

August 2023

Liverpool Law

Liverpool  Law Society

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

President's Social at the Royal Liverpool Yacht Club

Report by Nadya Makarova on p.30





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August 2023

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DEADLINES

Fri, 25th August
 Mon, 25th September
 Tue, 24th October
 Mon, 27th November



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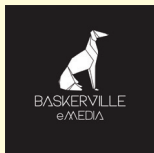
Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

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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Editorial Committee Dates 2023

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

15/08/2023
19/09/2023
17/10/2023
21/11/2023

Welcome to the August edition of Liverpool Law



Happy August!

I hope you all have an opportunity for a rest and we get the nice weather back. I have just returned from a week's break and I already feel like it was many moons ago and that I need another, so enjoy every second while you can.

It seems from this month's edition that we are in full awards season, congratulations to all those who have won an award and also to those shortlisted, it really is an achievement.

You will also see this month that the entries for the Liverpool Law Society Awards have now opened so please get your nominations in and I hope to see you all at the Annual Dinner in November.

I'm pleased to see some articles from our newer members too and thanks to them for joining, I look forward to seeing many more in future. We see many submissions from non members sent to the editor inbox and it is a shame when we see fantastic news and articles that we are unable to feature, so to any non members reading this that are interested in joining please do get in touch if you would like more information. For our current membership we see some great things on our social media channels and look to highlight them here if we can, please make the most of the wonderful work you are doing and send your entries in to be included in the magazine too.

Until next month.

Kind regards,

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 8 individuals from the following law firms or organisations:

- CG Professional Limited
- Graystons
- JMW Solicitors LLP
- Maria Fogg Family Law
- Maxwell Hodge

Liverpool Law Society's membership now exceeds 2,490 individuals from 178 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

As we approach the Summer break, it has been another busy few weeks for Liverpool Law Society (LLS). Of course, the routine work of our General Committee and its sub committees, with much work done by Chairs and members, has continued apace, as ever supported by our staff team members.

The twice-yearly meeting of the GC with Local Authority Councillors – plus Council Officers – took place and you can read about it in this edition. Paddy Dwyer's review of Parliamentary news and the Renters Reform Bill summary by Sarah Mansfield were key updates for those attending. Cllr Peter Lloyd-Jones from Halton Borough Council spoke strongly about the provision of Legal Aid, having given notice that he wanted this to be on the agenda.

A special event was the renewal of the LLS Summer Social, traditionally held in the Wirral. It was the first time since 2018 that the event was held and my fellow members of Royal Mersey Yacht Club helped to provide warm hospitality and lovely refreshments to launch us into a convivial get together. A full report appears in this issue. Metro Bank sponsored the function and I hope that this event marked the start of a fruitful link with Metro.

An important training session about the route to Net Zero was provided by Landmark, online. It chimed with The Law Society's national imperative to enable practitioners to prepare their Firms – and their clients – for meeting the environmental targets which are becoming such important elements of life and work and will increase in relevance.

LLS's link with the Chamber of Commerce and its members was maintained at a drinks event at Escape Live on 20 July. Along with the usual mingling, we had a chance to participate in the process of figuring out a logical way to escape from themed rooms using clues, our group being "Dr Watson's room" with a Sherlock Holmes theme which was great fun.

In this quieter period, I would like to take a few lines to write about mentoring. I am sure that many of you reading this column will have had the opportunity to be a mentor or to receive a mentor's advice formally or in less structured terms. Personally, I must say how I benefited from spending time with various practices as a Sixth Former and a student, and crucial for the UCCA form (forerunner of UCAS), and then the CV. These initial informal experiences taught me much about the basics of working life and relating to colleagues and clients.

As examples, let me set out how I have been involved in a number of activities over the years, which I hope that I have helped students. There have been informal arrangements for students to spend a week in the office along the lines described above. Also, another link provides a connection for a local Academy School to send a student annually. I was part of the Liverpool University School of Law's mentoring scheme for six years, linking with three successive students over two-year periods, and hope to return to it after the current LLS year.



If such a link or a visit encourages a youngster to pursue a career in law then it is a very special feeling to have helped on an early step. If not, then I believe it is not time wasted. Any student visiting the office for a spell will see much that will help later on in life and the chats about careers and work experience which should be useful in developing ideas about future plans.

