

June 2023

Liverpool Law

Liverpool  Law Society

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



The legacy of the Eurovision Song Contest

Find out what the Liverpool BID Company have to say on page 26

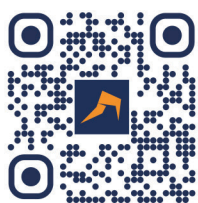


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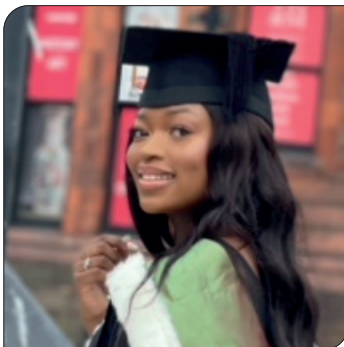


The Law
Society



June 2023

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DEADLINES

Tue, 27th June
Wed, 26th July
Fri, 25th August
Mon, 25th September
Tue, 24th October
Mon, 27th November



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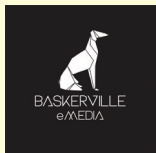
Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

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

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Tel: 0151 203 0440
simon@baskerville-e.media



Editorial Committee Dates 2023

Meetings start at 01.00 pm on a Tuesday, except where noted.

20/06/2023
18/07/2023
15/08/2023
19/09/2023
17/10/2023
21/11/2023

Front cover photo: David Wafer (left) and Alison Lobb with Jedward.

Welcome to the June edition of Liverpool Law



It would be remiss of me not to mention Eurovision and what a fantastic job our City did hosting such an event. I have to admit it is not something I would normally watch but I felt an obligation to watch with it being here and loved seeing the 360 rotations of various locations around Liverpool. This month's cover really made me smile and I hope everyone who was able to get involved in the events enjoyed themselves.

This month we have many movers and shakers and congratulations to those firms receiving awards and recognitions. I would like to comment on the move of my colleague Dami to Merseyside Law Centre and wish her the best of luck in her new role as their new Immigration trainee, I'm sure she will be amazing as always. Vauxhall Law Centre have two events on 2 and 9 June 2023 to celebrate their 50th anniversary so please support this if you can.

We also have another great charity featured, this month we have The Brain Charity. This is a charity close to my heart with my own Mum having sustained a severe brain injury following an accident. This charity were a great support for me and my family and I would implore you to support them if you can.

There is also a plea from our EDI committee for feedback on your firms' policies and best practices in tackling a number of issues so please do support them if you can. In addressing these issues together we can hopefully effect change.

Until next month.

Many thanks

Jennifer Powell, Editor
Weightmans
editor@liverpoollawsociety.org.uk

Welcome to new members

We'd like to give a warm welcome to our new members who were approved for membership at May's General Committee meeting. There were 299 individuals from the following law firms or organisations:

- Brabners LLP
- DWF LLP
- Jones Robertson Solicitors
- Morecrofts LLP
- Percy Hughes & Roberts
- Prosperity Law LLP
- RMNJ Solicitors
- Simpson Millar

Liverpool Law Society's membership now exceeds 2,610 individuals from 181 law firms, barristers' chambers, and other organisations with legal professionals in the Liverpool City Region and beyond.

From the President

The latest from the President, Jeremy Myers

The month since I last wrote has seen a big variety of events for Liverpool Law Society, and certainly the most diverse geographically of the Presidential year to date.

Two events just after I last wrote were out of the usual routine. The first was the Quiz run by Merseyside Junior Lawyers Division at the Bier Keller in Liverpool One. Those older Solicitors amongst us fought hard but could only finish outside the contenders and so the Trophy returned to the younger cohort. Let's make sure that that we "old fogies" challenge strongly next year! Hats off to **David Tartellin**, Chair of MJLD, who organised a very impressive Power-point and musical Quiz, ably supported by his Committee team. The up and coming practitioners showed their colours with great style.

The second key event was the joint walk with Cheshire and North Wales Law Society (CNWLS). This was Liverpool's turn to organise in 2023. **Ruth Fletcher** was inspired to return to her family roots for the walk around the border of England and Wales near Chirk. Our Vice President, **Gaynor Williams**, writes in this edition and you can see photos which Gaynor took. The turnout from CNWLS was much lower than from LLS, so next year we shall need or think about how it can be more balanced in numbers. Meanwhile, I was really pleased that several people attending brought family members, which is what this particular type of event is all about.

Readers might recall that I have written about the return of the sabre to the Polish Consul-General in Manchester in March. The Consul-General responded by inviting me to attend his Constitution Day Reception at the Consulate in Manchester (03 May). An eclectic group of Polish-linked people – plus Civic leaders from across the north of England – formed a very convivial group. Additionally, I learned something about Poland's eighteenth century history and its innovative Constitution of 1792.

May 2023 will long be remembered as for the King's Coronation, and to so many of us it meant so very much as a staging point in our national life and history. **Gaynor Williams**, our VP – with her husband **Harry** – and I felt so honoured to represent LLS at a special Commemoration Service at Liverpool Cathedral on Sunday 07 May, the day after the Coronation. It was an ecumenical Service and a full Civic event of the Merseyside County. I was struck particularly by the wonderful choral music which included several pieces sung at Westminster Abbey on the previous day.

Links with the national Law Society and our regional colleagues have been enhanced. I attended the Leeds Law Society Dinner. We heard a heart-warming speech by the Leeds President, **Matthew Jones**, on his own personal journey through life and the profession, and an update from the national scene from the President, **Lubna Shuja**. On the following day travelled to London for the "Town Hall" meeting in Chancery Lane. I shall be writing about that event, also attended virtually by LLS representatives, in the next edition.

Finally, with **Alum Ullah**, our Joint Hon Secretary, I took part in an online discussion led by members of Chancery Lane team about



the Government's proposals for Fixed Recoverable Costs. A major event for the month is LLS's hosting of the meeting of the Joint V major provincial Societies. It will be a hybrid event and – thanks to Weightmans – we have an ideal city centre venue. There will be a full report in the next edition.

So far, our new virtual existence seems to be working efficiently. We in the Committee are concerned to make sure that we do not let the in person links lapse for too long. That is why we are meeting as an in-person General Committee on Tuesday 13 June, for the first time since December 2022, with thanks to Brabners. We expect to convene in person again in October and December 2023.

In wrapping up this column, I'll make another plug for the LLS Summer Social at Royal Mersey Yacht Club on Thursday 06 July. I have written about this special event elsewhere in this edition and I am sure that those attending will find it a fascinating Club to visit. Our LLS team has forged an important link with the Liverpool Society of Chartered Accountants –encouraging its members to attend – so that the networking aspect of this informal lunch will be very strong.

It would be good to catch up with some of you at that event and – of course – to hear from you on any matters of mutual interest and with suggestions for LLS's activities.

Jeremy Myers

President

president@liverpoollawsociety.org.uk

LLS Meetings & events – June/July 2023

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

Start Time	Meeting/Event
13/06/2023 12:30	General Committee 2022-2023 (in person)
14/06/2023 13:00	Family Business Sub-Committee 2022-2023
15/06/2023 13:00	Non-Contentious Business Sub-Committee 2022-2023
20/06/2023 13:00	Editorial Sub-Committee 2022-2023
21/06/2023 12:30	Finance & Policy Sub-Committee 2022-2023
22/06/2023 13:00	Civil Litigation Sub-Committee 2022-2023
27/06/2023 09:00	Deadline July Liverpool Law
28/06/2023 13:00	Equality, Diversity & Inclusion Sub-Committee 2022-2023
29/06/2023 17:30	In-House Lawyers Sub-Committee 2022-23/Social event (in person)
11/07/2023 12:30	General Committee 2022-2023

Liverpool Law Society has a number of committees covering specialist areas of law which meet regularly throughout the year allowing members of Liverpool Law Society to discuss common issues, respond to consultation papers and contribute ideas towards the Society's comprehensive legal training programme. Our Access to Justice; Civil Litigation; Criminal Practice; Employment Law; Equality, Diversity & Inclusion; Editorial; Family Business; In-House Lawyers; Non-Contentious Business and Regulatory committees are open to all members of Liverpool Law Society. To enquire about your membership status and/or being co-opted onto one of the above committees, please email committees@liverpoollawsociety.org.uk

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

Committee	Consultation Paper title	Closing date
Family Business	Supporting earlier resolution of private family law arrangements	15/06/23
Criminal Practice	Draft codes of practice issued under POCA 2002 and the Terrorism Act 2000	20/06/23
Criminal Practice	Consultation on draft Code of Practice issued by the Attorney General under Section 377A of the Proceeds of Crime Act 2002	20/06/23
Regulatory	Business Plan and budget 2023-24	21/06/23
Non-Contentious Business/Regulatory	Protecting consumers from excessive charges in financial service claims	19/07/23
Regulatory	Corporate Strategy 2023-26	02/08/23

Five move on up after Morecrofts promotions



Alison Williams

Morecrofts Solicitors has made five senior promotions across its specialist teams.

Alison Williams has been promoted to senior associate solicitor, specialising in residential property, while **Laura Monti** and **Ellie Slater** have both been promoted to the role of associate solicitor, working in the litigation and family law teams respectively.



Laura Monti



Eleanor Slater



Liz Potter

Liz Potter also steps up to associate legal executive in the matrimonial team and **Emma McNamara** has been promoted to senior paralegal, specialising in private client.

Alison Lobb, managing partner at Morecrofts Solicitors, hailed the group of five, who are based at the firm's offices across Merseyside, including Prescott, Wirral and Liverpool city centre.



Emma McNamara

She said: "We have been proud to see the continued development of these five excellent legal professionals. Ellie started her career with us as a trainee solicitor, while the others have now worked with us for several years, having chosen to develop the next stage of their careers with our firm.

"Not only are they all talented, passionate advocates for our clients, but their efforts have also supported a continued growth in client instructions and turnover across the firm. It is wonderful, therefore, to be able to reward their excellent work and further elevate their roles within Morecrofts over the years to come."

Two new trainee solicitors have also begun their journey to qualification with Morecrofts in recent weeks. **Amy Knowles** has taken her first seat within the matrimonial team in Liverpool, while **Megan Williams** has joined the private client team in Crosby.

Alison added: "We have an incredible wealth of young legal talent within Morecrofts and we wish every success to Megan and Amy as they embark on their training contracts. The future of our firm is certainly very bright."

Liverpool Law Clinic welcomes James Betts to SEN Projects Team



James Betts

The Liverpool Law Clinic is delighted to welcome James Betts to our Team. James is a solicitor who specialises in Special

Educational Needs ('SEN') law and has been working alongside our other SEN solicitor Deborah Tyfield to provide free and confidential legal advice to parents of children living with Special Educational Needs or a Disability in the Merseyside area.

Prior to joining the Liverpool Law Clinic, James worked in private practice for over 10 years developing a reputation for his work in SEN law. He is recognised to be an expert

in the field by the Legal 500 and Chambers and Partners guides. The majority of James' work in private practice focussed on supporting parents of disabled children to challenge local authority decisions in respect of education and social care provision. James also represented looked after children, care leavers and disabled adults to secure the support required to meet their individual needs.

Since joining us in February, James has hit the ground running and already had great successes with the cases he has been working on as part of our clinic projects. We have recently started our new judicial review project where we support clients to send letters of claim in relation to special educational needs issues. The aim of the project is to promote access to justice in the local area. We have already had some great

success stories on this project. For example, we have recently helped the parent of an 11-year-old autistic boy secure home to school transport and received confirmation that the local authority involved will amend their transport policy. The change to the policy means more children with special educational needs will potentially be eligible for school transport.

In addition to our judicial review project, we hope to expand the SEN services that we are already offering to help more parents of disabled children to secure the support they need through the Judicial Review and SEND appeals projects.

We are so pleased to have James join our team and it's great that his work is already benefiting families with SEN children across Merseyside.

DLA Piper announces North West partnership promotions

DLA Piper is proud to announce that North West based lawyers Charles Weems and David Cook have been promoted to partner as part of the firm's annual promotion round. The promotions are effective as of 1 May 2023.



Charles Weems

Charles is a skilled debt finance lawyer, with significant experience acting for private credit funds, banks, private equity sponsors and corporate borrowers with a focus on leveraged acquisition finance

and corporate lending matters.



David Cook

David advises on contentious cyber security and data protection matters and has worked on some of the most high-profile and significant cyber security incidents and data breaches in the UK and internationally. His work encompasses regulatory notification and enforcement right through to advising on civil and criminal liability. David is also

the co-Chair of the international steering committee of Enabled, the firm's disability people network.

Mark Beardwood, DLA Piper's North West Office Managing Partner, commented: "I am delighted to welcome Charlie and David to the partnership. They are both outstanding lawyers, leaders in their fields. They add further strength in depth to our finance and regulatory practices, here in the North West and within our global practice."

Globally, 72 promotions have been made across all of the firm's practice areas, spanning 43 offices in 20 countries. A full list of partner promotions by office and practice can be found on [dlapiper.com](https://www.dlapiper.com/news/2023/05/dla-piper-announces-partnership-promotions-for-2023?utm_source=linkedin_company&utm_medium=social&utm_campaign=careers&utm_term=global&utm_content=text-article) - https://www.dlapiper.com/news/2023/05/dla-piper-announces-partnership-promotions-for-2023?utm_source=linkedin_company&utm_medium=social&utm_campaign=careers&utm_term=global&utm_content=text-article.



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**50TH ANNIVERSARY
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**2 June 2023
9 June 2023**

6:30pm
85 mins, no interval
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Liverpool family law solicitors Maria Fogg family law wins national small business award



Maria Fogg Family Law has been crowned Britain's greatest family business winning the Legacy Award at The Small Awards

A family law Solicitors from Liverpool, that provides legal services in Child Care Proceedings, Local Authority Involvement, Domestic Violence Injunctions and Child Matters has won best Family business at this year's [Small Awards](#).

Maria Fogg Family Law won the award which recognises the unique characteristics, challenges and strengths of family run businesses. The business demonstrates involvement and

contribution from family members as well as business success over a period of time.

Owners **Andrea** and **Charlotte Fogg**, who started Maria Fogg Family Law in 2012 with heir mother **Maria Fogg** was crowned the winner at a sparkling celebration event in central London, hosted by presenter, writer, actor and comedian, Sue Perkins.

The firm was established in 2012 by Maria Fogg and her 2 daughters. When Maria passed away suddenly in 2018 her daughters took the challenge of continuing the family business. The sisters obtained the approval of the Solicitor

Regulations Authority to be non-lawyer owners which was no easy task.

The sisters were determined to maintain and continue their mother's legacy which has a real family ethos and excellent reputation within the local community. The firm specialises in domestic violence and child protection specifically aimed of helping woman, men and children obtaining protection from domestic violence in the local community and child protection.

