing the completion monies, and provided advice on the loan agreement between the two parties, was rebuked and ordered to pay £600.

The firm that he had been working for found that he did not follow internal procedures, did not make appropriate checks for source of funds and acted in a conflict of interests. The solicitor admitted the breaches, and the SRA noted this was an isolated incident, he did not personally benefit from his actions and there was no adverse impact.

### Fined after series of SRA account breaches

Following an agreed outcome with the SRA, a solicitor, who had been in practice for 41 years, was ordered by the SDT to pay a £5000 fine, SRA's costs of £7500 and had restrictions imposed on his practicing certificate, as a result of a series of breaches of the SRA Account Rules, including a shortage of funds on client account, use of the firm's account as a banking facility, failure to complete client account reconciliations and retaining residual balances on 38 client ledgers between 2015 - 2018. The solicitor has been banned from acting as a sole practitioner or a partner and is not allowed to hold the posts of COLP or COFA. The Tribunal found that the misconduct was due to carelessness and oversight of the rules. The SDT considered and accepted mitigating circumstances of the solicitor's misconduct, namely co-operation with the SRA and his 'open and frank' admissions.

### Banned for pretending to be a family solicitor

A non-solicitor working in the conveyancing department has been banned from working at a law firm for misleading someone into believing he could act in their divorce and taking money from them, although he did not do any work. He was dismissed from

the firm for gross misconduct and the SDT found he had acted dishonestly, made a disqualification order, and ordered him to pay £1,350 costs.

### Fined for failing to pay counsel's fees

A solicitor who failed to pay an invoice for £29,000 for counsel fees in 2017 and then failed to comply with a county court judgment to pay the fees, which were then £40,000 with interest, was fined £2000 by the SRA, the highest fine available to the SRA without referring the matter to the SDT. He was also ordered to pay costs of £600.

### Banned for dishonesty

The SDT has struck off a solicitor and ordered him to pay £25,300 costs following a finding that client monies were used for purposes other than the completion of property purchases in at least seven matters, and there were probably more cases as the SRA had received 25 claims on the compensation fund from former clients totalling £752,000. The solicitor had been present when the SRA investigation started in April 2019, but then left the country, initially saying it was due to a family emergency, but then made no further contact, took no part in the disciplinary process, and did not attend the SDT hearing.

**Andrea Cohen,**  
Weightmans LLP



### The Complete Legal Aid Supervisor with Vicky Ling

Online/Recorded

2 Day course – both days must be attended/viewed

Day 1 – 1st Sept, 1.30 – 4.30pm / Day 2 – 2nd Sept, 1.30 – 4.30pm

This course covers everything supervisors need to know & includes case study examples. **Attending both parts will qualify a new supervisor who hasn't supervised before under Standard Contract Specification requirements for both the Civil/Family Standard Contract 2018 and the new Crime Standard Contract 2022.**

**If you need to attend a course to qualify as a supervisor for a new Crime contract starting on 1 October, this course is for you.** It is also a useful refresher for experienced supervisors.

You will learn about:

#### Day 1 – 1/9/22

- . Latest developments in legal aid
- . Relevant SQM and Lexcel provisions
- . SRA Competence Statement requirements for supervision
- . How supervisors qualify and maintain status
- . The main types of legal aid audit, including Contract Manager visits and peer review
- . The LAA's timetable for resuming audit and contract management activity

#### Day 2 – 2/9/22

- . Characteristics of good supervision
- . What supervisors need to look for in file reviews
- . An introduction to the inter-personal skills supervisors need; listening and feedback
- . Different approaches to supervision
- . Finding the time to supervise

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# ADILA

Annual Dinner featuring Legal Awards

The Legal Awards are back for 2022!

We are excited to announce the Legal Awards will take place at the Society's Annual Dinner on Thursday, 10th November 2022.

## CATEGORIES

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OUTSTANDING TEAM AWARD - LITIGATION

OUTSTANDING TEAM AWARD - NON-CONTENTIOUS

OUTSTANDING LAWYER AWARD

LAW FIRM AWARD (1-99 EMPLOYEES)

LAW FIRM AWARD (100+ EMPLOYEES)

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## Lee Jenkinson

District Judge at the County Court, Liverpool



## Tracy Mawson

Chief Executive at St Helens Chamber



## Debra Morris

Professor of Charity Law & Policy  
at the University of Liverpool

Liverpool Law Society



2021 Annual Dinner featuring Legal Awards

**Along with Ms Glenys Hunt, President of Liverpool Law Society in 2013-14, the Society is delighted the following people have agreed to judge the entries of the 2022 Legal Awards.**

### LEE JENKINSON

*District Judge at the County Court at Liverpool*

Lee Jenkinson has lived and worked in Liverpool all his life. He attended Liverpool University between 1987 and 1990, before qualifying as a solicitor and working at a large city centre practice, specialising in defendant personal injury cases. In 2001 he transferred to the bar and joined chambers in Liverpool, again concentrating on personal injury work on behalf of both claimants and defendants.

He was appointed a deputy district judge in 2003, and a full time district judge in 2013, sitting at the County Court in Liverpool. He is a Regional Costs Judge, and a ticketed judge of the Court of Protection.

### TRACY MAWSON

*Chief Executive at St Helens Chamber*

Tracy Mawson is Chief Executive at St Helens Chamber, having worked there since 2011. Since relocating to Liverpool in 2003 Tracy has specialised in regeneration, economic development and business growth, and she holds an MBA in Urban Regeneration from University of Liverpool. Her previous roles include Head of Strategy at the North West Regional Development Agency and Economic Development Manager at The Mersey Partnership.

Tracy worked in her early career in financial publishing, management consultancy, and internet retail. Her private sector experience includes business start-up, innovation and growth, and she has held a number of business development & marketing roles. Her first degree was in PPE from Oxford, but she has learned more from working alongside the innovative and community-minded businesses of St Helens, and our public sector partners, than within any lecture hall. She looks forward to

continuing to enable the private sector to create opportunity and success within her community.

### DEBRA MORRIS

*Professor of Charity Law & Policy at the University of Liverpool*

Debra Morris is Professor of Charity Law & Policy at the University of Liverpool. She has written widely in the area of Charity Law and Policy and has presented at conferences and seminars around the world.