Another important benefit is that this kind of communication keeps practitioners up to date with the world of schools and Universities. It also helps us to focus on how to explain matters from scratch. I would recommend such involvement and I am beginning to think about how we in LLS might promote such mentoring and engagement.

I hope that as members of LLS, we can all try to progress the mentoring concept in as far as our time and practice allow. Using our skills to help wider society is also a concern of mine and one I which I would like to engage with you. Next month, I plan to set down some thoughts about the charity aspect of LLS's activity, and how together we might develop the chances of helping those in need by careful use of our skills gained in practice.

Let's each try to recharge the batteries in short or longer breaks over the next few weeks.

Jeremy Myers

President

president@liverpoollawsociety.org.uk

LLS Meetings & events – August/Sept 2023

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

Start Time	Meeting/Event
09/08/2023 13:00	Future Planning Sub-Committee 2022-2023
15/08/2023 13:00	Editorial Sub-Committee 2022-2023
05/09/2023 13:00	Employment Law Sub-Committee 2022-2023
06/09/2023 12:30	Finance & Policy Sub-Committee 2022-2023
07/09/2023 13:00	Access to Justice Sub-Committee 2022-2023
08/09/2023 12:00	Legal Awards nomination deadline
12/09/2023 12:30	General Committee 2022-2023
14/09/2023 13:00	In-House Lawyers Sub-Committee 2022-2023
14/09/2023 16:00	Family Business Sub-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 committees are: Access to Justice; Civil Litigation; Criminal Practice; Employment Law; Equality, Diversity & Inclusion; Editorial; Family Business; In-House Lawyers; Non-Contentious Business and Regulatory committees, which 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
Criminal Practice	Domestic homicide review legislation consultation	11/08/23
Criminal Practice	Mandatory reporting of child sexual abuse	14/08/23
Criminal Practice	Publication: ESOP CP	29/09/23
Regulatory	Reforming anti-money laundering and counter-terrorism financing supervision	30/09/23

Bond Turner Recruits new Cohort of Trainees through the Anexo Academy Programme



Lisa Birchall, Sara Stanger and Alum Ullah

Law firm Bond Turner has recruited a number of candidates through The Anexo Academy training programme as part of its aim to nurture the next generation of skilled lawyers in the North West.

The firm has selected 13 individuals as the first cohort of trainees under the scheme, which includes roles across its office locations in Liverpool and Bolton. Candidates were selected as part of a thorough application process which included interviews and an on-site assessment day in Liverpool. In addition to the new candidates, The Anexo Academy will also encompass the firm's 14 existing trainees as part of this exciting new era for the business.

Bond Turner is one of the firms offering the most training opportunities in the region. The successful applicants will begin their contracts in September 2023 across roles including training contracts, supported SQE and apprenticeships, all designed to support

aspiring lawyers in gaining formal legal qualifications.

Candidates will work alongside the firm's dedicated Training Coordinator **Lisa Birchall** and Director, Solicitor and Training Principal **Sara Stanger** to support them throughout their training period. Solicitor **Alum Ullah** has also recently been promoted to Deputy Training Principal and will play an active role in the development of Anexo Academy trainees.

Lisa Birchall said: "It has been fantastic to be involved in the initiation of The Anexo Academy and we're very much looking forward to welcoming candidates to the firm this autumn. Bond Turner has long provided training opportunities and has supported people in gaining their legal qualifications, but The Anexo Academy encompasses multiple routes to qualification across a number of roles per year, making the firm one of the industry leaders in terms of providing development opportunities within the legal field."

Sara Stanger added: "As Training Principal and Director I've been dedicated to providing opportunities for growth and professional development within Bond Turner, with roles available to both internal and external candidates at varying stages of their careers, from school leavers through to those with existing legal experience. As a firm, we are continuing to invest in our training provisions and are delighted to welcome valued Bond Turner solicitor Alum Ullah as Deputy Training Principal. Alum will bring a wealth of experience and knowledge to the role making his support invaluable, while enabling us to further develop future training opportunities."