Since taking ownership of the business the sisters have been awarded with an accreditation which recognises excellence in legal advice and client care from the Specialist Quality Mark. The firm won a national award in early 2023 which recognised legal practices that have demonstrated innovative solutions over the previous 12month period. The sisters have grown the business from 4 to 17 employees which are handpicked with the same family values. The sisters continued nurturing and organisation of the firm sets them apart from the traditional law firms which is why it has continued to thrive in such a very male dominated industry.

Charlotte Fogg said *"Winning the Legacy Award means so much to Andrea and I. We are so thankful to be able to continue our mother's legacy and helping the most vulnerable people in our community. We could not be prouder of the environment we have created and the wonderful team we work with each day."*

In its seventh year, The Small Awards is a nationwide search for the smallest and greatest firms in the UK, across all sectors. It is organised annually by Small Business Britain, which champions, inspires and accelerates the nation's 5.5 million small firms.

This year, the Small Awards received



a record number of applications from small businesses, with over 80 finalists shortlisted across 11 Small Award categories that call out the nation's most inspirational business, across everything from sole-traders, to digital stars and purposeful community-driven businesses.

Maria Fogg Family Law won the award alongside 10 other winning small firms from across the UK.

"Congratulations to Maria Fogg Family Law who impressed our team and judges with their inspiring entrepreneurship and commitment to serving customers and their community," said **Michelle Ovens CBE**, Founder of Small Business Britain and the Small Awards

"It remains a challenging time for the whole small business community, but it is so positive to celebrate the amazing contribution of small firms like Maria Fogg Family Law."

The Small Awards are judged by a panel of leading enterprise experts. Guests at the event were treated to a dazzling display of entertainment by Europe's largest gay male choir, the [London Gay Men's Chorus](https://www.londongaymenchorus.co.uk/), along with fine food and drink by independent caterers.



MSB Solicitors Expands Team and Secures Significant Family Legal Aid Contract, Strengthening Position as Leading North West Law Firm



Leading North West law firm, MSB Solicitors, which has offices in Liverpool, Manchester and Cheshire, is delighted to announce that it has expanded its team and secured a significant new family legal aid contract. The acquisition of the new family legal aid contract aligns with the firm's ongoing mission to provide comprehensive support and representation to individuals and families in need across the region.

In addition to MSB Solicitors' longstanding Liverpool legal aid contract, enabling the firm to serve clients nationwide, the recent acquisition of the Manchester, Warrington, and Halton contract further solidifies their commitment to providing exceptional legal services in the area. This expansion reinforces their expertise and bolsters their ability to provide comprehensive guidance and support to clients in the region.

The firm is delighted to award a training contract to **Eva Tite**, a dedicated family paralegal, while also welcoming three new paralegals. Additionally, in June, trainee **Mak Singh** will become a qualified solicitor and join the North West team.

MSB Solicitors is also thrilled to announce the recent appointment of **Katie Jackson**, a distinguished legal professional who represents children across Greater Manchester in public law care proceedings. Katie will join the firm as a Senior Associate, fortifying its commitment to safeguarding the interests of children across the North West. With Katie's addition, the children's panel team now comprises seven highly skilled individuals dedicated to advocating for the rights of children.

Katie, a qualified solicitor since 2009, specialises in care cases and complex parental disputes, primarily representing

children. Her exceptional legal expertise and unwavering dedication make her a valuable asset to the firm and the clients it serves.

As MSB Solicitors continues its remarkable growth, the firm remains dedicated to serving clients and excelling in their provision of legal services. With the recent addition of family legal aid services, MSB Solicitors expands its already impressive private offering. The firm's success in the private sector, recognised by esteemed institutions such as Spears500, the Legal500, and Chambers, solidifies its position as an industry leader.

What sets MSB Solicitors apart is their ability to excel regardless of who requires their support, whether representing high-net-worth individuals or those eligible for public funding, the firm ensures exceptional representation for everyone in the community.

With a wealth of experience in complex legal aid cases,

often involving the High Court and Court of Appeal, MSB Solicitors boasts a team of specialists who are well-versed in a number of areas, including international matters, forced marriage and child abduction cases, and social services involvement. The firm possess extensive expertise in addressing allegations of sexual abuse, physical abuse, alienating behaviours, and psychological abuse towards children.

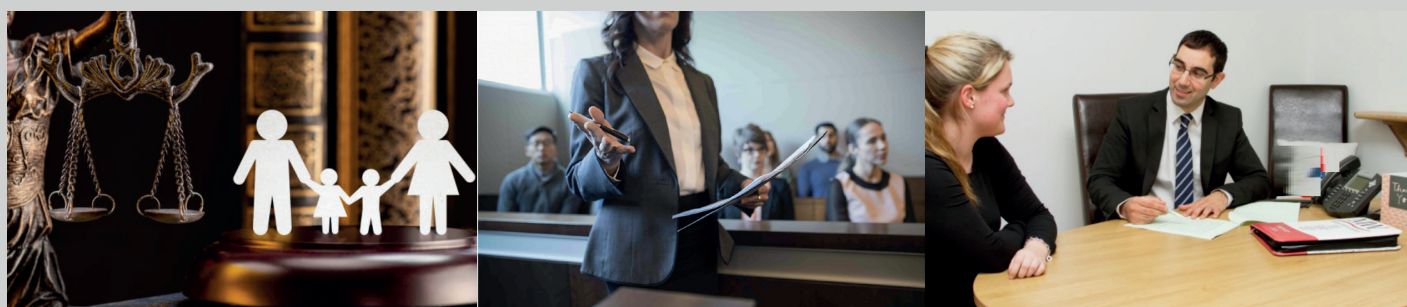
"This expansion and the addition of Katie Jackson to our team underline our commitment to providing unparalleled legal support and representation, particularly in cases involving children and families. We remain dedicated to achieving the best outcomes for our clients and upholding our reputation for excellence." Said **Emma Palmer**, Partner and Head of Family at MSB Solicitors.

MSB Solicitors continues to grow and expand its team, ensuring that it can meet the increasing demand for high-quality legal services.

The Family Business Sub-Committee is looking for new Members

"Are you passionate about family law? If so, come and join us"

Says **Haley Farell**, chair of the Family business Sub-Committee and Deputy Managing Director & Head of Family Law at Broudie Jackson Canter



The Family Business Sub-Committee has regular involvement and liaison with the local courts in attending a number of committees to ensure that practitioners are fully updated in changes in local procedures and practice. Further, the committee gives feedback to the court to ensure that the community is served as well as possible.

The committee meets 5 times a year for an hour over lunchtime, mostly online and we would welcome applications from members of Liverpool Law Society, both public and private family law practitioners, to join, meet, network and learn from peers regardless of seniority and experience. The Committee provides an excellent opportunity for keeping up to date and professional networking.

For further details and to apply to join the committee, see:

<https://www.liverpoollawsociety.org.uk/about/committees/specialist/business-committee/>

Brown Turner Ross expands three departments with triple appointments



Lucas Gardiner, Holly Bingham, Louise Harrison

Liverpool and Southport based law firm Brown Turner Ross have made three new appointments following their expansion into new Liverpool city centre offices at The Cotton Exchange.

The firm, who have been providing legal advice for 139 years from their offices on Lord Street Southport, moved into their new business district offices in April and these appointments confirm the company commitment to growth and quality client servicing.

Lucas Gardiner, has joined the team as a Civil Litigation Solicitor from Keoghs LLP, having worked in the Corporate Risk team since 2020. This appointment will further strengthen the Brown Turner Ross Commercial and Litigation department. Specific areas of expertise

include:- Personal Injury claims including employer liability/public liability, travel law, industrial disease and volume motor (RTA), suspected fraud and credit hire.

Holly Bingham, takes up the role as Family Paralegal, having joined from Simpson Millar where she was a Conveyancing Assistant. This appointment reflects the increased case load and takes the Brown Turner Ross Family team to 9 covering all aspects of Family law.

Louise Harrison, joins the Housing Disrepair team as a Fee Earner increasing the team to 4. Previously at Bond Turner, Louise was also responsible for creating the fast growing Housing Disrepair department at Hatton's Solicitors in St. Helens. With over 4 year's experience

Louise brings a wealth of knowledge to further enhance and grow the team.

Sam Bushell, Managing Director said *"We are delighted with the new appointments, which are a firm commitment to growth for Brown Turner Ross. The acquisition of our new Liverpool office along with the recruitment of three new talented team members further enhances the company outlook to provide a top-quality service to our expanding client base from highly trained and motivated team members"*.

Founded in Southport in 1884, Brown Turner Ross has become one of the North Wests leading law firms who specialise in family, private client, corporate and commercial property, housing disrepair and dispute resolution work.

Japanese Knotweed... plant or plague?



The term Japanese Knotweed, also known as Reynoutria Japonica, is enough to instill fear into the hearts of any vendor, purchaser or mortgage lender. It has a reputation as egregious and fearsome as any plant save for perhaps the Venus Flytrap. It is legendary for its pernicious character and stubborn nature. It has no natural predators and can outmanoeuvre any other plant. It has even been known to survive volcanic lava. In botanic terms it is the boss.

It was first brought to the United Kingdom via the Royal Botanic Gardens at Kew by a European adventurer who lifted it from a volcano in Japan. In appearance its stems resemble bamboo. In Japan, the young leaves and shoots are considered edible albeit with cooking (not recommended).

The secret of its survival lies in the rhizomes which hide beneath the surface. They are the biological turbines which can lie dormant for decades waiting for more halcyon days to ensue. Any provocation of the rhizome can ignite it into life.

Once in bloom, it towers over smaller saplings depriving them of life-giving light. It also secretes chemicals which impede the fertilisation of other plants. Its only real nemesis is the chemical glyphosphate. It took human engineering to find its Kryptonite.

However, there is an argument to say it has been misunderstood. Whilst it is difficult to stop, it is rare for JKW to do any real harm.

The Wildlife and Countryside Act, in 1981, made it an offence to cause knotweed to grow in the wild, promising a £5,000 fine or six months in prison for the breach. It was like using a towel to stop the tide coming in. By then, it had enjoyed a century of freedom to claim primacy in our forests, gardens and open fields.

In 2010, Santander announced a moratorium on lending against knotweed blighted property. Others followed suit, not through knowledge but through ignorance of what it might do to their security.

In 2012, the Royal Institute of Chartered Surveyors published a report which held that within 7m of any plant there was likely to be an underground network of roots and rhizomes in the soil. Banks began to relax their restrictions but the seven meter rule still caught out many a would-be purchaser.

In January 2022, a further such report was published. The *baddest plant on the planet* mantra was downgraded somewhat. RICS reported that structural damage to buildings was very unlikely indeed. 3m as opposed to 7m was

adopted as the working rule for spread of the root/ rhizome network.

Agricultural experts are now firmly of the opinion that JKW has a reputation for having a reputation. The psychological stigma is there because it is. Misinformation and overreaction is the reason people cannot secure mortgages and vendors cannot sell their homes. The stigma however is real and has genuine economic consequences. This has been recognised by the Court of Appeal in *Williams v Network Rail* and *Davies v Network Rail*.

The rehabilitation of our new found friend will take many years perhaps decades to achieve as long held beliefs can take a generation to shift. Some will cling to the legend, cynical about scientific dogma which blows this way and that. One would hope that mortgage providers will give proper weight to current scientific wisdom.

The Lord Justices have been generous to claimants from the outset in carving out a clear common-law path to success in legitimate cases. Constructive knowledge, Limitation, causation and recognisable loss have all been determined favourably in private nuisance cases. Once the facts are established on the ground (literally) most cases fall into place in this sympathetic legal framework. To the delight of claimant lawyers, standard costs apply

with no imminent change on the horizon.

The Claim is in private nuisance. It is not a Rylands v Fletcher claim, as some think, because once the infestation encroaches onto your land it belongs to you. It is in fact part of your land. If you want to keep it, burn it, smoke it or eat it you are free to do so but not recommended. It is not a poison which has escaped but a natural infestation which nobody caused to be there by any positive action.

The most common claim is against Network Rail the eponymous defendant in the two big cases. Local councils also receive their fair share of letters of claim. Less commonly but still significant is the contractual/ professional negligence claim by the purchaser against the surveyor who neglected to comment on the issue. This is notoriously difficult as surveyors have become extremely adept at providing exclusion clauses for every eventuality. As a profession, this is a defence mechanism that no doubt comes from years of litigious victimhood.

The vendor who neglected to mention JKW in the conveyance documents can also find himself in the firing line. The TA10 document well known to all conveyancers provides specifically for

disclosure of knotweed. This however is also difficult for a host of reasons. The vendor can always argue as a layperson that the information was given in good faith. Ignorance is bliss and buyer beware are the cliches that spring to mind.

Occasionally, people try to sue their neighbours which does not lead to congenial relations. It is also high risk. The best defence is offence in that the neighbour will argue that it traveled the opposite way and bring an identical, symmetrical counterclaim.

The remedy for all this is a herbicidal treatment program on both sides of the boundary and damages for diminution in value of the property. The diminution is there even after herbicide treatment but much reduced if the treatment has been successful. Ideally, the treatment is insurance backed with a 10 year guarantee. Some experts will also recommend a geo-membrane or route barrier to be placed along the border to stop cross-fertilisation. This is a bit like a prophylactic for your garden.

The herbicidal treatment has to be done religiously every year for 3 to 5 years. It has to be done by a competent person

so that the herbicide soaks through to the comprehensive root system beneath the surface. Cutting and chopping at the stems achieve nothing.

There is an expensive and cumbersome alternative which is to excavate the entire ecosystem. The waste then has to be disposed of securely in accordance with the regulations. This is only viable for small patches.

Claimants have a modest entitlement to general damages for loss of amenity of part of the garden and distress et cetera but this is very much an afterthought to the main event.

In summary, *wheelbarrow chasers* as now comically known, have plenty to look forward to. The work is similar in nature to its poor cousin *housing disrepair*. Practitioners in the latter, if they have not already done so, will have no difficulty in transitioning. The clients tend to be educated homeowners. Disclosure is thin on the ground. As ever, good expert evidence is crucial. Thanks as ever must go to the sodden climate of Britain for making all this possible.

Michael Krebs
Barrister

Summer Social on the Wirral

At Royal Mersey Yacht Club, Thursday 06 July

This event is making a return to LLS's calendar after a gap of a number of years. It is designed as an informal event for members and their guests on both sides of the Wirral to catch up with each other over light refreshments.

Wirral members do not always find it easy to attend LLS events in Liverpool during the working day, so hopefully this resets the balance. Royal Mersey Yacht Club was described by Lord Field of Birkenhead on his most recent visit as "Wirral's hidden gem", and so provides a special venue for the event.

Having been a member of RMYC for nearly a decade, as a regular participant in its yacht-racing on the River, I am really delighted to share our facilities with LLS members and guests. There are artefacts and books, model of yachts, paintings, and items connected with RMYC's Royal Patronage, many of which will be of interest to both sailors and non-sailors alike.

I do hope that both Wirral and Liverpool members of LLS – with their guests – will be able to take this opportunity to enjoy a convivial break in a special setting.