Between 2014-2021, she was Dean of the School of Law and Social Justice at the University of Liverpool. Before that, she was Assistant Director at Cayman Islands Law School, an institution affiliated to the University of Liverpool. She has recently been appointed as a Panel Chair for the UK Athena Swan Equality Charter, a framework which is used across the globe to support and transform gender equality within Higher Education. Debra is also a member of the Law Society Wills and Equity Committee, providing specialist Charity Law expertise.

# Charity Spotlight: The Hive Creating Brighter Futures for Young People on the Wirral



The Hive, Wirral Youth Zone is a leading children's charity striving for every young person to be happy, healthy and thrive within their community. With up to 1 in 3 children living in poverty in some parts of the Wirral, The Hive exists to equip young people with the skills and knowledge to help them create a brighter future for themselves. With some families unable to cover the cost of gas and electric to cook free food hampers and parents stating they have £4 in their purse, The Hive has never been more needed by the community.





They offer a wealth of high-quality provision and support to young people aged between 8 – 19 or 25 with an additional need. Over 100 activities take place at one time during sessions with excellent facilities including a climbing wall, salon, boxing gym, fitness suite, 4G pitch, a sports hall and music room. Their talented team also coordinate an outreach programme supporting families with food and basic amenities, as well having partnerships with other local organisations, Wirral Borough Council, Steve Morgan Foundation and LFC Foundation to meet the diverse needs of the community.

Employability flows through everything The Hive does, including the Inspiring Futures programme that works with young people disengaged with education and at risk of entering into a cycle of unemployment. This is a 6-week course offering site visits to engaging locations with the hope to raise aspirations and encourage the young people to be the best version of themselves.

Inclusion is a major theme at The Hive with their Hiveability sessions taking place every Sunday, offering young people with additional needs and their families the opportunity to enjoy the excellent facilities that are all entirely accessible. These sessions also allow parents the opportunity to forge peer to peer support and offer an element of respite. The Hive also host a wide range of community groups including Young Parents, an LGBTQ+ group and the Lemonade Project working with primary school children to build their emotional resilience. Their pioneering mentor programme supports some of the most vulnerable and at risk

young people on the Wirral, whilst their flagship Halloween event 'Hiveageddon' contributed to a 52% reduction in Anti-Social Behaviour on 2021.

Their support is so diverse and the need so desperate, the organisation recently ignited the interest of Will Roberts, Investment Director at Rathbones who is pioneering the new Hive 100 campaign. The objective is to fill the £100,000 deficit from cuts to council funding and is simply asking businesses to donate £1,000 each. These donations will then total a vast amount of money that will make an immense impact in the local community, with donors including Weightmans, Amazon UK, Investec and Deepbridge Capital amongst many more esteemed businesses and individuals.

The campaign has raised £60,000 so far and any donations will be put to good use as The Hive have a proven track record of having a positive impact on young people's lives. One member **Mollie**, aged 18, states *'The Hive has not only changed my life but saved my life. I am following my dream and have just got a job at a local special needs school, which could only have been possible with support from the team here. I wouldn't be the person I am today without The Hive.'*

To hear more about The Hive and ways that you can get involved, please contact Ashley on [Ashley.pennington@thehiveyouthzone.org](mailto:Ashley.pennington@thehiveyouthzone.org) or call 0151 705 8000. [www.thehiveyouthzone.org](http://www.thehiveyouthzone.org)

# Maxwell Hodge Solicitors smash their target for their "Group Distance Challenge for Ukraine"

Staff at Maxwell Hodge Solicitors, who have 8 branches across Liverpool and the Wirral, have recently completed their "Group Distance Challenge for Ukraine". The Team, with the help of Kristina Stoddern, one of the Directors at Maxwell Hodge, had set up a Just Giving page, hoping to raise £2,000 for charity UK-Med who are "a frontline medical aid charity. Born of the NHS, we've been working for over 20 years towards a world where everyone has the healthcare they need when crises or disasters hit." The Directors at Maxwell Hodge gave a generous £1,000 to start the fundraising off. The challenge was for the staff to walk, run, cycle, ski, or even roller skate to clock up 1949 miles in 6 weeks – which is the distance from the UK to Ukraine.

Maxwell Hodge are delighted to announce that they smashed their fundraising goal – raising in excess of £2,500, which is fantastic, and clocking up an amazing 2,400+ miles! What an achievement.

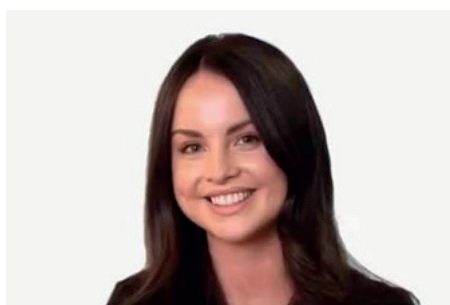
*Kristina Stoddern* said "All of our staff have thoroughly enjoyed taking part in such a worthy cause. Everyone looked forward to the weekly updates and we had an internal competition to see which office could clock the most miles. Formby were our winners! We are so pleased that we could try and make a small contribution to such a great charity, providing vital front line aid. Thank you to all our sponsors!"

Their JustGiving page is still open. If you would like to make a donation, you can do so here: <https://www.justgiving.com/fundraising/maxwellsukraine>

To find out more about the charity, UK-Med, their details can be found on the link: <https://www.uk-med.org/>



# Reaction to the “no fault” divorce and dissolution process



Evie Niblock

**The long-awaited Divorce, Dissolution and Separation Act 2020, which introduced “no fault” divorce in England and Wales, finally came into force on 6th April 2022 and family lawyers have now had the opportunity to consider the effects upon the divorce and dissolution process as a whole.**

## The end of the blame game?

The introduction of no-fault divorce (and dissolution for civil partners) has been a welcome change, allowing family lawyers and separating couples alike, to move away from the requirement to prove that a marriage has irretrievably broken down by relying upon one of five facts. Under the old law, couples that had been separated for less than two years could only divorce by relying upon the other’s behaviour or alleged adultery. No fault divorce removes the need for the parties to provide the court with reasons for the breakdown of a marriage, allowing couples to focus on important issues, such as children and finances.

Clearly the change in the law does not stop a partner feeling wronged during the breakdown of their marriage, but it does simplify the court process, and enable the parties to approach their divorce in a more dignified way

## Backlogs and IT Glitches

As anticipated, there was a surge in applications for divorce after the introduction of the new divorce law, as many people chose to delay issuing proceedings until they could do so in a less confrontational way. Compounded with

the backlog of cases caused by Covid and some technical difficulties caused by the introduction of the online divorce portal, this has undoubtedly resulted in delays.