"The Anexo Academy was designed to make routes to legal qualification accessible to everyone, while training our future solicitors for a rewarding career ahead at Bond Turner. We are pleased to offer such a large-scale training programme which has attracted such talented individuals in its very first year and look forward to continually developing our teams in the years to come. Whilst Bond Turner has always been passionate about training, The Anexo Academy enables us to offer training via a number of different routes making us one of the most progressive law firms in this regard."

Director at Bond Turner, **Samantha Moss**, said: "Bond Turner prides itself on offering a supportive work environment, developing successful people across our teams. On behalf of Bond Turner, we would like to congratulate the successful Anexo Academy applicants and look forward to working alongside them in the coming months."

For more information about Bond Turner's Anexo Academy, visit www.bondturner.com/anexo-academy

Carpenters Group named Employer of the Year 2023!



Members of Carpenters group at the COLBA awards

Congratulations to Carpenters Group who scooped the Employer of the Year Award 2023 at the City of Liverpool Business Awards (COLBA) despite facing stiff competition.

COLBA took place on 6th July 2023 at the Palm House, Sefton Park, Liverpool. It was established by Downtown Liverpool in 2004 to acknowledge and celebrate companies and entrepreneurs that have made a successful and significant contribution to economic growth in the city region.

Carpenters Group CEO, **Donna Richards**, said:

"We couldn't be more thrilled to win the prestigious Employer of the Year 2023 at the City of Liverpool Business Awards event on Thursday 6 July, held at the Palm House, Sefton Park.

It is fantastic for Carpenters Group, who employ over 1300 people in Merseyside as well as other locations across the country, to be recognised as the Employer of Year 2023. This is testament to the

creation of such a positive culture nurtured through our hardworking, loyal and diverse colleagues, as well as the progression and development opportunities for all of our people. Carpenters Group continued sustainable growth makes for a very exciting future for our business.

This award is extra special as it was nominated and voted for by the public, thank you to everyone who voted for us."

Well done to the team!

Yolanda Zollinger joins Forresters as new COO

Forresters are pleased to welcome their new Chief Operating Officer, Yolanda Zollinger.

Yolanda has over 20 years of experience in the legal industry including experience as a lawyer in private practice, in-house and in the provision of off-shore legal services, experience in business development and law firm management.

In her new role as COO, Yolanda will play a key part in strengthening collaboration across the firm and promoting greater synergy in all areas of the business, spearheading progress towards greater expansion and growth as Forresters continues to provide exemplary service to clients.

"I am excited to be joining Forresters' dynamic team as their new COO," said Yolanda. "I have spent the last decade working in law firm management, and I am confident that I can put that experience to good use here. I look forward to meeting colleagues across our offices and rapidly getting up to speed with the business."

Managing Partner **Matt Shaw** also commented: *"We are delighted to welcome Yolanda to the team at Forresters. Her extensive experience will be immensely helpful as we continue to strive for excellence and future success."*



Yolanda Zollinger

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Liverpool-based law firm expanding with experienced Litigation Executive



Barbara McNamara

Liverpool-based law firm Broudie Jackson Canter has expanded its Housing Law team with the addition of a new Litigation Executive.

The team have welcomed **Barbara McNamara** on board who has over 16 years' experience in all manners of legal aid casework including possession, disrepair and homelessness. She has also worked on other related issues including welfare rights and debt matters and making appropriate referrals.

Speaking of the new appointment, Associate Director and Solicitor, **Jonathan Davidson**, said: "We're very pleased at Broudie Jackson Canter to have Barbara on board. She has a wealth of experience of court advocacy having previously worked on the duty scheme at Liverpool County Court.

"In the current economic climate it is precarious for home owners and renters and fortunately Barbara is able to assist and represent people facing possession proceedings or eviction."

Barbara started her career as a volunteer at Citizen's Advice Bureaux (CAB) during a childcare career break and took up a housing advice trainee post in 2006 which led to a housing caseworker post. She was then promoted in 2016 to the Housing Unit Manager role where she was responsible for the management of the Legal Aid contract and duty possession scheme.

Explaining her prior experience, **Barbara** said: "The duty possession scheme in particular could be very stressful as

unrepresented clients would turn up with minutes to spare before they were due in court and I would have to take oral instructions and examine any paperwork to hand. I would take steps to establish if there was any defence and ascertain why the client was in arrears and what steps they intended to take to remedy the situation and check whether there was any defence to the claim. It was not unusual to provide representation to 10 or more clients on any given day."