Jeremy Myers
President



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Chartered Institute for Securities and Investment Branch Dinner 2023



On Thursday 18 May 2023 Vice President, Gaynor Williams, attended Chartered Institute for Securities and Investment ('CISI') branch dinner 2023 at Hilton Hotel, Liverpool

The evening commenced with a drinks reception where people met old and new friends and colleagues and enjoyed a drink before the doors opened to allow access to the dining room.

Vanessa Doyle ACSI, President of Liverpool & North Wales Committee of the Chartered Institute for Securities & Investment, welcomed the guests and talked about her time as President and the work that CISI have done. Vanessa also presented some awards to members who have excelled in their profession, and she then introduced Tracy Vegro OBE, CEO of CISI. Tracy had only been in post for a short period of time but she talked about how passionate she was about CISI and the plans for the future.

The charity for the evening was Liverpool FC Foundation, Military Veterans Programme, who's project, through football, aims to support and help reengage ex-military service men and

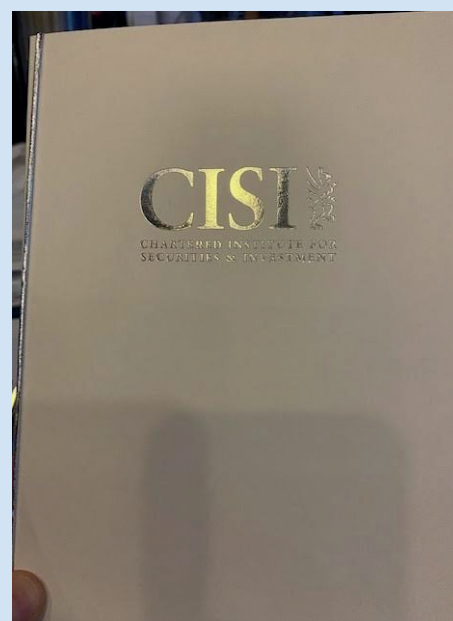
women back into civilian life. Jay Malloy, who is part of the Military Veterans Programme, gave a heartfelt and honest speech about his time in the military and how it had affected him mentally and physically. He commended LFC Foundation for helping and supporting him through tough times and reinforced how important the charity was to the ex-veterans.



After a tasty three course meal, the guests enjoyed a question-and-answer session with **Chris Kirkland**, Football coach and professional goalkeeper for Liverpool and England. Again, this was a thought provoking and honest account of Chris's career in football, the positives and negatives and his dedication to his wife and daughter, who have stood by him throughout his career.

There was an auction and collection for the LFC Foundation and, so far, £4,038.43 has been raised for such a valuable cause. Thank you to **Vanessa Doyle** and CISI for the invitation, and thank you to our President **Jeremy Myers** for asking me to attend the while he was at another engagement.

Gaynor Williams
Vice President





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Liverpool Law Society

The Grant of Rights of Audience by the Business and Property Courts in Liverpool to solicitors who do not have higher rights of audience

Following a recent initiative by the Judges of the Business and Property Courts in Leeds the BPC Judges in Liverpool have been giving consideration to the circumstances in which rights of audience in proceedings in the High Court might be granted to solicitors who do not have higher rights of audience. In any case, any application has to, and will, be considered by the relevant judge on the merits. However, it may be helpful to outline the relevant law and some of the relevant principles. This note will not bind any Judge on any relevant application made to them.

1. The Legal Services Act 2007 (the '2007 Act') is the governing statute. S 12 defines 'reserved legal activities' which includes exercising a right of audience. S 13 provides (in part):

13 Entitlement to carry on a reserved legal activity

- (1) The question whether a person is entitled to carry on an activity which is a reserved legal activity is to be determined solely in accordance with the provisions of this Act.
- (2) A person is entitled to carry on an activity ('the relevant activity') which is a reserved legal activity where—
 - (a) the person is an authorised person in relation to the relevant activity, or
 - (b) the person is an exempt person in relation to that activity...

2. Section 19 and Schedule 3 define an 'exempt person'. For the purposes of rights of audience, paragraph 1(2) provides:
 - (2) The person is exempt if the person—
 - (a) is not an authorised person in relation to that activity, but
 - (b) has a right of audience granted by that court in relation to those proceedings.

Paragraph 1(7) also confers rights of audience with regard to matters conducted in chambers.

3. The discretion conferred in the court to grant rights of audience is one that is to be exercised only in 'exceptional circumstances'.¹

- (1) It is not a matter for the parties to consent to but for the court to determine.
- (2) The stringent requirements laid down by the Act should not easily be bypassed. It undermines the protections of the Act if permission is granted too easily or repeatedly. Those protections include proper training, the advocate being under professional discipline (including an obligation to insure against liability for negligence) and the advocate being subject to the overriding duty to the court. It cannot be fair to those who have gone to the trouble to qualify to obtain higher rights of audience if others who have not met those requirements are routinely granted rights of audience.
- (3) The court should pause long before granting rights of audience to persons who make a practice of seeking to represent otherwise unrepresented litigants.
- (4) The Court should be alive to the possibility that, in considering each application individually, as regards an individual applicant for repeated rights of audience, the collective effect is to permit that individual to by-pass the provisions of the 1990 Act.
- (5) Any grant of rights should be made only where there is a good reason to do so, taking account all the relevant circumstances of the case. Rights should not be granted automatically, without due consideration or for mere convenience.

4. In *D v S* Lord Woolf said the following:

[The Courts and Legal Services Act 1990]² does give a court a discretion. In my view, it is quite clear from the terms in which the Act as a whole is written that it is giving a discretion which is to be exercised only in exceptional circumstances. When

you consider Dr Pelling's background, he is conducting, on behalf of those who wish him to do so, assistance in the litigation process which is totally out of accord with the spirit of the Act. I consider that, on any application which Dr Pelling makes in the future, careful consideration should be given by the court as to whether it should exercise its discretion by allowing him to have advocacy rights. This is not a matter for the consent of the parties. I refer to one case where in the Family Division Principal Registry he was given advocacy rights by consent. This should not happen. This is the responsibility of the courts who have been given that responsibility by Parliament. Those who have rights of audience are subject to very stringent requirements. It cannot be right that Dr Pelling can bypass these stringent requirements, albeit that no doubt those who he has helped are very grateful for his assistance.

The law must be administered fairly. If the position was otherwise than I have indicated, others can do exactly the same as Dr Pelling and that would be monstrously inappropriate having regard to the requirements that are placed upon those who have normal rights of audience.

I would therefore give this guidance to courts for the future when exercising their discretion. When they have applications by Dr Pelling, or others in a similar position, to consider, they should pause long before granting rights of audience. This is because otherwise by considering each case individually, the collective effect of what they are doing is allowing Dr Pelling to bypass the provisions of the Act. That is clearly not what Parliament intended. In saying this I am very conscious that Dr Pelling's assistance could be very useful to some litigants. I also appreciate that judges up and down the country who have the difficult task of coping with litigants in person would often be grateful for his assistance, as no doubt was the judge in the court below in

this case. However, we cannot allow the fact that our personal inclination would be that we should receive help from Dr Pelling to enable him to bypass the law in the way I have indicated.

5. In *Graham v Eltham Conservative and Unionist Club* [2013] EWHC 979 (QB), Hickinbottom J (as he then was) said:

[31] In exercising the discretion to grant a lay person the right of audience, the authorities stress the need for the courts to respect the will of Parliament, which is that, ordinarily, leaving aside litigants in person who have a right to represent themselves, advocates will be restricted to those who are subject to the statutory scheme of regulation (*Clarkson v Gilbert* [2000] 2 FLR 839, *D v S* especially at page 728F per Lord Woolf MR, and *Paragon Finance plc v Noueri* (Practice Note) [2001] EWCA Civ 1402; (2001) 1 WLR 2357 at [53] and following per Brooke J). The intention of Parliament is firm and clear. Section 1 (1) of the 2007 Act sets out a series of 'statutory objectives' which includes ensuring that those conducting advocacy adhere to various 'professional principles', maintained by the rigours of the regulatory scheme for which the Act provides, and without which it is considered lay individuals should not ordinarily be allowed to be advocates for others, a point also emphasised by the Practice Guidance (at paragraph 19). The strength of this interest and will is enforced by (i) specific legislative provisions allowing lay representation in types of claim in which such representation is considered appropriate, e.g. in small claims in the county court (section 11 of the 1990 Act which is unaffected by the 2007 Act, and the Lay Representatives (Rights of Audience) Order 1999 (SI 1999 No 1225), and (ii) the fact that to do any act in purported exercise of a right of audience when none has been conferred is both a contempt of court and a criminal offence (see sections 14-17 of the 2007 Act).

[32] Consequently, it has been said by the higher courts that 'the discretion to grant rights of audience to individuals who did not meet the stringent requirements of the Act should only be exercised in exceptional circumstances', and, in particular, 'the

courts should pause long before granting rights to individuals who [make] a practice of seeking to represent otherwise unrepresented litigants' (*Paragon Finance* at [54] per Brooke LJ, paraphrasing comments of Lord Woolf in *D v S*). In *D v S*, Lord Woolf indicated (at page 728F) that it would be 'monstrously inappropriate' and totally out of accord with the spirit of the legislation habitually to allow lay advocates. The Practice Guidance,³ in more measured terms, at paragraph 19, states that:

'Courts should be slow to grant an application from a litigant for a right of audience... to any lay person.... Any application ... should ... be considered very carefully.... Such grants should not be extended to lay persons automatically or without due consideration. They should not be granted for mere convenience.'

6. Circumstances can vary widely: There is a spectrum of different circumstances which may arise so that it is difficult to lay down precise guidelines. Cases will vary greatly. For example, in a case where the proposed advocate is holding himself out as providing advocacy services, whether for reward or not, the court will only make an order under section 17(2)(c) in exceptional circumstances: *D v. S*⁴... On the other hand, where the proposed advocate is a member of the litigant's family, the position is likely to be very different, although, as this case shows, even in such cases the circumstances may vary widely.⁵

In each case, a common sense approach must be taken, allowing exceptions to the general rule where this will be of genuine assistance to the court and to the course of justice: *Gregory v. Turner*⁶ at para.[53] referring to a decision of Neuberger J. in *Izzo v. Philip Ross & Co. (a firm)* [2002] BPIR 310 at 313 - 314.⁷

7. Any application for the grant of rights of advocacy should be made at the earliest possible time. As regards the material required:

[37] ...to put the court in a position to make an informed decision, the court will wish to be provided with information as to (i) the relationship, if any, between the litigant in person and the proposed advocate, including

whether the relationship is a commercial one; (ii) the reasons why the litigant wishes the proposed advocate to speak on his behalf, including any particular difficulties the litigant in person might have in presenting his own case; (iii) the experience, if any, the proposed advocate has had in presenting cases to a court; and (iv) any court orders that might be relevant to the appropriateness of the proposed advocate (e.g. orders made against him or her acting in person or as an advocate in previous proceedings, including any orders restraining him or her from conducting litigation or from acting as an advocate). Given the importance of the role of advocate, there is a duty of frankness on both the litigant in person and the proposed advocate in relation to these issues. Often it will be appropriate to deal with such enquiries quite informally, and they will usually take only a short time; but they are essential to ensure that proper respect is given to the principle that, ordinarily, advocates should be restricted to regulated advocates and litigants in person.

HHJ Cadwallader

HHJ Wood KC

May 2023

Notes

¹ See e.g. *Graham v Eltham Conservative and Unionist Club* [2013] EWHC 979 (QB) and cases referred to in that judgment. See also paragraphs 18 to 26 of the Practice Guidance issued most recently in 2010 jointly by the Master of the Rolls and the President of the Family Division (Practice Guidance (McKenzie Friends: Civil and Family Courts) ([2010] 1 WLR 1881) ('the Practice Guidance').

² Predecessor to the 2007 Act.

³ The Practice Guidance.

⁴ *D v. S* [1997] 1 FLR 724

⁵ *Clarkson v. Gilbert* (Court of Appeal), 14th June 2000 (unreported) per Clarke LJ

⁶ [2003] 21 EWCA Civ.183, [2003] 2 [ALLER](#) 1114

⁷ *Munslow* at para [39].

Liverpool Law Society is delighted to announce the members of the 2023 Legal Awards judging panel.

Chair of the judging panel

For the 2023 Legal Awards, the panel will be chaired by **Ms Glenys Hunt**. Glenys was President of Liverpool Law Society in 2013-14.

Glenys was formerly a solicitor specialising in clinical negligence and personal injury work. She sits on a research ethics committee at the University of Liverpool and the North-West Research for Patient Benefit committee, as well as being a Director for Merseyside Dementia Friendly Radio. Glenys' role will be to assist and guide the Panel; however she does not have voting rights.

Members of the judging panel

Andrew Ruffler, CEO at Professional Liverpool

Formerly Regional Director at the Royal Institute of British Architects (RIBA)

North West, Andrew Ruffler joined Professional Liverpool in March 2020. As Chief Executive, Andrew's focus is on building on the growth and financial stability of the organisation post-pandemic, and refreshing the vision for Professional Liverpool as the voice of the professional and business services sector in the Liverpool City Region.

Nicola Walker, Campus Manager at the University of Law

Nicola Walker is the Campus Manager at the University of Law for both the Liverpool and Chester campuses. She also teaches on the Post graduate conversion and Legal practice course at Liverpool. Nicola is the Ulaw SQE Champion at Liverpool and is also involved in widening participation at the University.

HHJ Graham Wood KC, Designated

Civil Judge for Cheshire and Merseyside Graham was called to the Bar in 1979 and took Silk in 2002. He was appointed as an Assistant Recorder in 1996, as a Recorder in 2000, as a Fee-paid Legal Member of the Restricted Patients Panel in 2007 (becoming Fee-Paid Tribunal Judge of the First-tier Tribunal, Health Education and Social Care Chamber in 2008) and as a Circuit Judge in 2011. Among his wider experience Graham can count co-editing the 4th and 5th editions of Bingham's Negligence Cases, being a Legal Assessor to the General Dental Council and the General Medical Council, and Deputy Chancellor to the dioceses of Liverpool and Chester. He was appointed as Chancellor of the Diocese of Liverpool in 2019. Graham is also a council member of Hope University and chair of the Standing Committee on Ethics research.

[Read more.](#)

MEET THE JUDGES

[Read more about the judges](#)



Andrew Ruffler

CEO, Professional Liverpool



Nicola Walker

Campus Manager, University of Law



HHJ Graham Wood KC

Designated Civil Judge for Cheshire & Merseyside

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Annual Dinner featuring Legal Awards

The Legal Awards are back for 2023!

We are excited to announce the Legal Awards will take place at the Society's Annual Dinner on Thursday, 9th November 2023.