Some cases may need to be dealt with urgently, for example if there is a race to issue an application due to a dispute as to jurisdiction or other financial pressures. Legal advice can be critical before issuing proceedings, and we have found that the court will help with urgent applications.

## Extension to the timescale

A significant effect of the change in law is the introduction of a minimum 20 week wait before a party can apply for a conditional order (previously decree nisi). This increases the overall timescale to conclude a divorce or dissolution to a minimum of 26 weeks, and so 6 months.

A conditional order must be obtained before a court will consider finances. Any delays in the court’s administration of the proceedings, particularly for those who have held off applying for divorce until the implementation of the new divorce law, could have serious practical effects. If separating couples are under financial pressure to commit to, for example, the sale of a family home, the extended timetable could have serious consequences.

For separating couples who have resolved their finances relatively quickly, there have been calls for provision to reduce the mandatory 26 week time frame in certain circumstances.

## Financial consequences

Conversely, there are also real concerns for family lawyers that the relative ease and accessibility of applying for a no-fault divorce online could result in divorces and dissolutions being finalised without the parties seeking legal advice in respect of the finances.

This could have serious implications, particularly in respect of rights relating to the occupation of a family home, pensions

and insurance matters.

Separating couples are strongly encouraged to bring in legal representation from the outset to help them to avoid any unintended consequences.

## The cost of divorce

With the introduction of the no fault divorce, family law professionals are calling for a reduction in the court fee of £593 for an application. Many are questioning how such a high fee can be justified for an online process administering proceedings that cannot be defended (save for in very limited circumstances) and do not require any court attendance. There are concerns that the high fee could result in some couples being priced out of the opportunity to divorce.

## Cohabitation

The recent overhaul of the law relating to divorce has also resulted in many family law practitioners questioning the lack of government action in respect of the law relating to cohabitation. Recent ONS statistics report that the number of marriages continues to decline, whereas the number of people cohabiting continues to increase.

This year marks the 15th anniversary of the Law Commission’s report ‘Cohabitation: The Financial Consequences of Relationship Breakdown’ which recommended reform and, so far, no action has been taken by the government.

## Conclusion

It is apparent that separating couples are finding the new divorce and dissolution process more dignified and more accessible, however there are still serious issues that arise upon the breakdown of a relationship and all separating couples should be strongly encouraged to seek legal advice.

**Evie Niblock**  
Solicitor, Weightmans LLP

## Forthcoming Courses

DATE	TOPIC	SPEAKER
10/06/2022	Civil Litigation Update	Andrew McLoughlin
13/06/2022	Contract & Commercial Update (Online)*	Chris Beanland
15/06/2022	Time Recording Masterclass (Online)*	Robert Mowbray
17/06/2022	Developments in Domestic Abuse Law and consideration of the Domestic Abuse Act 2021 (Online)*	Safda Mahmood
21/06/2022	Trust Register: getting to grips with difficult TRS issues ahead of the 1 Sept 2022 deadline (Online)*	John Bunker
05/07/2022	Commercial Property Update	Richard Snape
06/07/2022	CQS: demonstrating compliance & surviving the assessment	Tracy Thompson
1-2/09/2022	The Complete Legal Aid Supervisor (online)*	Vicky Ling
07/09/2022	<b>Clinical Negligence Conference</b>	Various
09/09/2022	Witness Statements	Andrew McLoughlin
14/09/2022	<b>Private Child Law Conference</b>	Various

### Training events open to legal professionals nationwide

\*ONLINE events are recorded, so if you can't make the date/time, no problem! Booking onto any of our online events means you will receive a link to access a recording of the event to watch at your leisure!

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





## Civil Litigation Update

with Andrew McLoughlin

Friday 10th June, 1.30pm - 4.30pm

**Venue:** Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L3 9NY

**The course will include changes to the rules & guidance on the up-to-date case law.**

Comprehensive supporting notes support your time for reflection after the course to complete your professional development plan.

*Topics covered include:*

- Part 36 Update
- Procedure in practice – recent case law on procedure and changes to the CPR
- Relief from sanctions – same old story? – implied sanctions
- Case law review on practice for the last six months View Training Course
- Changes on the horizon – Impacts on your practice

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



## Contract & Commercial Update with Chris Beanland

Monday 13th June, 1.30pm - 4.30pm

This **online** course provides busy practitioners with a practical update on contract and commercial developments over the last year. Aimed at both contentious and non-contentious lawyers it will give attendees practical pointers to use in their practice areas.

*Covering but is not limited to:*

- Johnny Rotten's attempt to invoke every conceivable kind of estoppel rejected and defeated by implied term
- Exploiting monopoly position is not economic duress
- No implied term that obligation to pay rent suspended when premises closed due to Covid
- 12% compounded default interest was penalty
- Rare example of onerous term not incorporated into contract because insufficient steps taken to bring it to party's attention
- Are there special rules for construction of settlement agreements?
- Does a clause requiring a party to 'take all reasonable action' to mitigate loss compel a party to commence litigation against a third party?
- No frustration of contract where contract allocates risk

**Competencies: B**

*Can't make the date/time or need to revisit the training? No problem, booking onto this event means you will receive a link to access a recording of the event at your leisure! The link will be sent within approx 72hrs of live broadcast & be available for approx. 3 months, to view as many times as you wish.*

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



## \*NEW\* Time Recording Masterclass

with Robert Mowbray

**ONLINE/RECORDED:** Wednesday 15th June, 2pm - 5pm

This session uses case studies to demonstrate why full recording is so vitally important, how to achieve full recording and the necessity to produce robust narratives which will support the billing process.

*Covering:*

- Time recording case study – how do you currently record?
- Why making a profit matters and the relationship between the time recorded and profit
  - The beneficiaries of increased profit
  - Normal levels of profit and the impact of higher levels of time capture on profits
- Best practice for time recording
- It is about recording the "cost" of something and not its "value"
- The four key principles
- How to write client friendly narratives
- Linking time recorded into the billing process

**& more ...**

**Competencies: D**

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



## Online: Developments in Domestic Abuse Law & consideration of the Domestic Abuse Act 2021

**ONLINE** with Safda Mahmood on Friday 17th June, 11am - 1pm

The Domestic Abuse Act has finally made Royal Assent & aspects of it are already in place. Are you aware of the implications in family cases, particularly in relation to matters relating to children? The Act changes various areas of law, principally family and children law.