Now she is putting her skills to the test at Broudie Jackson Canter. Her new role will cover all aspects of possession and eviction. She said: "Going forward I will be covering all aspects of possession and eviction and in particular will be providing court advocacy often where timescales are tight enabling advice and representation where perhaps previously capacity was an issue. I will be taking on cases from service of notice right through to issue of warrant of eviction in relation to both rented (private and social landlord) and mortgaged properties."

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Although Bracewell Costs was formed in November 2015, Paul Bracewell has 32 years experience of working in the legal sector with 25 years in costs. An experienced advocate, he has represented Clients in all Courts from the County Court to the Supreme Court. Paul also has extensive experience of attending Costs Management Hearings throughout England and Wales and at the RCJ and is an Accredited Civil & Commercial and Workplace & Employment Mediator.

Bracewell Costs can also provide in-house training and have previously provided seminars for Manchester Law Society, MASS, APIL and the Solicitors Group. AS a Costs Lawyer, I carry full Indemnity Insurance and am regulated by the Costs Lawyers Standards Board. I carry separate Insurance for Mediation work and am registered with the Civil Mediation Council. Arrangements can be made for free collection and return of files for added security.



Paul has over 30 years experience in the following:

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Bell Lamb & Joynson Receives Recognition at the LEAP Modern Law Magazine Private Client Awards

Bell Lamb & Joynson, a leading law firm specialising in Private Client services, proudly announces its recent recognition at the prestigious LEAP Modern Law Magazine Private Client Awards. The firm received high commendation for its exceptional expertise and dedication to delivering Outstanding Client Care to private clients at a glittering event held on Wednesday, 5th July at The Titanic Hotel in Liverpool.

The LEAP Modern Law Magazine Private Client Awards celebrate excellence and innovation within the legal sector, recognising firms that demonstrate exemplary performance in serving the needs of private individuals and families. Bell Lamb & Joynson's commendation reflects its commitment to providing tailored solutions and a client-focused approach in various areas of private client law, including wills and probate, and estate administration.

This commendation serves as a testament to the outstanding work of the entire team at Bell Lamb & Joynson. Their unwavering dedication to meeting clients' unique needs, combined with their deep understanding of the complex legal landscape, positions Bell Lamb & Joynson as a trusted advisor in the private client sector.

"We are delighted to have been recognised at the LEAP Modern Law Magazine Private Client Awards," said **Jessica Flaherty**, Head of Private Client at Bell Lamb & Joynson.

"It is a testament to the hard work and commitment of our team in consistently delivering exceptional legal services to our valued private clients. This recognition further motivates us to continue striving for excellence in our field and to provide the best possible advice and support to our clients."

As an innovative and forward-thinking firm, Bell Lamb & Joynson combines traditional values with a modern approach to deliver exceptional outcomes for their clients. Their commitment to providing tailored, strategic advice and their dedication to exceptional client service are key factors in their continued success.

Marking this significant achievement, our Managing Partner **Mike Leeman** commented, *"Being recognised for the Outstanding Client Care award at the inaugural at the Modern Law Private Client Awards is such an honour and it reflects the commitment from the whole team to consistently deliver exceptional results for our private clients. A huge thank you and well done to the whole team!"*

For more information about Bell Lamb & Joynson's Private Client services, please visit the firm's website at www.bljsolicitors.co.uk.

Brown Turner Ross Crowned Law Firm of the Year at City of Liverpool Business Awards 2023

Liverpool and Southport based law firm Brown Turner Ross picked up the prestigious Law Firm of the Year award last night at the annual City of Liverpool Business Awards at the Palm House in Sefton Park.

Over 200 business leaders attended the sell-out event organised by Downtown in Business which was sponsored by Liverpool John Lennon Airport and Lufthansa and hosted by Downtown's Chief Executive Frank McKenna and Peter Price.

Brown Turner Ross have recently relocated to larger premises in Liverpool

to accommodate expansion in the Family and Civil teams and have recently invested in a new case management system to further streamline the company's operations and client service capacity.