CATEGORIES

- RISING STAR AWARD
- OUTSTANDING TEAM AWARD - NON-CONTENTIOUS
- OUTSTANDING TEAM AWARD - DISPUTE RESOLUTION & LITIGATION
- OUTSTANDING TEAM AWARD - FAMILY LAW
- EQUALITY, DIVERSITY & INCLUSION AWARD
- OUTSTANDING LAWYER AWARD
- LAW FIRM AWARD (1-99 EMPLOYEES)
- LAW FIRM AWARD (100+ EMPLOYEES)

With eight categories to choose from, we are confident there is something for everyone. Awards open to members only. Nominations will open in early July and close in early September.

For information about, and to book tickets for the Annual Dinner featuring Legal Awards, [click here](https://www.liverpoollawsociety.org.uk).

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Liverpool Law Clinic highly commended at prestigious Student Pro Bono Awards



The Liverpool Law Clinic Family Advice Project was highly commended in the 'Best Contribution by a Team of Students' category at the LawWorks Student Pro Bono Awards 2023. The awards celebrate the best Pro Bono activities undertaken by law students and law schools from across the UK.

The Project provides advice and support to parents involved in private law disputes about children, assisting over 200 clients a year. It is led by 5 final year students undertaking casework with clients and provides training and support to the 30 second-year student volunteers. Since the current Lead Students took up their role the Project has assisted 123 clients. Lead Students are trained to work with clients, assisting with key aspects of legal proceedings. All the students on this

team have shown care, commitment, and kindness to their clients in addition to providing them with a valuable legal service. This group of lead students has impressed everyone who has worked with them with their maturity professionalism, and commitment to access to justice. Our five lead students attended the Award Ceremony in the House of Lords last month, and were thrilled with their achievements. One of these five students, **Olivia Clark**, had this to say about the experience: *"The Liverpool Law Clinic has been such a rewarding and invaluable experience and being able to celebrate our achievements in London at the House of Lords was the perfect way to end it. Listening to all the access to justice projects winning awards was inspiring and has instilled me with great confidence for our future legal system!"*



LEAP introduces LawConnect Client Portal

LEAP has recently announced the launch of an updated client portal, free for any law firm using its Legal Practice Productivity Solution.

Seamlessly integrated with LEAP, LawConnect delivers a simple, secure client portal from which the law firm's clients gain easy access to their documents, make online payments, book appointments or sign documents electronically. With dedicated apps for mobile devices, alongside a web application, clients can manage their matters at a time and place convenient to them.

The portal carries the law firm's brand, including logo and colour palette, ensuring a consistent client experience and the confidence that they're dealing directly with their firm.

Thanks to its self-service nature, the portal simplifies how clients engage with their lawyer, access and share information, make enquiries and action pending items relating to their matters when convenient to them, without having to contact their lawyer. This frees up significant administration time that is usually not billed, enabling the lawyer to concentrate on fee earning activities.

"At LEAP, we are committed to helping law firms work more efficiently and enhance their clients' experience, allowing lawyers' more time to offer

expert legal advice," says Gareth Walker, CEO, LEAP UK. "This new integration with LawConnect is the latest example of that. Law firms reap the benefits of improved collaboration and faster payments, and clients receive a more streamlined and secure experience."

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Mark Irving is the principal genealogist and has been working professionally since 1984.

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Merseyside Junior Lawyers Division



April saw the return of Merseyside Junior Lawyers Division's infamous quiz, in partnership with Liverpool Law Society, this year hosted at Bierkeller in Liverpool. It has become a yearly tradition for MJLD to host a quiz for both MJLD members and LLS members to attend and this year was no exception!

Social Representatives of MJLD, **Dan Pearson** and **Beth Walker**, alongside MJLD's Chair, **David Tarttelin**, and Vice Chair, **Jemma Castell**, worked extremely hard behind the scenes securing the venue for the event, writing the quiz and ensuring that the quiz ran smoothly on the night. From

rounds on sports to a round on law in film and tv, there really was something for everyone to have a go at!

A huge thank you to all members that attended from both MJLD and LLS, it was great to see MJLD's former Chair, Chelsea Kearns, and the current President of LLS, **Jeremy Myers** in attendance. The evening was a huge success with more attendees this year than ever before.

Congratulations to 'C for Sierra', a team of junior lawyers from Bond Turner, who reclaimed the trophy on behalf of MJLD with a score of 50/60!



If you came along and took part in the quiz and are desperate to find out where you came then the wait is over...

C for Sierra (50), MFFL (47), Quizzie Rascals (45), Quizteama Aguilera (43), Quiztie's Angels (40), Getting Wiggy With It (40), No Great Expectations (39), LAMP! (39), Connor's Chameleons (39), Liverpool Law Society (35), Thornton Legal (34), Meen Team (34), Quizards (33), Bierkeller Baddies (30), Cold Finger Buffet (30), Leitch's Ladies (28), Tom's Popsicles (26), No Eye Dear (26), Euroquizzin' Song Contest (26), Ali B's G's (22), Universally Challenged (18), Fletcherians (5)

A special mention and thanks to Thornton Legal who sponsored the event, without them the event would not have been possible so thank you on behalf of all at MJLD and LLS! MJLD look forward to working with Thornton Legal again in future.

MJLD hope to host the event again next year and are confident that they will retain the title for a second year running!



Beth Walker,
Jackson Lees

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Love, Jasmine announced as new charity partner at Morecrofts event

Morecrofts Solicitors has announced child bereavement organisation Love, Jasmine as its new charity partner.

Love, Jasmine was founded by Rob and Kathy Lapsley following the death of their six-year-old daughter Jasmine, who died after choking on a grape while on a family holiday.

Their own experiences following her death led them to create a charity that supports the needs of grieving parents, offering services including counselling, peer support and practical help.

The new partnership with Morecrofts was announced at the firm's annual Ladies Evening, held this year at One Fine Day in Liverpool. The event was attended by almost 100 women from across the Liverpool City Region business community.

It was also announced on the evening that Morecrofts had raised more than £10,000 for its latest annual charity partner, Freshfields Animal Rescue, over the past year.

Alison Lobb, managing partner at Morecrofts Solicitors, said: "Each year, staff across the Morecrofts team are asked to nominate and then vote for their chosen charity. Invariably, we select a local organisation that is doing important work in the community, and Love, Jasmine certainly fits that mould.

"The tragic story behind its foundation and the crucial work it does with families at an incredibly painful time make it a truly worthwhile candidate for our support and we look forward to raising plenty of funds and awareness for the charity over the next 12 months.

"As is tradition, we launched our new partnership at our Ladies Evening, providing an excellent first opportunity for the charity to gain exposure among the business community, and it was wonderful to welcome so many friendly and familiar faces to the event."





The impact of Eurovision

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



Julie Johnson



Walking through Liverpool during the fortnight of Eurovision it felt almost as though you were on holiday enjoying a city break. Liverpool is, of course, a city break destination for many millions of visitors each year, but there was a vibrancy, a relaxed, joyful atmosphere that was infectious.

While it will take a few more weeks for the economic impact of Eurovision to be measured, there is an opportunity from a commercial and professional perspective to begin to think about its impact and thus its legacy.

Liverpool BID Company invested both in the initial bid for the city to host Eurovision, and then contributed to the establishment of The Eurovision Village on the Pier Head. Through our existing work with our Levy Payers we also supported businesses in the city centre to both understand the scope and the scale of the Eurovision programme, and to ensure they maximised the opportunity.

This support allowed city centre businesses to elevate the visitor experience to the city, increase their own profile and be engaged with the cultural activity people were experiencing in the public realm. The animation of business, and the engagement of business helps to see Liverpool as a place to invest in, where its economy is joined together. There is increased confidence in the city centre, where we are seeing an increase in staff working in the office once again, with all the benefits that brings to commercial business.

The projected figures for Eurovision suggested a potential economic spend of £25m in the city centre in May 2023 as a result of Eurovision. The data from Liverpool BID Company estimates the impact of a major event like Eurovision and the argument for investing in a subvention fund to attract similar major events in the future.

Eurovision has a proven positive impact on the economy of its host cities. In 2016, Stockholm saw 1.5m visits to the Eurovision Village. In Kyiv in 2017, 60,000 attended various events in the city. In Lisbon in 2018, the city saw a 37% increase in tourists compared with the previous year.

In Turin in 2022, economic analysis has revealed that 55,000 visitors to Turin attended various Eurovision events. 57% of visitors that week said they were visiting for the Eurovision Song Contest. €11m Euros were spent by these 55,000 visitors. Out of the 55,000 that went to Turin, only 28.3% did not stay overnight. Those staying in a hotel accounted for 4.4m worth of revenue and 6m worth of revenue generated from people staying overnight in non-hotel accommodation. This gives an average spend of €200 a head, but is caveated by the continued impact of the Covid pandemic on event attendance in 2022.

The early footfall figures can give an indication of impact. Figures from Merseyside Police suggest an additional 500,000 visitors came to Liverpool – compared to the 100,000 forecast. The Eurovision Village on the Pier Head – which was open for 9 days – welcomed 250,000 visitors. Meanwhile, Liverpool BID's own footfall data showed the city centre had an additional 384,036 visitors – an increase of 13.2% on 2022.

When we focus on legacy, from a BID perspective, we have to look at how we can invest to maximise on that impact. The Accommodation BID and investment in a subvention fund is designed to support the city in attracting major events like Eurovision, and ensuring the private sector has a say in that so it can support economic impact for the city.

Engaging with businesses has had a positive impact, not purely on developing a mood and atmosphere in the city centre, but also in helping to make business feel a part of wider activity.

Liverpool is already a global brand, but what events like Eurovision do is they give people a fresh look and insight into a destination. Subvention funds, an investment into attracting these kinds of major global events are a vital ingredient in any visitor economy. And not merely the visitor economy. Seeing the city as a vibrant place attracts inward investment as they see Liverpool as a place where you can thrive and where the local economy is joined together. That impact is felt directly into the local economy. We have been supporting businesses across the city centre and encouraging them to welcome Eurovision visitors to the city so that they can feel the benefit of this extra footfall and profile.



David Wafer and Alison Lobb coaxing a couple of shy and retiring individuals out of their shells. And Jedward.



Groundsure to offer conveyancers climate risk training in conjunction with Legal Eye



Paul Saunders, managing director of Legal Eye, said, “To give their clients compliant information that can be relied on consistently, firms need both the right data and the right approach to using it. They can’t go beyond this in terms of advice on climate issues, but they can ensure that their conveyancing team is de-risked and alive to the need to incorporate commentary on any risks. The new Groundsure module on our Training Academy platform provides an effective, high-level way to provide accessible certification on climate risks in the property transaction and how to mitigate them. It reflects the importance of keeping up with the changing regulatory landscape and that all staff are well-informed and understand their day-to-day responsibilities in terms of the conduct of matters.”

Groundsure is entering into a training partnership to deliver certification content with compliance services and risk management provider Legal Eye.

Groundsure, an environmental and climate data authority, will provide training and education for legal teams on climate risks and the duties they owe their clients via a module hosted on Legal Eye’s Training Academy platform.

The online tutorial explains the latest guidance from the Law Society and will walk legal practitioners through the importance of incorporating climate analysis within their overall environmental search reporting. It will also identify existing data and drafting tools that can assist with a consistent approach to client communication. This will help teams explain any risk effectively to both the client and — if valid — the lender.

Once the module, *Climate Risks in Conveyancing*, is complete, lawyers will be tested on the content. If they pass, they will receive a certificate of competence which can be held on their

training record.

David Kempster, Groundsure’s marketing director, said: “With property transactions representing a high compliance risk area already and with the value of assets at stake in the future, climate risks are areas that will become of increasing fiduciary concern to partners, COFAs and COLPs. Now that the Law Society has released its guidance on climate risks, there is more of a focus than ever on how firms are communicating risks to their clients.

“That’s why we’ve developed this training programme: it reflects the Law Society’s call for better support and education on climate risk for lawyers — both from their original Climate Resolution and also now in the Guidance. The module, which can be delivered as and when teams need it, will walk legal practitioners through the need to incorporate climate analysis into their overall environmental search reporting as well as how to use the tools available, such as climate clauses, so they can be consistent in their approach to client communication.”



Public Child Law Conference 2023

Last month we held our annual Public Child Law Conference which was expertly chaired by HHJ Steven Parker.

It was our first ever hybrid event, which meant delegates could choose to attend either in-person or virtually. Interestingly, 'virtual' seemed to be the preferred method of attendance on this occasion with more than half our delegates opting to log in rather than travel in. Those who did attend in-person though, got the enjoy the comfortable facilities of our wonderful hosts; Taylor Wessing.

With a slight change of order to the advertised programme, the event began with **Mark Senior** of St Johns Buildings' Chambers, who discussed his Top 10, followed by **Kirstin Beswick** of Central Chambers who talked about the overlap with criminal law.

There was a brief comfort break before

Margaret Parr of 7HS covered Adoption matters, followed by **Paul Hunter** from our sponsors Forensic Testing talking about if Children were at Risk from Substance Misuse & if drug testing methods failing to provide fit for purpose evidence?

Delegates and speakers alike, then enjoyed a chance to catch up over a buffet lunch with views of a sunny Albert Dock! Forensic Testing held a prize draw and one of our delegates went home with a luxury hamper as a result – in it to win it!

The afternoon began with **Helenor Birt** of Lpool Uni discussing pre-proceedings work, followed by a brief session from **Amanda Walsh** of Advanced CCA, who discussed the AAA Resolution Model Assessment.

Our final session of the day with barrister

Ginnette Fitzharris, another member of St Johns Buildings' Chambers, covered the problems with DOLS...

HHJ Parker then brought the event to a close, thanking again our sponsors Forensic Testing, all the wonderful speakers involved and delegates who supported.

Those who did pre-book this event can access a full recording till circa mid-August.

Jo Downey

Director of Education & Training,
Liverpool Law Society.

**Speaker Teertha Gupta KC was unable to attend on the day / present virtually, so his session covering international law will be recorded and link to view will be sent to all those delegates who pre-booked.*



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The Latest News from Merseyside Law Centre, providers of free specialist legal advice and assistance for the Liverpool City Region. Access to Justice for all.

A Big Welcome to Dami & Immigration Developments.



Dami Folorunso

We are thrilled to have recently welcomed our new trainee Immigration solicitor, Dami Folorunso. Having previously worked as a Property Litigation Paralegal at Weightmans, Dami is a First Class Law LLB graduate currently

completing the LPC LLM at the University of Law alongside her new role at MLC.

"Having migrated to the UK at the age of 3 with my family, experiencing first hand just how challenging it is to navigate the

UK immigration system, I can't wait to embark on my new journey as a trainee immigration solicitor at the Merseyside Law Centre.

Immigration law is an area where there is a real chance to effect change and fight for the rights of migrants. I'm so happy to have the opportunity to play a part in the expansion of the immigration practice at MLC and continue my journey to becoming a qualified solicitor.

I'm excited to join a team where promoting access to justice is an integral part of the work that they do here in the Liverpool City Region."