*The various areas to be covered are as follows:*

- What Orders are already available, and how do they work?
- Non – Molestation or Occupation Orders
- How do the courts deal with the President's Guidance in terms of Without – Notice Orders and Return Dates in light of Covid – 19?
- What do I need to know when acting for the applicant?
- How do I ensure the respondent gets a fair trial?

**& more...**

*\*Can't make the date/time or need to revisit the training? No problem, booking onto this event means you will receive a link to access a recording of the event at your leisure! The link will be sent within approx 72hrs of live broadcast & be available for approx. 3 months, to view as many times as you wish.*

**[Click here for more information](#)**



**\*\*NEW\*\* Trust Register: getting to grips with difficult TRS issues ahead of the 1 Sept 2022 deadline**

**ONLINE** with John Bunker on Tuesday 21st June, 1pm - 2.30pm

This online course is aimed at all practitioners who do any form of private client work, with property, wills, estates, tax and trust planning or compliance; and anyone with responsibility for complying with anti-money laundering regulations, as these 5 MLD provisions have a largely AML purpose.

Covering:-

- The limits of the exclusions from the need to register, including the new bare trusts exclusion
- Co-ownership of property: which situations need to go on TRS even though clients may not see as a trust?
- Will trusts: the new understanding of when you need to register just the will trust, or the property trust, or both
- How trusts arising from estates will work, during and after the two-year period
- Life policy trusts: when do they need to be registered and what about the old trusts?

**& more...**

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



**Commercial Property Update  
with Richard Snape**

**Tuesday 5th July, 1.30pm - 4.30pm**

**Venue:** Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L3 9NY

**Commercial property is undergoing major changes, especially in the post pandemic era. In particular, the Commercial Rent (Coronavirus) Act 2022 which came into force on 4 March 2022.**

*Topics covered include:*

- The Commercial Rent (Coronavirus) Act 2022
- Rent arrears and debt claims including the effects of the Coronavirus Bill
- Lease renewals and the effect of Coronavirus
- Latest on energy performance of buildings
- Latest on Town and Village Greens
- Changes to Planning Use Classes

**Competencies:** B

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



**CQS: demonstrating compliance & surviving the assessment with Tracy Thompson**

Wednesday 6th July, 10am - 1.15pm

**Venue:** Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L3 9NY

This seminar is specifically designed for firms who are both CQS accredited, and those firms who are currently working towards attaining accreditation.

Covering;

- Changes to the CQS scheme
- Key requirements of the Core Practice Management Standard (CPMS)
- Implementing the required policies and procedures of CQS within your practice.
- Key areas of The Law Society Conveyancing Protocol (6th Edition)
- Demonstrating compliance with the standard
- Common assessment issues
- The assessment process
- Assessment outcomes
- CQS overlap with other Quality Standards

**[CLICK HERE FOR MORE INFO /TO BOOK](#)**



**Clinical Negligence Conference**

Wednesday 7th September, 1pm - 4.10pm

**Venue:** Liverpool Law Society, 2nd floor Helix, Edmund Street, L3 9NY

*With sessions confirmed so far:*

**Secondary victim claims in clinical negligence cases**  
Richard Norton, St Johns Buildings

**How to run a profitable Clinical Negligence Department**  
Ian Cohen, The Cohen Consultancy Ltd

**You Say Divisible; I say Indivisible – Let's Call the Whole Thing Off? Recent Causation Issues in Clinical Negligence Cases**

Philip Turton, Ropewalk Chambers

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

# CALL TO SUPPORT THE JFF IN MERSEYSIDE

## Building a Merseyside Consortium

### WHAT IS JFF?

The **Justice First Fellowship** scheme is run by the **Legal Education Foundation** (Reg. Charity 271297). It funds a number of social welfare trainees across the country, including some in Merseyside.

### BACKGROUND

Legal aid and other public funding cuts have had implications both for those wishing to pursue a career in social welfare law and for those who need legal advice and representation in those areas.

Liverpool Law Society is supporting the **regional consortium model** which aims to partially fund Fellowship training contracts through a collaboration involving private practice firms and other local organisations.



### CAN YOU HELP?

In order to fully fund one **Justice First Fellow** for a training contract, we need to raise an additional £25,000 (£12,500 per year for two years).

Are you willing to pledge £2,500 per year for two years to contribute towards the 2 year training contract of a social welfare law trainee?

Sponsoring a JFF is not just about helping promising lawyers to train in their chosen field, Through supporting a Fellow's work, sponsorship directly helps the hundreds of clients that Fellows serve in the course of their training.



The LEF and Society's **thanks** go to local firms **Bermans**, **Brabners** and **Weightmans** for signing up to the Merseyside Consortium and funding JFFs in the Liverpool City Region.

Find out about the JFF scheme [here](#).

To find out more about the Merseyside Consortium, contact [Sarah Poblete](#).

# The Law Society - Town Hall Meeting

**Our new age of face to face technology is continuing to make face to face contact easier in terms of instant participation without the time and costs of travel. One example was the “Town Hall” meeting event in which Steven Zdolyn, our President, and I participated on 18 May.**

There were more than forty local Law Societies from around England and Wales whose representatives took part in the two hours’ event, involving about one hundred people. The meeting was hosted by the national officers of The Law Society (TLS), Stephanie Boyce (President) and in the later section Lubna Shuja (Vice President). The range of topics was intended to inform members – and allow for feedback – on a wide range of matters.

TLS’s Head of Justice Richard Miller described the developments in the campaign for increasing provision in the Criminal Legal Aid. A detailed analysis of the Government’s proposed fee increase of 15% indicated that the actual rise was only in the region of 10% - 11%. Richard emphasised the point that TLS cannot call for direct action by Solicitors in terms of

“Striking”.

The Practising Certificate fee amount is always a hot topic in our profession. Kion Ahadi in TLS said that the 15% increase proposal was chosen so as not to eat into reserves and to support TLS’s aspirations and ambitions for representing the members. There was a reminder that members can take part on an online survey on the subject via TLS’s Enquiries and Insights Team.