Sam Bushell, Managing Director of BTR and President of the Southport and Ormskirk Law Society said *"We are delighted that Brown Turner Ross has been recognised as the Law Firm of the Year at this year's COLBA Awards. This accolade is recognition for our hard working, talented and dedicated team of professionals. In addition to our recent move to larger premises in Liverpool and*

expansion of our team, it confirms our commitment to growth, whilst providing the highest quality customer service".

The law firm, founded in Southport in 1884, has become one of the North West's leading law firms who specialise in family, private client, corporate and commercial property, housing disrepair and dispute resolution work.

For any legal enquiries please contact:-

Email: law@brownturnerross.com
 Southport office: 01704 542002
 Liverpool office: 0151 236 2233
www.brownturnerross.com

Duo Of Senior Hires For Bond Turner

Law firm Bond Turner has announced a duo of senior hires to its Professional and Clinical Negligence departments in Liverpool.

The firm has welcomed acclaimed lawyers Rob Godfrey as Head of Professional Negligence and Helen Neville as Deputy Head of Clinical Negligence. Both bring a wealth of expertise to their respective departments with over 40 years' combined experience in the legal industry and are recognised as leading solicitors in their fields.

Bond Turner's Professional and Clinical Negligence expertise is amongst its core services alongside credit hire claims, housing disrepair claims and personal injury to name a few. Both departments have a prestige reputation for client care and operating a thorough and robust approach to securing maximum compensation for clients, ensuring that they have the access to justice that they deserve.

Bond Turner's Professional Negligence department specialises in a range of cases, notably solicitor and property negligence. The firm's Clinical Negligence team frequently takes on cases in areas including maternity and surgical negligence and cancer misdiagnosis to name a few, with both departments experienced in handling multi-million-pound claims. Helen and Rob's expertise in managing complex and high-value cases will complement the teams' existing expertise in such specialist areas of law.

Rob Godfrey will lead the Professional Negligence department at Bond Turner and is committed to providing an outstanding service to the firm's nationwide client base. Rob has over 25 years of experience in litigation, with an analytical and detailed approach to cases and is a member of the Professional Negligence Lawyers Association (PNLA).



Rob Godfrey

Rob Godfrey said: "I was attracted to this role within Bond Turner on account of the exceptional quality of work delivered for clients right across England and Wales, not just in Professional Negligence but across the firm's expansive list of services. I hope to build a professional negligence team that is considered a go-to for experts in cases of this matter. Bond Turner already has a well-respected standing in this regard, and my ambition within my role is to develop and expand on that."

Helen Neville is a Clinical Negligence solicitor and also sits as a Deputy District Civil Judge on the North Western Circuit since being appointed in 2021. She is a judicial member of the Liverpool Law Society as well as a Law Society Clinical Negligence Panel Member and Senior Litigator with APIL, having worked within the clinical negligence field since 2005. As Deputy Head of Clinical Negligence, Helen will manage high value complex cases, whilst supervising the team in Bond Turner's Liverpool office.



Helen Neville

Helen Neville said: "I am delighted to join the talented Clinical Negligence team here at Bond Turner's Liverpool office and look forward to making an impact within the department and working with our clients to gain the best possible outcome for them. Bond Turner specialises in this complex area of law and offer an outstanding service to clients during what is a difficult time for them, and I look forward to being part of the team's continued growth."

Director at Bond Turner and Head of Clinical Negligence (Liverpool), **Sara Stanger**, said: "On behalf of Bond Turner we are delighted to welcome both Rob and Helen to the team. They are highly respected in the legal industry and will be a fantastic addition to the firm. Their experience, dedication and ambition will be invaluable to our clients and to our teams who will be supported in their professional development by two leading industry experts."

For more information, visit www.bondturner.com

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Overcoming the Challenges of Funding a Legal Case Under a Restraint Order



A Restraint Order is made by the Crown Court and prohibits the recipient from dealing with their assets during a criminal investigation or any resulting proceedings. The reach of this order is expansive, often encompassing the individual's entirety of assets globally. Its primary objective is twofold: to aid law enforcement in investigating the origins and intents of the suspected crime-related finances, and to prevent dissipation of the assets; thereby preserving them in case confiscation proceedings arise from the investigation.