Dami will be instrumental in expanding our Immigration practice alongside our Immigration solicitor, Jo Bezzano. Having recently been awarded a legal aid contract for immigration from 1st September 2023, we are confident that we will be able to develop our immigration practice and provide a high-quality immigration advice and representation in Merseyside. We know there is such a great need for this type of advice, and we look forward to being able to provide this integral service for the community.

We have also been working with Merseyside Refugee Support Network, providing a free drop-in session to help with renewal applications for people whose leave to remain will soon be ending. Importantly, we are able to help with applying for a fee waiver for those who are unable to afford the substantial sum that is involved in applying for renewal. Our next free drop in session to help with renewal applications for people whose leave to remain ends before 14th July 2023 is on 7th June from 2pm at St Anne's, Overbury St, L7 3HJ, Liverpool.

Housing Client Focus

Helping to rehouse a family at risk due to unsafe accommodation.

This case illustrates the endemic issue of dangerous disrepair in the private sector and how it is often an uphill struggle to get it taken seriously by local authorities. No one should have to live in conditions that negatively impact their mental and physical health and we have seen time and time again these types of situations very sadly ending with tragic consequences.

Our client attended MLC for advice and assistance. She wanted to be rehoused due to disrepair at her privately rented property. Our client had sought asylum in the UK as a result of traumas she had experienced in Nigeria. She had suffered with PTSD in the past but had rebuilt her life in the UK and largely recovered from her mental health problems.

Since moving into said property her living conditions had caused her such stress that they had triggered a recurrence of her depressive illness. Our client also has three children who were continually affected by coughs and colds which our client attributed to mould growth at the property, and cold and damp. She lived in a constant state of fear that she or her children would be injured or suffer with serious illness as a consequence of the disrepair at the property.

Our client had tried to access Liverpool City Council's Housing Options team for help with rehousing, but she had been largely ignored. MLC agreed to help client do a homelessness application to the Local Authority on the grounds that it was unreasonable to continue to live in her privately rented house. Housing Options initially ignored our application, but after we threatened the authority with Judicial Review they agreed to rehouse the family in temporary accommodation. Our client was very happy with this outcome and has recently contacted us to advise that she has now been made an offer of permanent accommodation with a social landlord.

Volunteer & Donation Opportunities

Volunteers are the backbone of Merseyside Law Centre. We are looking for like-minded individuals and organisations to get involved with the valuable work we do in the Merseyside City Region.

We are always looking for volunteers to help with the services we offer to the public. For example, advice work, reception and signposting or general admin work.

We have a second volunteer stream to help with our campaigns, community outreach, fundraising, social media presence and event organisation.

We would also love to hear from you if you are an organisation that would like to get involved or contribute to our work. We would really like to hear from fellow legal professionals who may be able to contribute their expertise or legal firms who may want to financially support the work we do.

Whatever your skills or experience, please do not hesitate to get in touch if you want to make a difference to the lives of people in your community and have a passion for social justice.

To download our Volunteer Application Pack, please visit www.merseysidelawcentre.co.uk/get-involved and e-mail the completed form to enquiries@merseysidelawcentre.co.uk

With the current cost-of-living crisis likely to get much worse, our services will be needed now more than ever. If you could consider donating to Merseyside Law Centre, it could make a massive difference to many people's lives in Merseyside. Our donation details are up on our website www.merseysidelawcentre.co.uk/donate

As always, our current contact details and drop in session details are below so please do pass these onto anyone you think may benefit from or require our services.

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Joint walk with Liverpool and Cheshire and North Wales Law Societies



On Saturday 29 April 2023 Jeremy Myers, President of Liverpool Law Society joined Caroline Chappell, President of Cheshire and North Wales Law Society, along with a group of Directors, members, friends and family, including young walkers Joseph (8) and Johnathan (6), and 3 dogs, for a walk through Shropshire and Wrexham.

It was the first joint walk since the pandemic, and after meeting at the starting point in Chirk, **Ruth Fletcher** (wife of past President Alistair Fletcher) led the walk along pathways, fields and meadows with beautiful scenery and wildlife, including walking through a field with a herd of cows who showed

more interest in the dogs than the humans walking by. Halfway through the walk, there was a stop at Chirk Castle in Wrexham, a National Trust property dating back to the 13th century Marcher castle, that from 1595 became the home of the Myddelton family for over 400 years. It was an ideal spot to take cover from the rain and eat lunch amidst 5 ½ acres of award-winning gardens within 480 acres of working parkland featuring natural habitats, ancient veteran trees and wildflower meadows. Part of Offa's Dyke, a large linear earthwork that follows the English and Welsh border was also included in the walk as the group continued through England and Wales.

It was the perfect start to the weekend, having a leisurely walk in the countryside while enjoying the fresh air and it is not often that you can tell people that you walked in 2 countries in one day!

Aside from the gentle exercise, it was a good opportunity to catch up with old friends and colleagues and meet new friends. Those who had time to stay at the end of the walk had welcome refreshments back at base.

Thank you to everyone who joined the walk. A special thank you to Ruth Fletcher for her expertise and guidance leading the walk and thank you to **Caroline Chappell** and Cheshire and North Wales Law Society. Finally thank you to our President **Jeremy Myers**.

Gaynor Williams
Vice President





In-House Lawyers' Social

29th June 2023

Meet & greet event for In-House Counsel

Liverpool Law Society's In-House Lawyers Committee invites current and prospective committee members to an in-person social event on Thursday, 29th June from 5.30pm – 7pm at the Atheneum, Liverpool.

Join us for tea, coffee and refreshments in the Reading Room of the Athenaeum, Church Alley, Liverpool, L1 3DD, for a chance to discuss the work of the committee, our future agenda and how we can support you as a busy in-house practitioner.

Whether you are a longstanding member or just curious about joining, all in-house counsel are welcome. Please book your place by emailing committees@liverpoollawsociety.org.uk

You can read more about the Society's In-House Lawyers Committee here:

<https://www.liverpoollawsociety.org.uk/about/committees/specialist/in-house-committee/>

Lord Lieutenant of Merseyside Civic Ceremony of thanksgiving for the Coronation of King Charles III



On Sunday 7 May 2023 **Jeremy Myers, President, and Gaynor Williams, Vice President** attended **Anglican Cathedral, Liverpool**, for His Majesty's Lord Lieutenant of Merseyside's civic service of thanksgiving for the coronation of King Charles's III.

There was attendance by varied various guests and members of the public, including military organisations. Young cadets and soldiers lining the entrance, including ex veterans and a number of soldiers were bearing flags representing the commonwealth countries. The congregation was treated to a chorus of bagpipes as they

walked up to the entrance of the Cathedral.

The choir of Liverpool Cathedral sounded beautiful and they sang various songs including 'Zadok the priest' by George Frederick Handel, the same song at Westminster Abbey the day before, when Charles III was crowned.

Mark FW Blundell, His Majesty's Lord Lieutenant of Merseyside welcomed the congregation and there then followed an anthem, prayers and songs. A reading from Shakespeare was received from **Mumin Khan**, Chief Executive of the Abdullah Quilliam Mosque and Trustee of Liverpool Commonwealth Association,



and a New Testament reading was received from Rt Rev'd **Thomas Neylon**, Catholic Auxiliary Bishop of Liverpool. The Rt Rev'd **John Perumbalath**, Bishop of Liverpool, read a sermon and **Garth Dallas**, Chair of Liverpool Commonwealth Association followed with prayers. The Bishop gave a blessing and the service was concluded with the National Anthem.

After the service the

congregation mulled outside in the sunshine, giving them an opportunity to take photographs with the Lord Lieutenant and other revered guests, and to soak up the atmosphere. It was a pleasure to attend the celebration on behalf of Liverpool Law Society and the Anglican Cathedral, with its 101 metre tall central tower and mixture of modern and gothic architecture was a perfect setting.

Thank you to Mark FW Blundell, His Majesty's Lord Lieutenant of Merseyside for the kind invitation and thank you to the organisers, the military attendees, and the Anglican Cathedral for this special event to mark the Coronation of King Charles III. Finally thank you to our **President Jeremy Myers**.

Gaynor Williams
Vice President





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Naval Childrens Charity
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EDI Committee Meeting – May 2023



Amy Rachel Planche

This month's meeting was a little shorter as unfortunately due to illness our guest speaker was unable to attend. Hopefully they will be open to speaking about racial discrimination at a Committee Meeting later in the year.

We discussed about the upcoming Pride Month to see what different firms are planning. Victoria Jackson advised that Clyde & Co are having coffee mornings and arranging Lunch and Learn Seminars with Guest Speakers. We would love to know what other firms are doing to make their LGBT colleagues feel comfortable and included during Pride Month!

We confirmed the date for Liverpool Pride – Saturday 29th July. Several firms including DWF, MSB and Carpenters

are planning on marching, and we are sure there will be other firms there to promote inclusivity in the legal profession.

In respect of Business for Schools Initiative, Eve Burns relayed that there is a planning meeting coming up, with hopes to organise another session in August/September of this year.

We then confirmed the intention of the Committee to have as many members as possible attend Vauxhall Law Centre on either 2nd or 9th June (at 6.30pm) to watch a performance of a play called 'Just An Ordinary Lawyer'; which is about a Nigerian man who became Britain's first Black judge. This performance is in celebration of the 50th Anniversary of Vauxhall Law Centre. The performance is free to attend; albeit a donation to the Law Centre would of course be appreciated!

Further to the talk he gave last month (see opposite), **Nick O'Neill** provided an update about the progress in respect of hopefully developing a Men's Wellbeing Group in Liverpool. He attended the online monthly group meeting of the Men's Wellbeing Group created by Law Society Scotland, which LawCare are hoping to replicate. He advised that he is aware DWF have something similar in Southampton, so they are hoping to also

virtually attend one of their sessions with hopes to revert back to Liverpool Law Society with a plan of action, with hopes of launching the project in August.

In respect of other EDI-related queries, Nina mentioned an article she had seen recently about a Doctor, who had raised issue with the fact that the bin in the disabled toilet of one of the Hospitals she had worked in was not suitable, as it had a pedal which needed to be stood on to open it; clearly not wheelchair friendly! This is not something an able-bodied person would consider without it being pointed out to them, so we would appreciate if readers could have a look at the bins in their offices to see if this is a common theme!

An enquiry had been raised about parental leave (specifically neo-natal leave), and so the Committee were hoping to find out more about what other firms offer in respect of this. Unfortunately, the only attendee that could confirm their company policy who advised that their parental leave policy is gender neutral; providing up to 26 weeks fully paid leave, with up to 12 weeks additionally is neo-natal leave if needed. We would be interested to find out what policies other firms have in place.

Amy Rachel Planche,
Solicitor at Carpenters Group

Men's mental health presentation



Nicholas O'Neill

We had the pleasure of receiving a talk about men's mental health from our newest committee member; Nicholas O'Neill; Chambers Director at Oriel Chambers.

Nick was a Litigation Solicitor (both private sector and for the Council) for 20 years, before obtaining an MBA a focusing on management. This history provided insight into the stress of the

legal profession. Growing up with a therapist for a mother, when he became aware of LawCare he considered this a worthwhile way to help; which he has done for 13 years. Nick advised that his current position there (as well as providing support and mentoring) is as a Champion; essentially he is rolled out to give talks about the services they provide (as he kindly did for us last year, as a Speaker at our EDI Conference).

There remains a real dearth of male faces in attendance; evidence in that outside of the speakers, we had only 2 males in attendance at the EDI Conference last year (one of whom was a friend of Nick's!). Generally speaking, men are less likely to get involved in EDI issues, or to talk about mental health issues. This is supported by LawCare statistics – last year only 35% of the people who contacted them were male. Last Summer, LawCare facilitated a men's focus group to discuss men (within the legal profession) speaking up and/or seeking help concerning mental health.

Nick is hoping to create a resource for

men (in the legal profession) in Liverpool regarding mental health beyond what is provided by LawCare; hopefully echoing a resource he is aware of working in Scotland. Nick advised that he is aware DWF have a men's health group that works well. On behalf of the Committee, if there is anyone at DWF would would be prepared to share some information about how their group works so as to assist in the creation of this resource (or even just to assist other firms in the area to create a similar resource), the feedback would be greatly appreciated.

The Committee then discussed speakers for our next few meetings; Ngaryn Li will talk about racial justice at our May Meeting, and Victoria Jackson will speak for Pride Month in June.

We then discussed the upcoming 50th Anniversary of Vauxhall Law Centre; which is to be a week long celebration between 2nd and 9th June. Everyone is welcome to attend the variety of events planned throughout the week; contact the Law Centre direct for more information.

Parentage via sperm donation and the matter of “consent”



Dr Neil Sullivan

The donation of sperm or eggs is a very laudable social service and demand in the UK is increasing¹, albeit, sperm is in short supply for artificial insemination (AI). The service can be carried out by one of the many reputable licenced clinics recommended by the HFEA which regulates their activities and gives a great deal of clarity about consent and responsibilities towards children created from the donor sperm.²

There are, however, shocking and indeed harrowing stories about sperm donors who have fathered multiple children and we would like to explore some of the issues. The cause of disquiet is the very real possibility of inbreeding (a genetic abnormality arising from inadvertent half sibling reproduction as the result of a common father – the genetic term is consanguinity), incest and psycho-social/emotional issues in donor children. Consent, if it has been given, is often far from informed.

A recent case involves a musician in the Netherlands who has been accused of fathering more than 550 children from his “donations” which were offered via social media and to a significant number of clinics, of which 11 were in the Netherlands. The court in The Hague has recently found against him in a case brought by one of the mothers and the charity DonorKind.eu, on the basis that he lied to the clinic/mothers about his history and activities; had they known, they

would not have chosen him as a donor. This judgement of preliminary relief will deter him from making further donations.³ These mothers are now faced with an extraordinary extended network of half-siblings.

There have been many other circumstances of sperm donors fathering multiple offspring, both consensual⁴ and adversarial.⁵ In the latter instance there have been multiple cases of doctor-donor conceived children in the US, with fertility fraud being documented on websites such as donordeceived.org and even Netflix.⁶

Many people feel it is important to know their origins, as it gives them both identity and helps them make sense of their being. The UK took a giant step in this direction on 1st April 2005 when individuals became able to identify their sperm donor, upon reaching the age of 18 (from this year, 2023). This was a result of studies which acknowledged the need for individuals to know the identity of their biological parents and which followed up the International Convention on the Rights of the Child, adopted by the UN General assembly in 1990. This shift from anonymous to open identity sperm donors has been replicated in other countries, nearly always with limits placed on the number of times a particular donor sperm can be used. In the UK, this is 10. In the Netherlands, this is 25.⁷ For the genuine sperm donor and child relationship open identity is seen as a very positive circumstance. Donors are on a registry that can be accessed by the child via the HFEA, if wanted, and many people find surety in knowing their biological as well as their social father. More difficulty arises in cases of fertility fraud, where a quest to find the biological parent has often resulted in the discovery of many half siblings. The psychological and social effects on the individual are rarely taken into proper consideration

and indeed, as these situations evolve, are probably not yet fully understood. There is in fact no evidence for the choice of this number relating to how many times a donor can be used and the number chosen by each country is arbitrary.⁸ The primary concern seems to be the possibility of genetic disorder, which though significant is in fact less than that of a first cousin mating (taboo in many countries but not the UK or indeed to Charles Darwin himself) but in our view, more concerning is the psycho-social impact of such a large number of siblings on the individual, which after all, is unprecedented in any human society.