A half-hour long section of break out groups in which participants were able to share views in working groups, allowing more direct participation than the larger format, was followed by sessions in which TLS’s mutual support and representation arrangements for Solicitors were highlighted. The opportunities for use of the “My Law Society” online portal were highlighted, as were the upcoming elections for Council positions. The Officers emphasised the need for potential candidates to seek nominations.

The session concluded with presentations made by the CEO of HM Courts and

Tribunals Service, Nick Goodwin, and its Operations Director, Paul Harris. TLS was fortunate to arrange for these two individuals to speak about Nightingale Courts, reconfiguration of the Courts’ estate, and the backlogs in the system. There was a fair amount of dialogue with members taking part, in which delay examples were highlighted. The HMCTS representatives saw “green shoots” in their performance matrix but accepted that clearing the backlogs would take some time yet.

It is inevitable that the news items discussed in a forum of this type will be mixed and that many members of our profession will find that there remain lengthy challenges ahead. The meeting provided a valuable insight into TLS’s activities and aims, as well as an important means of HMCTS – in particular – being made aware of concerns at the coal face and so it was a very worthwhile event and I understand is part of a regular arrangement.

**Jeremy Myers**  
Deputy Vice President

**The Law Society is the independent professional body for solicitors. We are the voice of solicitors, driving excellence in the profession and safeguarding the rule of law.**

[www.lawsociety.org.uk](http://www.lawsociety.org.uk)



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<p><b>RESIDENTIAL AND COMMERCIAL SEARCHES</b></p> <p>Residential            Commercial            Agricultural            Environmental            Mining            Water and Drainage            Company            Utilities</p>	<p><b>PRE &amp; POST COMPLETION</b></p> <p>Indemnity Insurances            Legal forms            SDLT/LTT and            Registry Gateway</p>



# Monthly Costs Update

Welcome to our 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.

It has come as no great surprise that the Ministry of Justice has delayed the extension of fixed recoverable costs (FRC) to April 2023. In September 2021 the government announced their intention to implement the extension of FRC across all fast track civil cases and to introduce intermediate cases for claims up to £100k. October 2022 has been the intended launch date. This was always felt to be optimistic with many commentators predicting 2023 as a more realistic start date. We think that this might even go back further to October 2023 bearing in mind the experience of the profession in relation to other 'reforms' such as those affecting whiplash cases.

The uncertainty around these changes is very damaging to law firms who are unable to plan for the future until they know the extent of the changes and when they will happen.

These proposed changes do not cover clinical negligence cases which are the subject of a separate consultation that concluded in April 2022. The Ministry of Justice have said that the intention of the changes will be to - "enable claimants and defendants to achieve faster resolution of 'lower value' clinical negligence claims (claims valued up to and including £25,000) at a lower, more proportionate cost than under the current system" and impose "limits to the amount of legal costs that can be recovered by claimant lawyers for lower value clinical negligence claims". The latter statement is telling bearing in mind the government's often stated view that those who represent victims are overpaid. Anyone who has ever done this work will be aware of the huge amounts of work that are required

in cases that are often contested until very late in the day. In May 2022 Legal Futures reported that an open letter had been sent to the government urging a rethink and for certain cases to be excluded, particularly those involving vulnerable victims -

<https://www.legalfutures.co.uk/latest-news/charities-and-patient-groups-urge-rethink-on-negligence-costs-plans>

Signatories include AvMA, Mencap and MIND. The effect of any change will be to reduce the amount of costs that can be recovered from the negligent party. In many cases victims will end up paying costs from their damages.

The consultation can be seen here -

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1051227/Fixed-recoverable-costs-in-lower-value-clinical-negligence-claims-a-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1051227/Fixed-recoverable-costs-in-lower-value-clinical-negligence-claims-a-consultation.pdf)

All of this has to be seen alongside reports of massive delays in the civil justice system. In some cases it is taking up to 15 months to get from Claim Form to CCMC. The average is 350 days. In an age where firms are not paid until a matter is concluded, this can have a huge impact of the viability of certain and work, or even the viability of remaining open. You don't have to be an expert in practice management to know that the longer the wait for payment, the most expensive the work.

In other news the recent case of *MRA -v- The Education Fellowship Limited* [2022] EWHC 1069 (QB)

serves as a reminder that the rules relating to Part 36 offers are hard to displace. This was an abuse claim in which the Defendant offered £80,000 in 2017. For various reasons, this was not accepted until 2020. There was no suggestion that the claimant had acted unreasonably. Nevertheless, the Part 36 rules applied and the claimant's recoverable costs were dramatically curtailed as a result. Master McCloud explained -

*"A party may well act reasonably in not accepting a Part 36 offer, but it does not follow that the ultimate result if that is not the best judgment, is that one has shown 'injustice' by refusing to disapply the usual rule...one does not approach this case by asking whether the Claimant acted reasonably."*

The test was whether it would be unjust to apply the usual rules. In particular it was not reasonable for the court to consider the effect of any reduction in damages as a result of the rules -

*"I must therefore follow, as counsel put it, 'my head' and not my 'heart'. I am of the view that it is not permissible to take into account the degree of reduction (or the fact of reduction) of damages which arise from the operation of the rule in the 'default' form".*



Forensic Testing Service

*clear evidence - expertly delivered*

# 'Spice' abuse in family cases

**Typically, 50 Times the Potency of Heroin, widely abused, yet most users go undetected. Why?**



**The toxicity of Spice compounds is not well understood, and their use has resulted in numerous fatalities. The potency of these chemicals outstrips that of most recreational drugs and Spice can be up to 800 times more potent than cannabis and significantly more potent than heroin and cocaine. An active dose of street heroin can be from around 50-150mg and a typical line of cocaine might contain 50-100mg, but most variants of spice are active at just 1mg or less, an amount barely visible to the naked eye, making accurate dosing impossible and fatalities an inevitable consequence.**

Synthetic cannabinoids are cheap, readily available, and often lead to a loss of consciousness for the user. They cause significant stress on the heart, hypertension, hallucinations, vomiting, seizures, memory loss, somnolence, respiratory depression, acute anxiety, psychosis and death.

Synthetic cannabinoids are continually evolving, with new and emerging versions introduced regularly, with over 350 synthetic cannabinoids formed in the past 15 years. Surprisingly, the majority of those created just 5 years ago are rarely, if ever seen today, and this constantly changing landscape represents a significant challenge to Toxicology laboratories.