The longevity of Restraint Orders is indefinite, conditional upon the progression and duration of the investigation, and always subject to court review. This poses a grave challenge when trying to access funds for living expenses or to run a business, quite apart from the emotional stress.

Navigating through the process of discharging a Restraint Order

The path to discharging or varying a Restraint Order can be complex and is largely dependent on individual circumstances. Relying on the expertise of a seasoned solicitor can greatly enhance the chances of success because not many

lawyers deal with restraint orders on a regular basis.

A robust case against the investigating authority can prompt a judge to discharge or substantially vary an order - based on the lack of progress in the investigation or the absence of justified reasons for the continued imposition of the order.

An alternative route to discharge is to request an exception to access funds for reasonable living expenses or business operations. The likelihood of success significantly increases under the guidance of an expert solicitor.

Decoding the possibility of accessing funds for legal services

Accessing legal services under a Restraint Order presents a significant hurdle, given the comprehensive nature of the order.

The Proceeds of Crime Act 2002

(POCA), under Section 41(4), imposes a prohibition on exceptions to the Restraint Order for funding criminal defence legal expenses during the criminal investigation or ensuing proceedings. The prohibition is slightly more relaxed when it comes to funding a defence in

civil proceedings, whether or not those proceedings are related in some way to the facts in the criminal case. It means that the defendant cannot utilise their own wealth to fund a defence in criminal proceedings if their assets are restrained.

The path to funding legal advice and applications

In these challenging circumstances, procuring legal representation often relies on private funding assistance from third parties. The arrangements need to be the subject of careful preparation to avoid risk to the funder and the defendant, especially where the defendant's finances are likely to be the subject of significant scrutiny during the case.

Publicly-funded legal advice for applications to vary or discharge a Restraint Order is occasionally accessible via civil legal aid, though it is relatively hard to procure. A restraint order typically includes the following paragraph:

"You are advised to consult a solicitor as soon as possible. Under paragraph 40 of schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, you may be entitled to Community Legal Service Funding in respect of this Order. Your solicitor will be able to provide you with the appropriate forms."

The application for civil legal aid (albeit in a criminal law context) is not straightforward. In fact, if a restraint order is in force and the instructed lawyer already has a legal aid certificate in the 'main' proceedings, the lawyer will sometimes make a straightforward application to vary a restraint order – in effect – free of charge. The situation is not so relaxed when defendants want to make complicated applications, or where no legal aid certificate is in place. The lawyer's willingness to assist in this way will vary case by case.

Some insurance policies encompass provisions allowing payment of legal fees in applications safeguarding an interest in an asset. Lawyers with the requisite experience in this area sometimes agree to advise on whether an insurance policy is likely to respond in relevant circumstances.

Support for non-defendants named in a Restraint Order

In instances where legitimate assets of non-defendants (such as companies or individuals), are caught up in a defendant's financial affairs, the asset can sometimes fall within the terms of a Restraint Order. When such a situation arises, funding an application to modify or discharge the relevant portion of the Restraint Order is comparatively straightforward.

Named persons can generally access their own funds for legal counsel in these scenarios. For cases involving company assets, solicitors can provide advice on the availability of insurance funding or work may be funded by the company itself. In some cases, lawyers can offer named persons with fixed fees for preparation and specific applications.

Legal services during a Restraint Order

Issuing a Restraint Order often signifies an impending criminal investigation; it is therefore vital to secure legal representation promptly to safeguard your interests. This necessity usually extends to preparation for potential interviews with the investigating authority, or to circumvent potential criminal charges by challenging the allegations and grounds advanced by the

investigator(s) in their applications for the Restraint Order.

The complexity of a Restraint Order requires professional assistance to understand its provisions and restrictions. A solicitor can provide insights into the potential outcomes of your chosen course of action, ensuring you navigate these trying times with the highest probability of a favourable outcome. An initial discussion won't usually cost anything and a lawyer with sufficient experience will normally be able to provide some useful guidance upon seeing a copy of the order, together with the statement produced by the investigators in their application to the Crown Court.