DNA testing technology using broad brush ancestry services (Direct to Consumer) has enabled half siblings to discover not only anonymous biological fathers, but possible other half-siblings – the use of a precision DNA test to determine the true family relationship (always recommended) enables this to be confirmed with a reliable statistical probability.⁹ Data indicates that from use of these tests, the discovery of non-parent expected (NPE) events (that one or more parent is not biological) ranges from 4-12 %. Whilst there are of course other explanations, one of these is that social parents have not discussed with the child the circumstances of their conception. The evidence suggests¹⁰ that donor conceived children often have difficulty (often seeking help) coming to terms with; a) the nature of their conception, b) the efforts to find a biological parent and c) their reaction upon hearing about it. This is particularly acute if they discover that the father has sired many children.

Regarding consent, then the DNA testing technology that is now available for tracing biological relatives was not available when many of the donor conceived children were actually conceived. As we know it now, informed consent would have



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been impossible at that time and many of the issues since raised are very new to science, society and law. Genetic technology is changing fast and information is coming to light so quickly, that it is impossible to give informed consent in the present (informed consent has only even been relevant in the precise time window it is given, and can only be based on the state of knowledge at that precise time). By sequencing individual human genomes, we can reveal information relating to genetic disease that was unknown; sometimes these are late onset disorders and/or could not be known or predicted at the time of conception. Other times, we (or more specifically the direct to consumer client) will have the genetic information and either not know or be in a position to know how it relates to disease or the prediction of characteristics. The fact is of course, that we are all genetically pre-disposed

to something, as much as we can be genetically protected from the very same things.

Donor conception is a delight to many – but the emergence of fertility fraud has raised several important questions, for which there are simply not enough informed counsellors. Maybe, given the vast data sources, artificial intelligence (AI), has a role to play in AI after all.

About the author:

Dr Neil Sullivan, BSc, MBA (DIC), LL.M, PhD is General Manager of Complement Genomics Ltd (trading as Dadcheck®gold).

Complement Genomics Ltd (trading as Dadcheck®) is accredited by the Ministry of Justice as a body that may carry out parentage tests directed by the civil courts in England and Wales under section 20 of the Family Law

Reform Act 1969.

Please see: <https://dadcheckgold.com>

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Notes

¹<https://www.hfea.gov.uk/about-us/publications/research-and-data/trends-in-egg-sperm-and-embryo-donation-2020/>

²<https://www.hfea.gov.uk/choose-a-clinic/consent-to-treatment-and-storage/>

³<https://nltimes.nl/2023/04/28/court-orders-sperm-donor-550-kids-stop>

⁴<https://www.theguardian.com/science/2018/nov/24/sperm-donor-man-who-fathered-200-children>

⁵<https://www.nbcbayarea.com/investigations/doctor-sperm-donor-cases-fertility/3148093/>

⁶<https://www.netflix.com/gb/title/81227735>; <https://donordeceived.org/>

⁷<https://doi.org/10.1016/j.fertnstert.2007.06.020>

⁸doi:10.1093/humrep/deq038

⁹<https://dadchecksilver.com/sibling-tests/>

¹⁰<https://bioethics.hms.harvard.edu/journal/donor-technology>

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In the realm of legal technology, choosing the right software provider is paramount if your law firm is looking to optimise your operations, enhance productivity, and stay ahead in an increasingly competitive industry. When it comes to legal software providers, we emerge as a clear leader. With our cutting-edge solutions, commitment to innovation, and deep understanding of the legal landscape, Denovo stands out as one of the best partners if you are seeking to transform your practice.

One essential tool that has become indispensable for law firms is legal case management and accounts software. We all know what case management and accounts software is supposed to do and how your provider is supposed to work with your firm. However, not all case management software providers are created equal. It is crucial for law firms to select a provider who can work collaboratively to build and customise a platform that aligns with the unique needs of your firm.

Let's explore some of the reasons why Denovo has become the go-to legal software provider for law firms in search of a trusted and forward-thinking partner.

Unparalleled Approach & Expertise:

One of the most compelling reasons law firms partner with Denovo is our unmatched expertise and focus on how our software affects law firms in real life. Our team comprises seasoned professionals with extensive backgrounds in both law and technology. This unique blend of legal and technical knowledge allows us to understand the intricacies and nuances of law firm operations, enabling us to develop solutions that cater specifically to the needs of legal professionals. Not to mention the time we spend visiting our law firm partners, which allows us to empower law firms (in person) to embrace technology confidently. Your firm then has the knowledge that your chosen software provider understands the challenges you face because we've witnessed

them in real time and that allows us to provide tailored solutions.

Innovative and Customisable Solutions:

We distinguish ourselves by offering innovative and customisable software solutions tailored to the unique requirements of each law firm. Rather than providing off-the-shelf software with limited flexibility, we collaborate closely with our clients to understand their specific needs, workflows, and goals. This collaborative approach ensures that the software provided is not only a perfect fit for your firm but also capable of adapting to your evolving needs over time. Our commitment to customisation and innovation allows your firm to leverage technology as a catalyst for growth and efficiency, provides you with a competitive edge in the legal marketplace.

Seamless Integration and User-Friendly Experience:

Integrating new software into existing workflows can be a complex process. However, we excel in seamlessly integrating our solutions into law firms' existing systems, minimising disruptions, and optimising productivity. Our software is designed with a familiar, user-friendly interface, enabling your lawyers and support staff to easily adapt to and navigate the platform. The intuitive nature of our software reduces the learning curve and ensures that your team can maximise their efficiency from day one, saving time and resources that can be dedicated to serving clients effectively.

Exceptional Support and Training:

A successful partnership relies on ongoing support and comprehensive training, and we are renowned for delivering exceptional support to the law firms we partner with. We offer comprehensive training programs that empower law firm staff to utilise the software to its full potential – not just the 10-15% you're probably using now! The commitment to ongoing support and training, beyond

implementation, ensures that your law firm is equipped with the knowledge and resources necessary to harness the software's capabilities, enabling you to derive maximum value from your investment.

Commitment to Data Security and Compliance:

Maintaining the security and confidentiality of client data is of utmost importance. We understand this critical aspect and place a strong emphasis on data security and compliance. Your software is built on a bespoke cloud server, with robust security protocols, ensuring that sensitive information remains protected. Moreover, we stay abreast of evolving regulations and implements necessary updates to ensure compliance with data protection laws. By partnering with us, you can have peace of mind, knowing that your clients' information is safeguarded, and their legal obligations are met.

Partnerships are essential!

We believe we stand out as the premier legal software provider for law firms seeking a partner that understands the intricacies of the legal industry and delivers innovative and customisable solutions.

Choosing a provider who serves as a collaborative partner is crucial for law firms seeking to optimise their operations and streamline their workflow. By working together, we can create a customised platform that addresses your specific requirements, provides flexibility and scalability, offers effective integration and training, and ensures continuous support. As the legal industry continues to embrace technology in new and exciting ways, a collaborative partnership with a software provider is not just a choice but an essential step toward achieving success.

To find out how to start building a partnership with us visit denovobi.com, call us on **0141 331 5290** or you can info@denovobi.com.

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info@denovobi.com

0141 331 5290

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Regulation Update

The latest Regulation news from Andrea Cohen of Weightmans LLP



Andrea Cohen

At the time of writing, the sky is blue, there's the potential for a dry, sunny Bank Holiday (the last until August!) – could this be the arrival of Summer? Whatever the weather, the world of risk and compliance continues to throw curve balls, with SRA questionnaires to complete, new rules to contend with and new sanctions being imposed. Here's our overview of what's been happening over the last few weeks, and what's in the pipeline. As always, if we can help with any issues or concerns, please get in touch.

New and updated SRA guidance

Following the changes to the SRA Standards and Regulations relating to workplace environment which came into effect on 4 April 2023, the SRA issued its updated guidance on what the new rules mean for law firms and those who work in them, together with expanded case studies, on 4 May 2023.

Workplace environment - updated guidance

[SRA | Guidance | Solicitors Regulation Authority](#)

Workplace environment – expanded case studies [SRA | Case studies | Solicitors Regulation Authority](#)

In the news release that introduced the

updated guidance, SRA Chief Executive, **Paul Philip**, said:

“The legal sector can be a very fast-paced and demanding environment in which to work. While it is up to firms how they run their individual businesses, it does become a regulatory issue if poor working cultures start to impact staff wellbeing, behaviour and ultimately standards of service to the public. That is where we have a duty to act.”

The new standards were introduced to the Code of Conduct for Solicitors at: ‘1.5 You treat colleagues fairly and with respect. You do not bully or harass them or discriminate unfairly against them. If you are a manager you challenge behaviour that does not meet this standard.’ and in the Code of Conduct for Firms; ‘1.6 You treat those who work for and with you fairly and with respect, and do not bully or harass them or discriminate unfairly against them. You require your employees to meet this standard.’ In the Codes, managers means the sole principal in a recognised sole practice; a member of a LLP; a director of a company; a partner in a partnership; or in relation to any other body, a member of its governing body.

We understand that further SRA guidance will be issued shortly on its expectations of firms and managers in relation to policies, procedures and investigations. Firms will need to take steps to understand the changes, and, depending on what is already in place, may need to update existing policies (or draft new ones), introduce training for staff, and, in particular, managers, and discuss matters with HR, who would previously have been responsible for dealing with these matters which now have to be considered from a regulatory, as well as an HR/employment, angle.

In addition to this guidance, updated guidance/FAQs has been published relating to character and suitability, applying for a practising certificate, SRA approach to health issues and medical evidence. The links are here:

Character and suitability – updated guidance [SRA | Character and suitability | Solicitors Regulation Authority](#)

Applying for a practising certificate – updated guidance [SRA | Apply for a practising certificate | Solicitors Regulation Authority](#)

SRA approach to health issues and medical evidence – updated and retitled guidance [SRA | Guidance | Solicitors Regulation Authority](#)

New Law Society Practice notes

Not to be outdone, May was a busy month for the Law Society which published a raft of practice notes:

- Administering insolvent estates
- Appointment of a professional executor
- Alternative business structures
- Preparing a will when your client is leaving a gift for you, your family or colleagues
- Bankrupt beneficiaries

SRA consultation on proposed corporate strategy for 2023-26

On 10 May 2023 the SRA launched a consultation on its overall strategy for the next 3 years, which will run until 2 August, together with a consultation on the ‘finer detail’ of its business plan and budget for 2023-24, which will run until 21 June. The news release states that the SRA are proposing to focus on 4 high level objectives:

- Delivering high professional standards – setting, upholding and promoting high professional standards for those we regulate, in a way that is fair, proportionate and robust.

- Strengthening its risk based and proactive regulation –delivering and supporting better regulation through proactive and risk-based activity using robust evidence based on our data, insights and intelligence.
- Supporting innovation and technology –keeping up to date with and actively supporting innovation and technology that improves the delivery of legal services and access to them, particularly for individuals and small businesses, as well as supporting small firms to use technology effectively.
- Being an authoritative and inclusive organisation meeting the needs of the public, consumers, those we regulate and its staff –placing our customers at the heart of all it does, working as an authoritative, inclusive and responsive organisation.

This includes extending its ‘proactive approach to non-compliance with anti-money laundering requirements and financial sanctions... and targeted inspections and desk-based reviews’, possible further transparency requirements, delivering changes required by the Economic Crime and Corporate Transparency Bill (if enacted) and a potential new regulatory objective for economic crime.

Further sanctions introduced

On 22 May, the UK Sanctions List was updated, following the announcement at the G7 summit. As we have said previously, all firms, regardless of the type of work undertaken, need to be aware of, and comply with the UK Sanctions Regime. Breach of UK sanctions is a criminal offence, and, unlike AML where there is a risk-based approach, strict liability applies to sanctions.

Diversity data collection - SRA

The SRA will be collecting diversity

data between 26 June and 23 July 2023. Once provided, the information will need to be published and the SRA will be checking later in the year that firms have complied with this regulatory requirement.

DISCIPLINARY DECISIONS:

Fined for risking a conflict of interest

The SDT has fined a solicitor £45,000 as he ‘blinded himself to the obvious risk of conflict’. The SRA received a self-report from the solicitor in 2019 whereby he admitted to acting for both buyers and sellers in a property development scheme. He was also found, on the balance of probabilities, to have provided banking facilities by allowing payments into, and transfers and withdrawals from, a client account. The SDT gave the efforts the solicitor made “to mitigate the financial loss to his buyer clients, his partial admissions and his subsequent good conduct” as reasoning for why it found that suspension or strike off was not required in this case.

Struck off for misleading regulator

A solicitor was struck off the roll and ordered to pay costs of almost £50,000 for providing inaccurate and misleading information to the SRA. An SRA investigation brought to light most of the eight allegations that the solicitor faced before the Tribunal, in relation to two of which the solicitor was held to have acted dishonestly. The allegations included transferring almost 300 client files from their previous firm to their new employer without obtaining written consent; providing inaccurate and misleading information to the SRA; failing adequately to cooperate with and provide information to the SRA; providing inaccurate and misleading information to the insolvency service; and improperly holding £23,702.37 in the client account of their previous firm.

Struck off for facilitating the provision of falsified documents

The SDT has ordered that a solicitor should be struck off the roll for providing or facilitating and encouraging the provision of falsified documents to the Legal Aid Agency during the course of their practice as director, senior partner, COLP, COFA and sole shareholder of a law firm. The falsified documents included client files, medical reports and tribunal decisions. The conduct was found to have caused significant harm, both to the reputation of the profession and to the public, who had financed his improper claims. In addition, the solicitor was ordered to pay costs of £72,676, such order not to be enforced without leave of the SDT.

How Compli can help...

The Compli Solicitor Regulatory and Professional Discipline Team can provide expertise and advice in with risk and compliance, AML, disciplinary assistance etc. If we can help in any way, please get in touch at compli@weightmans.com.

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Andrea Cohen
 Compli,
 Weightmans LLP

Charity Spotlight: The Brain Charity

The Brain Charity: helping people affected by neurological conditions across the UK, from the heart of Liverpool



The Brain Charity helps people with all forms of neurological condition to lead longer, healthier, happier lives.



The human brain is the most complex structure in the universe, and the most important part of who we are. It runs our whole world, moves our body, makes our decisions and even tells us when to smile.

For someone newly diagnosed with a neurological condition, life may become very lonely and frightening. People can lose control of their lives and many face unemployment, poverty and social isolation.

At The Brain Charity, we help anyone affected by a neurological condition to pick up the pieces so they can rebuild their

lives and achieve their potential.