Spice is also one of the most difficult substances to detect in the field of drug testing, generally because of the very small amounts needed to produce a 'high' also because many Spice compounds are not readily incorporated into hair. Consequently, the levels of Spice found in the hair of many users is well below the detection limits of most laboratories testing for Spice. Furthermore, compared to drugs like cannabis, cocaine and heroin, laboratories receive relatively

few instructions to test for Spice and on only one occasion in the past 10 years have FTS been instructed to test for a specific Spice compound. There are over 40 synthetic cannabinoids actively used presently, which are constantly changing. Therefore, it is unrealistic for Local Authorities, City Councils and Private Solicitors to keep pace with what they need to instruct for.

Data accumulated over the past 5 years by FTS (Forensic Testing Service) has shown that most laboratories testing for Spice are testing for compounds that have not been used in the UK for several years. Furthermore, in addition to testing for the wrong compounds, this data shows that Laboratories' testing for these compounds would not detect most Spice users because the levels found in users are regularly below the detection limits of the test methods used.

This presents a considerable risk in the field of child protection because use of these compounds is going undetected and therefore parents who use Spice are significantly increasing the risk profile for the child.

It is also a concern that most of the public funding being used to test for Spice is being wasted and instead of assisting the courts, is only serving to mislead the courts. When the courts are presented with reports providing 'Negative' or 'Not Detected' results for Spice, not unreasonably, it is assumed that Spice doesn't present a risk to the child, when this couldn't be further from the truth in many cases.

FTS work with various partners including the Manchester Metropolitan University and Manchester Metropolitan Police on a Drug Testing and Knowledge Exchange project called MANDRAKE.

This is a licenced scientific resource, based at Manchester Metropolitan University, working in partnership with key



stakeholders to facilitate rapid, robust, and cost-effective chemical analysis for both harm-reduction and intelligence sharing. This project involves the testing and research on emergent and new drug trends closely monitoring substances that are actively used on the 'street' and links into other similar initiatives around the country.

FTS has a programme of continual development to address this challenge and are the only laboratory working in this sector that can offer reliable detection of these compounds as they appear on the street. They are the only laboratory that have the capability to detect many of the most abused Spice compounds and crucially, their associated metabolites for confirmation. Furthermore, FTS are one of the few laboratories that have the testing methods with the extreme sensitivity required to find the very low levels often seen in the hair of many users.

Instructing the FTS Spice panel ensures that currently abused synthetic cannabinoids will be detected, and use can be differentiated from passive exposure, ensuring Spice misuse is not missed and children are not exposed to unnecessary risk. This also prevents the waste of public funding that is presently spent on testing for Spice compounds that have not been used for several years or get reported as 'Not Detected' because they are below most laboratories' detection limits.

*If you would like further information on Spice compounds, please contact the FTS Customer Support Team on 01924 480272.*

# Avoid the iffy claims!



Chris Makin

Some months ago I wrote about the case of *Liverpool Victoria Insurance Company Ltd -v- Dr Asef Zafar* [2019] EWCA Civ 392 which concerned a fraudulent claim by a taxi driver, in my home town of Huddersfield (though we are not all criminals here!). You can read about it on my blog at <https://chrismakin.co.uk/can-your-expert-truly-sign-the-statement-of-truth/>. A medical expert had produced a report which he was asked to alter so as to improve the claimant's case. He did so without seeing the claimant again, and he signed a statement of truth. The insurers got to hear about this, they took action against the solicitor and the doctor, and the outcome was that the (ex)-solicitor was sent to jail, and the doctor was given a suspended sentence and, no doubt, lost his highly profitable expert practice.

Litigators need to be aware that insurers are not so ready as they were to pay out on claims without careful enquiry.

Another example is *Shah -v- Aviva Insurance*, judgment given on 19 April 2021 by Recorder Stephens sitting at Warwick County Court.

## The Claim

The claim was for personal injury and special damages including:

- Hire – £23,010.00
- Recovery charge – £250.00
- Storage charges – £3,270.00
- Engineer's fee – £144.00
- Physiotherapy – £600.00

## Developments up to trial

The accident had indeed happened, so liability was admitted. That was the only genuine part of the claim!

A firm called Verisk handled the pre-litigation on Aviva's behalf. The credit hire claim of £23,010 and the storage charges of £3,270 were reported on, and there were concerns. The vehicle had been advertised for sale at the claimant's property when it should have been in storage, and insurance on the vehicle did not even start until after the hire period had ended.

The claimant issued proceedings, but without the personal injury claim. The defendant allowed proceedings to be amended so as to include the personal injury claim, and that allowed them to assert fundamental dishonesty on the whole claim.

There were problems with the personal injury, because the claimant had not told the medical expert that he had attended hospital for back pain months before the accident, yet that was clear from his medical records.

The claimant's financial disclosure was also defective. He had not disclosed full details of his earnings, and he had sufficient funds to repair the vehicle earlier than he did, which would have reduced both the hire and the storage charges – but for the deficiencies already described.

When challenged on these defects, the claimant served supplementary evidence. Again there were inconsistencies, principally that the vehicle had been taken out of storage on 12 February 2019 yet storage had been claimed up to 8 March 2019.

## The Trial

At trial further issues arose when the claimant was cross examined:

- He said he had driven his car home from the accident and also to the storage facility. So the vehicle was not recovered, and the claim for £250 was false.
- He could not explain why he had claimed storage up to 8th March 2019 when he admitted to removing the car from storage on 12th February 2019.
- When asked why he had claimed recovery, he said that he thought this related to its being delivered to the purchaser of his vehicle.
- But that wasn't right either, since he then said that he drove his vehicle to the purchaser.
- When Counsel put it to him that his claim for recovery was fundamentally dishonest, he claimed he couldn't understand the question.
- He admitted that he had another private vehicle at home, despite his assertion that he needed the hire vehicle for social use.
- He was asked about physiotherapy treatment and claimed that he had undertaken it but could not explain why there was no documentary evidence to support it. It transpired that he had had no such treatment.

## The Outcome

The Judge found that the claims for recovery and storage were fundamentally dishonest. The entire claim was dismissed and QOCS (Qualified One-Way Costs Shifting) was disappplied, with the defendant being awarded £10,000 in costs. The Judge also granted the defendant's application to join the credit hire organisation (CHO) into proceedings for the purposes of a non-party costs order.

## The Moral

This was clearly a claimant who thought the insurer would be a "soft touch", but was not intelligent enough to recognise the many deficiencies in his story. But the most disturbing aspect is that most of



these deficiencies could, and should, have been recognised by the lawyers acting for the claimant. Professional reputations are valuable, and no lawyer should sully their reputation by acting for claimants such as this. It just isn't worth it.

**Biog:** Chris Makin has practised as a forensic accountant and expert witness for 30 years, latterly as Head of Litigation Support at a national firm. He has given expert evidence about 100 times. He also performs expert determinations.

Chris is a fellow of the Institute of Chartered Accountants where he has served on the Forensic Committee, and as an ethical counsellor; he is a fellow of the Chartered Management Institute, a fellow of the Academy of Experts where he serves on the Investigations Committee, and a mediator accredited by the Chartered Arbitrators.

He practises as a mediator, from his home in West Yorkshire and his rooms at 3 Gray's Inn Square, London WC1R 5AH, telephone 020 7430 0333. He has mediated 100+ cases so far, on a huge range of subjects, with a settlement rate to date of 80%. For more see his website with videos:

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## Chris Makin

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# ESG planning best practice: where to start, what to aim for

Ever since the COP26 climate summit in Glasgow last year, the term ‘net zero’ has become commonplace. We have seen numerous entities – from organisations to entire cities and countries – pledge to reach a goal of net zero in response to the heightening climate change crisis. In practice, this means achieving the tipping point where greenhouse gas emissions are equal to or less than the emissions taken out of the environment. Indeed, [Landmark Information Group confirmed its commitment to the Pledge to Net Zero initiative](#) in a bid to play its part in securing a sustainable future, earlier this year.

But this move towards net zero is no bandwagon. Now, as businesses are increasingly obliged to report on their environmental, social and governance (ESG) planning and performance, they are also more likely to be judged on it. As a result, the effort to achieve net zero is becoming a business priority as well as a moral imperative.

## Carbon neutral versus net zero

First, let’s get clear on the terminology we are using. Net zero is often confused with carbon neutrality, which is concerned with balancing only emissions under a user’s direct control, sometimes by offsetting. It is important to note that carbon neutral as an objective differs from net zero, which is concerned with limiting global warming to 1.5 degrees. For this reason, some might consider carbon neutral as more of a book-balancing exercise; in comparison, net zero – and in particular the [Pledge to Net Zero](#) – is a commitment to science-based targets in line with the Paris Agreement. So, what does ESG have to do with net zero?

The environmental aspect of ESG reporting will say much about an organisation’s progress towards any net zero initiative. [RiskHorizon](#), our ESG risk management tool, digs into environmental performance by looking

at aspects such as whether the business has established formal energy reduction targets or calculated greenhouse gas emissions across all three definition scopes. In fact, we believe that ESG reporting can assist on the road to net zero by encouraging best practice and aligning business activities to support the objective. Certainly, the ability to assess ESG maturity, benchmark performance and track and demonstrate improvements will prove invaluable to businesses in meeting their target.

## Starting the journey

Wherever you are on the route to net zero, and whatever your ESG reporting scenario might be, there are helpful steps you can take to unite your emissions objectives with ESG processes in a way that can create tangible positive outcomes.

Sally Redman, one of Landmark’s senior environmental consultants, advises a methodical approach to ESG planning, which encompasses people and metrics in its guiding principles:

### Start by designing an organisational structure

ESG performance should be an organisation-wide goal. To stay on track with implementing the ESG strategy and meeting the target metrics, organisations need a team of people with varied and complementary skillsets, from strategy to programme management.

### Plan for a wide range of activities

To define, implement and evaluate an ESG strategy successfully, ensure that your team is ready to undertake activities such as:

- **Evaluation and benchmarking:** Measuring the current state of ESG practices in your own organisation and others
- **KPI setting:** Determining short and long term ESG KPIs across the entire environmental, social and governance spectrum.

- **Strategy:** Establishing strategies to achieve the defined KPIs.
- **Organisational mobilisation:** Aligning internal departments’ operations with the ESG strategy.
- **Monitoring performance:** Tracking progress towards KPIs.
- **Communicating progress:** Auditing the consistency of ESG reporting and reliability of data used; sharing ESG reports with the public at predetermined dates.

## Chase the right metrics

It is important to identify the right metrics to measure in the first place. A full and comprehensive ESG strategy will not only focus on environmental issues such as reducing emissions but also include social and governance elements such as tackling gender pay gaps and diversity targets. The targets set should be specific and measurable.

## Pledge to perform

For those wishing to formalise and structure their net zero goals, pledging support for various initiatives could enhance performance and accountability. Any organisation can support the [UN-backed Race to Zero](#) initiative in which participants aim to halve emissions by 2030 and achieve net zero by 2050.

## Review and refine

Sally warns that organisations must make efforts to avoid bias when tracking and evaluating ESG performance against the defined metrics. She advises considering and reporting on weaknesses as well as strengths for full transparency. Finally, she suggests that organisations work to improve performance against metrics on an ongoing basis, investing additional focus on the strategies where the potential return-to-effort ratio is high.

*To learn more about Landmark’s ESG management tools and services, click here: [ESG Management – Landmark Information Group](#)*

# ZERO TO HERO

Landmark's **RiskHorizon** is an intuitive ESG management tool that provides lifecycle due diligence

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# 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.

**Morecrofts LLP** @Morecrofts - 20 May  
 Thank you so much to our friends at @Freshfields for a wonderful evening. The funds raised will help us to care for the abandoned, abused animals who need us desperately. With your support, we can transform their lives and give them the chance of a happy future #FridayFeeling X

**Morecrofts LLP** @Morecrofts - 20 May  
 We had a fantastic time at the Morecrofts' Ladies Evening on Wednesday and our guests helped to raise a wonderful £500 for our charity of the year @Freshfieldsresc. Find out more and see some photos of the festivities here morecrofts.co.uk/ladies-gather... #MorecroftsPeople

**Carpenters Group** Retweeted  
**Queens Park FC** @park\_queens - 25 May  
 Now that the season is over, we'd like to say a massive thanks to our clubs main sponsor @CarpentersGroup. We appreciate all you do for us.