What we offer

There are more than 600 different conditions affecting the brain, spine or nervous system. These are called neurological conditions.

A neurological condition is any condition that affects the brain, spinal cord or nervous system.

Many are well-known, such as stroke, dementia, cluster headaches and ADHD.

There are also hundreds of conditions

We champion neurodiversity and provide practical help, emotional support and social activities to individuals, families and carers based anywhere in the UK.

We have been proudly based in Liverpool city centre since 1993 and are celebrating our 30th birthday this year! Many people in Merseyside recognise our centre on Norton Street due to the large colourful brain logo on the side of the building.

Why we're needed

Our most precious memories, hidden dreams and the thousands of subtle differences that make us who we are, are all housed in one amazing, unique and fascinating place.



that only affect an unlucky few, such as trigeminal neuralgia, Alice in Wonderland Syndrome and Huntington's disease.

Some neurological conditions can begin suddenly, such as brain injury. Some you are born with, such as epilepsy. Others, like multiple sclerosis, can develop over time.

The Brain Charity is the only charity in the UK to be here for every single one of them.

Each year, we provide practical help, emotional support, and social activities to thousands of people from all over the UK.

We were set up out of a recognition that not enough support was being provided once neurological patients left the hospital setting. Our core services now include:



Information and advice: One-to-one information about any neurological condition, helping clients stay informed about what their condition and diagnosis means for them, plus help accessing financial support such as housing aids and adaptations or individual grants. **Employment support:** We support clients to reach an employment situation that works for them; know their legal rights, build their confidence and access new opportunities.

Welfare benefits advice: Hands on support through the entire welfare benefits application process, including representation at tribunals.

Emotional support: We operate a counselling and art therapy service for our community, plus a telephone befriending service to reduce social isolation and run confidence coaching and support groups.

Hospital-based support: We have staff based in hospitals across Merseyside and Cheshire so we can be there for neurological patients and their families at the point of crisis, providing them with access to a legal panel of partners if they need legal advice on topics like personal injury, medical negligence and power of attorney.

We also provide social activities for clients, from our centre and online, which include arts classes, physical exercise sessions and educational workshops.

In recent years we have pioneered projects combining therapy with art: Brain Changer for children and young people, and Music Makes Us! for people living with dementia.

We also provide workplace neurodiversity training to businesses and organisations across the country, and criminal justice system neurodiversity training to organisations working with offenders.

Our history

The Brain Charity opened in Liverpool in 1993 out of the recognition there was no support for patients with neurological conditions in the community once they left The Walton Centre, a specialist neurological hospital serving the North West of England.

We have since grown to a team of more than 50 members of staff and more than 80 volunteers. We are proud to be able to say more than half of our staff team and at

least 60 per cent of our volunteers have lived experience of neurological conditions.



How you can help

The need for our services has dramatically increased in the last few years. We are still experiencing extremely high demand due to the cost of living crisis, pressures on the health system and the long-term effects that have followed the coronavirus pandemic.

We love to work with like-minded corporate partners who are interested in fundraising for The Brain Charity, sponsoring our events and services, providing help in kind such as during events like Wills Week or booking one of our fully-accessible meeting rooms.

If you would like to discuss working in partnership with or supporting The Brain Charity, please email fundraising@thebraincharity.org.uk to arrange a meeting or head to www.thebraincharity.org.uk to find out more about what we do.



Landmark green guidance impacts Merseyside property market

Landmark new green guidance for the legal sector is set to impact property transactions across Merseyside.

The Law Society of England and Wales has confirmed conveyancing solicitors have an overall duty to advise on climate legal risks when acting in transactions.

Going forward, conveyancing solicitors must now consider whether climate searches are required for every property transaction they oversee with the caveat that they 'should not advise on climate change physical risks where it is outside their knowledge or qualification'.

The new guidance reflects the 2008 Climate Change Act, which commits the UK to cut greenhouse gas emissions by at least 68% by 2030 and 78% by 2035. "The Climate Change Act is already having

a significant impact on the construction and housing sectors so to see it now filtering into property transactions is of little surprise," commented **Lynne Lister**, MD of X-Press Legal Services.



"For the home buyer this guidance means many solicitors will now feel duty bound to recommend a climate change report as part of the suite of property related searches undertaken during the conveyancing process. Climate risks can be physical, transition, or liability related and can negatively impact the value of land and buildings. In view of that, these searches will provide home buyers with an extra level of insight into their purchase and any climate related risks.

"Fortunately, at X-Press Legal Services we are well placed to continue to ensure

property transactions across Merseyside are not impeded by this new guidance. We pride ourselves on being abreast of industry changes like this and already have a range of climate change products readily available for our conveyancing clients."

With locally owned offices throughout England & Wales, X-Press Legal Services is an independent property partner specialising in data and e-conveyancing. Supporting conveyancers across Merseyside its climate report products include those supplied by industry leaders Groundsure and Landmark. Local conveyancers are invited to get in touch with the X-Press team for a full insight into the climate change report expertise they can provide. Call **01925 393 333** or email central.7377@xpresslegal.uk. www.xpresslegal.co.uk



There are over 10 million people in the UK living with arthritis. No two people experience arthritis in the same way.

Arthritis Action has worked tirelessly for over 75 years to ensure people living with arthritis gain the knowledge and confidence to self-manage their condition and live life to the full. Whether that's a warm welcome at one of our local groups; someone at the end of the phone to provide advice; a tailored nutritional plan; or a consultation with one of our clinicians.

Gifts in wills have been critical to our work and are the only way we will be able to reach the increasing number of people living with arthritis.

IF YOU'D LIKE TO LEAVE A LEGACY OF HOPE, PLEASE CONSIDER A GIFT IN YOUR WILL TO ARTHRITIS ACTION TODAY.



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Residential Commercial Agricultural Environmental Mining Water and Drainage Company Utilities	Indemnity Insurances Legal forms SDLT/LTT calculator Land Registry Gateway Report on Title



Monthly Costs Update

Medical and other expert agencies are now a fact of life for most law firms. In many ways they have removed from lawyers the burden of locating and instructing an expert. But they also raise ever more complex issues. This has been demonstrated in the recent case of *Northampton General Hospital NHS Trust -v- Hoskin* reported by barrister Gordon Exall.

The nature of these arrangements is that different work is done by the agency and by the expert themselves.

In this case Premex delivered invoices for global sums, which were included in the Claimant's bill. The Defendant asked for a breakdown identifying who did what. This request was refused. The matter ended up on appeal to HHJ Bird who agreed that the paying party was entitled to this information. Practice Direction 47 requires the receiving party to serve on the paying party – (c) copies of the fee notes of counsel and of any expert in respect of fees claimed in the bill; (d) written evidence as to any other disbursement which is claimed, and which exceeds £500

The invoice provided by Premex was not a fee note of the expert. An agency is not an expert. The paying party was entitled to know the amount of the fees charged by the expert. The judge ordered that the breakdown be provided within 14 days.

One topic that we don't often cover in this update is the payment of costs to the SRA following disciplinary action. This concerns the case of a solicitor who was struck off back in 2016. He was ordered to pay £10k costs. He escaped enforcement of the costs at the time because of his limited finances. It subsequently came to light that he had jointly purchased a house for over £400k. The SDT granted the SRA permission to enforce the costs order as he was longer impecunious.

One thing that is regularly in the news is AI and how these developments are likely to change the way we work. So we asked ChatGPT if the days of the costs lawyer were numbered. Thankfully this is the reply, so it looks like we are safe for now!

Artificial intelligence (AI) has the potential to automate various tasks and processes, including those traditionally performed by costs lawyers. However, it is unlikely that AI will completely eliminate the need for costs lawyers in the foreseeable future. While AI can assist in certain aspects of legal work, there are still critical aspects that require human judgment and expertise.

Costs lawyers specialize in analyzing legal costs, providing advice, and assisting with legal fee disputes. They often deal with complex billing structures, court rules, and regulations, which require a deep understanding of the legal system. While AI can automate some routine tasks such as document review, data analysis, and calculations, it may not possess the contextual understanding, critical thinking abilities, and legal expertise

necessary to handle all aspects of costs law.


Furthermore, the legal profession involves client interaction, negotiation, and advocacy, which require interpersonal skills and human judgment. Clients may still prefer working with human costs lawyers who can provide personalized advice, guidance, and representation.

However, AI can augment the work of costs lawyers by automating repetitive and time-consuming tasks, allowing them to focus on higher-level strategic work and analysis. AI tools can assist in cost calculations, document analysis, and case research, enabling costs lawyers to work more efficiently and effectively.

In summary, while AI may impact certain aspects of costs law practice, it is unlikely to eliminate the need for costs lawyers entirely. The human expertise, judgment, and client interaction provided by costs lawyers are likely to remain valuable in the legal profession.

Contact Rob Cook for drafting of bills, costs queries and assistance with retainers.






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MSB Solicitors becomes Disability Confident Committed



Sarah Sharples

In March this year, MSB Solicitors was awarded Level 1 recognition in the UK government scheme 'Disability Confident'. Since then, MSB is proud to have now been awarded Level 2 recognition, 'Disability Confident Employer'.

Level 2 of the scheme specifically focuses around two themes: getting the right people for the business and keeping and developing people. Disability Confident Employers are acknowledged as going the extra mile to make sure disabled people are given a fair chance.

To achieve Level 2, employers must confirm the following:

- They have undertaken and completed the Disability Confident self-assessment.
- They are taking all the core actions to be a Disability Confident employer.
- They are offering at least one action to get the right people for their business and at least one action to keep and develop their people.

Once Level 2 has been attained, employers receive a certificate in recognition of their achievement, a Disability Confident Employer badge and information on the next stage.

Employers will also receive guidance on employing disabled people and people with health conditions. The guidance includes details about the benefits of employing disabled people and it notes that encouraging applications from disabled people is good for business. Some ways in which this can benefit businesses are by increasing the number of high-quality applicants available, creating a workforce that reflects diversity and bringing additional skills to the business, such as the ability to use British Sign Language (BSL), which could result in large savings. Furthermore, the costs

of making reasonable adjustments to accommodate disabled employees are often low.

The achievement strongly reflects what is at the core of MSB's values. We strive to ensure that our workforce reflects the diverse range of clients we serve as well as the wider community we support.

The ultimate level of the scheme is Level 3: Disability Confident Leader. To achieve this, a business must complete a self-assessment which is then subject to an independent validation. It must be shown that the business is delivering against all the core actions and is employing disabled people. In addition, a business must provide evidence for each of the activities that it is offering to get the right people for the business and to keep and develop its current employees.

More information and how to sign up to the scheme can be found here: [Disability Confident: guidance for levels 1, 2 and 3 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/disability-confident)

Sarah Sharples
Trainee Solicitor
MSB Solicitors



disability confident

Border Wars



Chris Makin

I have banged on for ages about the stupidity of going to law over border disputes. And I'm not talking about Russia invading Ukraine, or China's campaign to take over Taiwan. No, much closer to home, I have in mind the passions which can be aroused when next-door neighbours

argue over where exactly the border falls between their two properties.

When passions flare up, all sorts of problems arise. One is that the border between adjacent houses on an estate is rarely defined accurately. Ground workers take a cavalier approach, and it's no good relying on *"the area bordered in red"* on the Land Registry plans, since that line when scaled up may be a metre or more wide in real life. If a border is not defined accurately, a houseowner may have difficulty selling their house because they cannot say exactly what land is for sale. And passions continue to run because protagonists can never get away from the *"enemy"* next door. But going to law can be terrifyingly expensive.

Let us look at some examples from my mediations.

The first concerned a row of detached houses, *"little boxes on the hillside made of ticky tacky"*. There was Mr Left's house and a drive, then Mr Right's service strip and house with a drive to its right, and so on up the hill.

Mr Left wanted to construct a garage over his drive with a bedroom over, but there was doubt about where exactly the border lay between his drive and the service strip. Mr Left asked Mr Right if he could construct his extension up to the edge of the service strip rather than the mid-point of the low dividing wall. Mr Right adamantly refused; but when he was on holiday, Mr Left built the shell of the extension nevertheless.

During the mediation, I knew we were in trouble when Mr Right produced a photograph of the two houses, showing where he believed the boundary lay. Interestingly, there was a bedsheet draped out of the bedroom window, painted with a Union Jack and *"Welcome Home, Gary"*. To be friendly, I asked *"Who's Gary?"* to be told that he was his only son, now dead, a soldier killed in the first Gulf War, and Mr Left had encroached on the 'sacred' land where he had played with Gary as a child.

After fierce negotiations, Mr Left agreed to pull down the extension and rebuild it two inches narrower. That would have been a good result, except that Mr Right said that he must have been Right (!) all along, so he wanted his costs. Mr Left had no money. The mediation failed, and no doubt the dispute rumbled on, with huge legal costs and destroyed relationships; but we got so close.

Chris Makin

Chartered Accountant
Accredited Civil Mediator
Accredited Expert Determiner

Chartered Accountant with 20+ years experience as Forensic Accountant and Expert Witness at national firm partner level; Mediator for 10+ years: High settlement rate. See website for more details, including mediation scale of fees.

Mediated disputes in:

- Partnerships
- Share Valuations
- Company Sale & Purchase
- Professional Fees
- Rights of Way & Boundaries
- Construction
- Intellectual Property
- Professional Negligence
- Business Interruption
- Defamation
- Housing Disrepair
- Very Expensive Motor Cars
- Employment
- Contractual Failings
- Inheritance Act and ToLATAs

Civil and criminal experience as expert for over 20 years in:

- Loss of Profit and Consequential Loss
- Business & Share Valuations
- Matrimonial Valuations
- Partnership & Director Disputes
- Professional Negligence
- Criminal & Commercial Fraud Investigations
- Personal Injury & Fatal Accident
- Drug Trafficking etc. Asset Tracing & Confiscation
- Section 994 Disputes
- Director Disqualification
- Expert Determinations



N Christopher Makin FCA FCMI FAE QDR MCI Arb

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The second example concerned a pair of bungalows on a smart estate. In the first was a chap who had bought his bungalow when new, and the second had been occupied by an old lady now deceased. The chap used to help the old lady with light gardening, but when she died he encroached onto her drive by laying paviours about 6 inches onto her drive. Then the second bungalow was bought by two young ladies, who objected and wanted the full width of their drive to be restored.

Two themes developed. The first was that one of the young ladies was a taxi driver, and she generally finished her shift at 10.00pm, putting her taxi up the drive and closing the gate, which happened to be fixed to the front corner of the first chap's bungalow. The effect was that the chap heard a loud bang through his wall, every night just as News at Ten was starting. He was not pleased.

But worse, it emerged that the two young ladies were gay, and the chap wasn't going to have people like that on his estate. So he had gone round all the neighbours to persuade them to make the ladies unwelcome, but all the neighbours said they were a delightful couple, and were welcome on their estate. This did the chap's temper no good at all!