**Excello Law** @ExcelloLaw - 31 May  
 With holiday bookings increasing for the summer, #familylawyer Rachel Murphy discusses whether separated parents need permission to take their children abroad and the documentation needed to ensure a smooth trip. ow.ly/yump5OJl2g8

**LiverpoolLawSociety** Retweeted  
**SRA** @sra\_solicitors - 23 May  
 We've launched our latest Business Plan consultation and are seeking your views on our work. Highlights include expanding our proactive anti-money laundering work. Do you agree? Read and respond by 17 June sra.org.uk/sra/consultati...

**CEL Solicitors** @CelSolicitors - 27 May  
 Last month, members of our diversity committee attended the Liverpool Against Racism conference. Read about Celeste's experience here: celsolicitors.co.uk/liverpool-aga... #LAR #LiverpoolAgainstRacism @CultureLPool

**Forbes Solicitors** @ForbesSolicitor - 25 May  
 A fantastic range of speakers this morning at our HR Retreat that we're hosting with @yourrecruitment - on stage now we have Dave Harrison from @CoCreation\_1 speaking about The Power of People

**Hill Dickinson LLP** @HillDickinson - 30 May  
 As this year's headline sponsor, we're delighted to announce that the vote is now open for the Merseyside Women of the Year Awards 2022. Who will be your winner? Vote now! merseysidewomenoftheyear.co.uk/finalists-2022/ #MWOTY

**MWOTY Awards** @MWOTY - 27 May  
 With judges' votes counted, the finalists will now be put to a public vote to determine who will be the overall Merseyside Woman of the Year 2022... online voting is now open! merseysidewomenoftheyear.co.uk/finalists-2022/ #MWOTY2022

**LiverpoolLawSociety** @LpoolLawSociety - 30 May  
 Calling all local newly qualified solicitors, Fellows of Cilex and barristers from 2020 and 2021 - you are invited to an event to celebrate your achievement on qualifying into the Law kindly sponsored by @HaysNews. Last chance to sign up! liverpoollawsociety.org.uk/events/newly-q...

**Bell Lamb & Joynson Solicitors** @BLJSolicitors - 2h  
 Police, Paris and Parades: Mike Leeman reflects on an uncomfortable weekend and shares advice for dealing with police violence and mistreatment bit.ly/3asKOV7 #UCLfinal #ChampionsLeagueFinal

If you have an interesting tweet to share, why not send it to us: [studio@baskerville-e.media](mailto:studio@baskerville-e.media)

# Talk to us

A close-up photograph of a person's hand holding a white rectangular card. The card features the LawCare logo, which consists of the word "LawCare" in a blue sans-serif font. A red horizontal line is positioned below the text, with a small blue triangle pointing upwards from the center of the line. The background is a blurred image of a person in a white shirt and dark jacket.

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# New guide tackles lack of empathy in law firms



## Free resource: Putting empathy at the heart of customer care



**As data reveals UK legal firms often fail to deliver the personal touch<sup>1</sup> – a new guide has been launched to help improve client care and service delivery with empathy.**

Leading outsourced communications provider Money Penny has compiled the free guide to help lawyers improve their reputation for client care, build more valuable relationships with clients, reduce client churn and maximise profits.

Calling on its experience handling 2 million customer interactions for more than 1,000 UK legal firms each year, Money Penny's guide includes practical tips to improve empathy in legal practice and ensure employees' use of language hits the mark. It also addresses the importance of active listening and the need for empathetic leadership, plus it also includes a short quiz to help firms ascertain just how empathetic they are.

**Joanna Swash**, CEO of Money Penny said: *"This guide reminds lawyers of the commercial necessity for empathy and shows how they can engrain it into their practices and service delivery – reassuring clients that they're not only being heard but also listened to and understood."*

*"The pandemic has changed the relationships we have with each other*

*– our peers, colleagues, and clients – and it's made human connection more appreciated than ever. The legal business winners of the last two years prioritised empathy and have reaped the financial rewards for doing so. But as the world returns to normal we have to make sure we don't forget the importance of these behaviours."*

**Bernadette Bennett**, head of the legal sector at Money Penny said: *"As a business that handles inbound and outbound communication around the clock, we know first-hand that empathy shapes client experience. It underpins how we connect with others and has the power to transform reputation. Actively listening and displaying empathy not only puts nervous and vulnerable clients at ease but offers valuable insights that can shape service delivery, and put you at the forefront of your market."*

The guide was developed with insight from emotional intelligence expert and founder of the EI Evolution, Sandra Thompson. Sandra is the first Goleman emotional intelligence coach in the UK and an experienced customer experience management consultant.

**Sandra Thompson** said: *"Neuroscience tells us that it's impossible to know exactly how someone else is feeling, yet the value of demonstrating that you're doing your best to understand is huge – particularly*

*when it comes to business. Brilliant client service experiences are built on empathetic interactions. That's how you keep your clients loyal and make your employees feel empowered."*

The guide is available to download for free on Money Penny's website, at <https://www.moneypenny.com/uk/resources/blog/free-resource-putting-empathy-at-the-heart-of-customer-care/>

Money Penny's 95-strong team of dedicated legal receptionists provide firms with outsourced switchboard, managed live chat and outbound calling support – delivering scalable solutions that help legal practices remain agile, protect reputation and deliver a first-class client experience.

Established in 2000, Money Penny is the world's market leader for telephone answering, live chat, outsourced switchboard and customer contact solutions. In total, more than 21,000 businesses across the UK benefit from Money Penny's mix of extraordinary people and ground-breaking technology.

For more information about Money Penny's work with the legal sector, visit [www.moneypenny.com](http://www.moneypenny.com)

<sup>1</sup> Research from Insight 6's Professional Services Client Journey Report 2021

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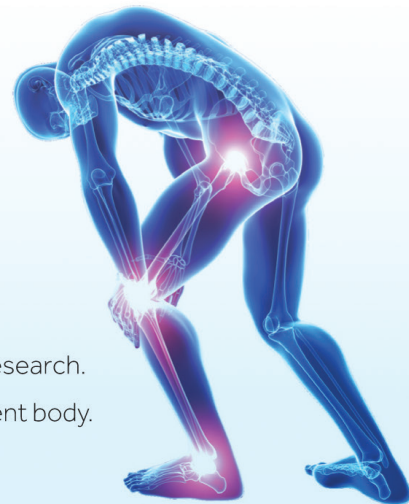
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