When mediating I couldn't change the chap's attitude to gay people, so I concentrated on the gate. Late at night I ended up on all fours, designing

a gate with an acoustic break, using the torch on my iPhone. The dispute settled, but it could have been very nasty.

With the third and final example there were similarities, but the major issue was legal costs. Here, the adjacent houses shared a drive, but each wanted to define their half of it. One side had done so by laying pavements (again!) which allegedly encroached on the other's drive. Both sides had so far spent over £10,000 on solicitors and on experts' reports, none of which came to any firm conclusions. And each side independently had an estimate of further costs to trial, if the mediation failed, of £50,000 – *each!* If the matter had proceeded to a full hearing, the losing side would have faced a costs order of £100,000 or so, meaning that they would likely have had to sell their house to pay those costs. How stupid is that?

The mediation settled, as it had to. The outcome is less important than that mediation allowed the parties to get off the merry-go-round and their homes were no longer at risk.

Sir Alan Ward is a mediator, latterly chairman of the Civil Mediation Council, and for many years before a Court of Appeal judge. I have mediated with him in his very first mediation, and he was excellent. But on the bench he saw too many of these Border Wars, and we would all be wise to have regard to what he said about border disputes:

"This is another of that hideous form of litigation called the boundary dispute, a form of litigation which is best not pursued. Just how much

is this stupid piece of land worth? What you are arguing over is a few rhododendron bushes. If you live in St Georges Hill, you've got money to throw away, presumably. But why throw it away like this? You're all potty. Disputes of this kind are a most hateful form of litigation; go away and sort it out."

That says it all!

Bio: 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:

www.chrismakin.co.uk

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Forthcoming Courses

DATE	TOPIC	SPEAKER
14/06/23	An Intro to Cryptocurrency & Digital Assets: What it is & Why Law Firms Should Care	Josh Bates
19 & 29/06/23	Intro to Residential Conveyancing - 2 Day Training	TBC
21/06/23	Civil Litigation Update	Andrew McLoughlin
27/06/23	Commercial Property Update	Hannah MacKinlay
28/06/23	The Compliance Conference 2023	Various
03/07/23	Divorce & Financial Orders Certificate	Safda Mahmood
05/07/23	Creating Electronic Bundles	Phil Nam
07/07/23	Company Law: The Essentials	Chris Beanland
11/07/23	Keeping up with Witness Statements	Helen Swaffield
11/07/23	Applications against Litigants in Person	Helen Swaffield
12/07/23	How law firms are or can implement Net Zero, and assessing risks and opportunities	Sally Redman
12/09/23	Conveyancing & the Family Home	Richard Snape
13/09/23	Private Child Law Conference	Various
19/09/23	SRA Accounts	Linda Lambert
20/09/23	Residential Property Conference	Various
22/09/23	Ogden Tables and future losses	Mike Winston
27/09/23	Family Finance Conference	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

An Intro to Cryptocurrency & Digital Assets: What it is & Why Law Firms Should Care

with Josh Bates on Wednesday 14th June, 10am - 11am

Online/recorded session*

This is an introductory seminar for lawyers at ALL LEVELS of experience & in ALL AREAS of practice.

Covering:

- What blockchain technology, cryptoassets, smart contracts, and public key encryption are
- How transactions happen on blockchains
- The categories of cryptoasset
- The legal status of cryptoassets
- Duties of software developers
- How cryptoassets and cryptoasset activities are regulated and the proposed reforms
- How this impacts the legal services sector

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



[**CLICK HERE FOR MORE INFO**](#)

Intro to Residential Conveyancing (2 Day)

19th & Day 2: 29th June, both 10am – 4pm

Online/recorded session

This online course is aimed at support staff, newly qualified staff & those new to residential conveyancing or wanting to change their specialisation.

Designed with the following aims:

- To explain key land law principles sitting behind the residential conveyancing process examining residential leasehold and freehold conveyancing
- To introduce the Conveyancing Protocol and the various steps within the residential conveyancing procedure
- To introduce residential conveyancing forms and documentation and basic drafting issues including TA forms, Contracts, Transfers, and Land Registry forms
- To explain Land Registry procedure
- To identify issues surrounding client care & professional conduct
- To examine what can go wrong and how negligence claims arise

Can't make the date/time?

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

[**CLICK HERE FOR MORE INFO**](#)

Civil Litigation Update with Andrew McLoughlin

on Wednesday 21st June, 1.30pm - 4.30pm

Online/recorded session*

Where to begin! An online course you cannot afford to miss. The landscape continues to change at some pace following a relative lull in substantive changes to procedure and practice

Covering:

- **Fixed Recoverable Costs** – the massive game changer, the implications & tactics going forward
- **Part 36** – developments in the last 12 months
- **Assessing credibility of witnesses** – guideline case law & how to assess your opponents written witness evidence
- **All the procedural changes in the last 12 months & their impact on your practice**
- **Cases on procedure** – the last 12 months

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

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

Commercial Property Update with Hannah Mackinlay

on Tuesday 27th June, 10am - 12pm

Online/Recorded session*

The last year has seen many important developments in property law, over many areas. This concise & focused webinar will make sure you are up to date.

The key topics include:

- ◆ Commercial leases – MEES Mess? What is the impact on drafting for landlords and tenants post-April 2023? What to look out for on assignments of existing leases? Who pays for upgrades? Exemptions – possible solutions?
- ◆ Covid – where are we on the fallout from Covid on rent arrears and the potential impact on break clauses?
- ◆ Other commercial lease points on lease renewal, telecoms leases, ground rents, and keep open covenants?
- ◆ Land law – numerous important court decisions and other developments on everything from restrictive covenants, powers of attorney, adverse possession, lease extensions, and electronic signatures to knotweed

& more...

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

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


2023 COMPLIANCE CONFERENCE
 WEDNESDAY 28TH JUNE 2023 | 9.30AM - 3PM
 HYBRID - THIS EVENT CAN BE ATTENDED IN-PERSON OR VIRTUALLY

It is now more important than ever to stay on top of what good compliance looks like and to show precisely how you demonstrate your best practice to third parties. This conference will be your one-stop shop for best practice legal regulatory compliance and will give you practical support to help you stay ahead.

Chairperson
 Mickaela Fox, Partner, Weightmans LLP

Economic Crime Update - because it's not just money laundering anymore!
 Amy Bell, The Law Society

Good complaint Handling & Learning From Complaints
 Jason Chapman, LeO

Data Protection - GDPR 5 years on
 Kate Burt, Hive Risk

How to get more positive outcomes when implementing effective risk management, and the positive impact this may on your insurance
 Paul Fletcher, PIB Insurance Brokers & David Green, The Strategic Partner

Challenging Behaviour in the Workplace: What, Who, How?
 Susanna Heley, Weightmans

Regulated Claims Management Activity - What Law Firms Need to Know
 Joshua Bates, O'Connors

SRA Update
 Matthew Byng, SRA

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Divorce & Financial Orders Certificate
 with Safda Mahmood
 Monday 3rd July, 10am - 4pm
 Online/Recorded session*

This online course will equip you with the essentials in terms of what to do from the moment of being instructed in cases involving divorces, nullity & financial order cases. It will be of benefit to those delegates who seek to put the theory of family law into practice.


It will be of assistance to those who are new to this area of law & those who want a refresher.

The areas to be covered are:

- Domicile, Habitual Residence and Nationality
- How Can a Marriage be ended? – Breakdown of Marriage
- Void and Voidable Marriages
- Law of Divorce
- Bars and Judicial Separation
- Divorce Procedure and On – line Divorce
- Public Funding in Family Cases
- & more...


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

[CLICK HERE FOR MORE INFO](#)


Creating Electronic Bundles
 with Philip Nam on Wednesday 5th July, 12.30pm - 1.30pm
 Venue: Online/Recorded session

Phil will give a much needed update on electronic bundles and go over the some of the technical aspects of using Adobe Acrobat .
 He will take you through the new guidance & cover;

- Bookmarks
- OCR
- Page Labelling
- Pagination
- Redacting
- Hyperlinks
- Re-Sizing



This course is for you if you are involved in bundle creation using Adobe or don't have the fancy software.

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

[CLICK HERE FOR MORE INFO](#)


Company Law: The Essentials with Chris Beanland
 Live ONLINE Friday 7th July, 2pm - 4pm*

Aimed at: Any practitioner at any level who wants a reminder of or introduction to the principles of company law.

This online course will provide practitioners with a refresher on company law principles.

It will cover:

- Forming a company
- Separate legal personality
- Types of director
- Directors' duties and restrictions on directors
- Shareholder rights
- Unfair prejudice
- Derivative claims



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

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Keeping up with Witness Statements with Helen Swaffield

Live **ONLINE**: Tuesday 11th July, 12pm - 1.30pm*

Covering:

- The basics – CPR 32
- New rules on vulnerable witnesses and Protection orders
- Check the Court Guides
- Practical points in drafting successful witness statements – memory
- PD57 AC changes – certification and sanctions
- Best evidence principles: recollection, open/closed questions
- Illegally obtained evidence, opinion evidence, and hearsay
- Conduct at trial
- Recent cases



**Can't make the date/time or need to revisit the training? No problem, booking onto any online or hybrid event means you will receive a link to access a recording of the event at your leisure!*

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

Applications against Litigants in Person with Helen Swaffield

Live **ONLINE** on Tuesday 11th July, 22pm - 3.30pm

Covering:

- Who are litigants in person and their "friends"
- Application of the CPR to litigants in person
- Duties owed to litigants in person by lawyers
- New guidelines
- Abuse of process CPR 3.4
- No reasonable cause of action – nonsense
- Striking out their claim/defence
- Examples of abuse of process – repeated applications for the same thing
- Preventing relief from sanctions
- Costs orders against or by litigants in person
- Totally without merit orders, bans, and CROs
- Practical tips in dealing with litigants in person

**Can't make the date/time or need to revisit the training? No problem, booking onto any online or hybrid event means you will receive a link to access a recording of the event at your leisure!*

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How law firms are or can implement Net Zero, and assessing risks and opportunities

Chaired by Liverpool Law Society President Jeremy Myers and presented by Sally Redman, Senior Consultant at Landmark Information

on Wednesday 12th July, 1pm - 2pm

The Law Society of England and Wales published the Climate Change Guidance on 19 April. The release of the Guidance on the Impact of Climate Change for Solicitors follows on from the Law Society committing to its Climate Change Resolution in 2021. The first part of the guidance, Part A – sets out guidance for organisations on how to manage their business in a manner which is consistent with the transition to net zero.

This session is designed to go through the following:

- What does Net Zero mean?
- Outline of Scope 1,2 and 3 emissions
- Target setting and platforms

This event is free for members of Liverpool Law Society to

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2023

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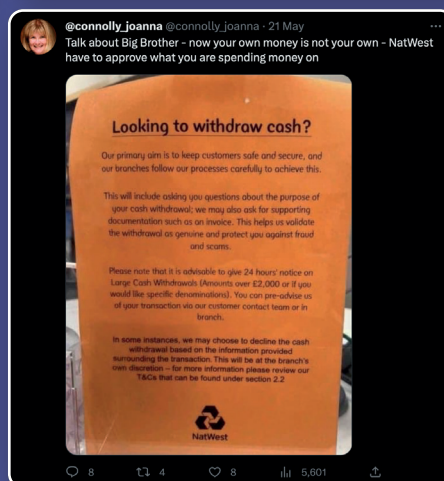
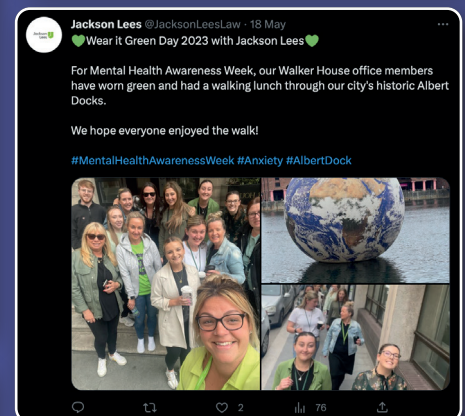
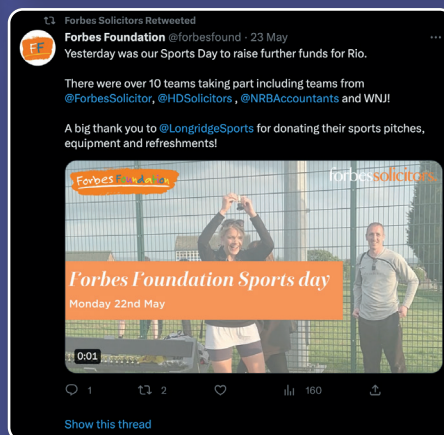
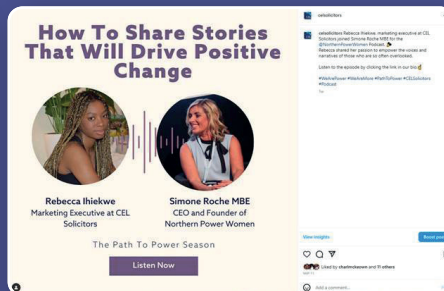
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Social Media Highlights

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



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

Best foot forward with The Solicitors' Charity at The London Legal Walk



Walk, jog, run the 10k route and help spread the word of the support The Solicitors' Charity offers to solicitors in times of need

Solicitors and other members of the legal profession will be stepping out to raise vital funds at this year's London Legal Walk on June 13th - and you're invited to join them.

Participants can walk, jog, run, or support a 10k route through central London at the popular fundraiser, organised by the London Legal Support Trust and sponsored by The Solicitors' Charity.

The event brings together the legal community supporting access to justice. Proceeds allow the Trust to help more than 100 organisations in London and the South East, providing

free and pro bono legal advice to solicitors.

Chief Executive **Nick Gallagher** said: *"We are delighted to be sponsoring the fantastic London Legal Walk again this year. It's a great fundraising event and worth supporting - money raised will help to make a huge difference to many."*

"We also look forward to meeting event participants and telling them about the services our charity offers to solicitors in times of hardship. Last year, for example, we supported 50% more new clients and gave financial support to help with the cost-of-living crisis."

"Stop by at The Solicitors' Charity information stand to find out more about how we help solicitors who are going through difficult times - we look forward to seeing you there."

The event, now in its 19th year, will end with a fun celebration featuring street food vendors, fire jugglers, musicians, and a complimentary drink in The Last Judgement, The Old Bank of England or Law Society bars. The street party will close at 10pm.

You can volunteer to walk with The Solicitors' Charity at <https://www.thesolicitorscharity.org/london-legal-walk/>



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With our reliable reputation in this field, we are regularly contacted to value cars in probate. If you are sadly coping with the loss of a loved one and have the responsibility of

dealing with their estate, we can offer you trusted, sensible advice and the professional service you will need at this difficult time. Should you wish to proceed, we will collect your vehicle swiftly and FREE of charge.

Please do not hesitate to contact us on 0151 648 5488 to discuss how best we can assist you.