Evan Wright,
Partner in Business Crime at
JMW Solicitors

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Renters Reform Bill



Sarah Mansfield

The government introduced the Renters' Reform Bill on 17 May 2023, to deliver on the government's commitment to "bring in a better deal for renters", creating "safer, fairer, and higher quality homes". The aim is to tackle some of the problems in rented housing, namely lack of homes, lack of security for tenant and failure to meet basic decency standards.

The Second Reading of the Renters Reform Bill - expected some weeks ago - will now not take place until the autumn. The House of Commons goes on Summer recess from July 20th 2023, but this Bill was not included in the business timetable released by the government. Although there has been no progress on the Bill being debated, government has released some information related to the proposed Private Rental Sector Ombudsman.

This Scheme is proposed to operate as a non-profit body and may also be utilised as a combined letting agent, tenant and landlord redress scheme. Many of the details are still being discussed. A round table discussion between a member of the Levelling Up, Housing and Communities Committee, and senior representatives from lettings agencies is proposed this Summer. There is currently a survey being conducted with letting agencies to prepare for this opportunity to discuss the terms of the Bill.

The Bill is very detailed, so I have focused on the areas attracting the majority of

questions from both Landlords and Tenants.

- Abolishing 'no fault' 2 months' notice pursuant to section 21 Housing Act 1996 and assured shorthold tenancies, instead making all tenancies assured and periodic. Government states they hope this will provide more security for tenants and empower them to challenge poor practice and unfair rent increases without fear of eviction. Concerns envisaged from these substantial legal amendments are that it will become more difficult for non-commercial landlords, such as landlords with one or two properties as their pension, to evict tenants and manage their assets. Many Landlords are turning to short term lets such as Air B&B as the return is better and the management costs and compliance requirements much lower. There is a risk this change will have a "knock-on" effect, compounded by increased tax burdens for landlords will reduce the amount of private rental property, rather than make it more freely available.
- Government intends to introduce more comprehensive possession grounds to counter the effect of removing "no-fault" grounds for eviction, by including a ground enabling a landlord to sell their property or move in close family and to make it easier to repossess properties where tenants are at fault for rent arrears and anti-social behaviour. It must be noted these grounds are already partly included in current grounds, but these new grounds cannot be used if a tenant has been present for less than 6 months. By default this will create a fixed term even though the new tenancy will be periodic, if action cannot commence for six months for some grounds.
- The Government highlights the right for a tenant to appeal excessively above-market rents purely designed to force them out, however, it is questionable whether this is a serious problem for many tenants. Landlords retain the right to increase rents to market value. The First-tier Tribunal will continue to be able to determine the actual market rent of a property if an application is made by a tenant or a landlord. Rents are increasing due to the increased costs of living with most landlords not charging "excessive" rents, simply market rents. This provision will assist a minority of tenants struggling with excessive rent increases but may not change the position of most tenants but will increase costs for landlords if faced with a number of rent review challenges.
- Government plans to introduce a Private Rented Sector Ombudsman which they hope will be faster, cheaper, and less adversarial than the court system. It is unclear how this will be funded at this stage and what powers will be provided to the Ombudsman as Regulations for the Scheme are not yet being considered.
- A proposal to create a Privately Rented Property Portal to assist landlords with understanding their legal obligations and compliance requirements; linked to local councils' licensing schemes. This is to assist with targeting enforcement action, but that is already the aim of local licensing schemes. In reality the licensing schemes need proper funding so without that will this proposed scheme improve the position for tenants or landlords?
- Tenants will be provided with the right to request a pet in the property, which the landlord must consider and cannot unreasonably refuse. To support this, landlords will be able to require pet insurance to cover any damage to their property. As Landlords will still be able to refuse a pet on reasonable grounds it remains to be seen if the position changes once the Bill becomes law.

We now wait for Government to put this Bill before the House of Commons for the Second Reading and await feedback from ongoing discussions on the proposed changes.

Sarah Mansfield,
Cullimore Dutton

Liverpool Legal Walk – registration for teams now open!

Date: Tuesday 10th October, 2023 **Time:** 5.30pm for 6.00pm
Start: The Queen Elizabeth II Law Courts, Derby Square, Liverpool L2 1XA

THE LIVERPOOL LEGAL WALK GATHERS THE LOCAL LEGAL COMMUNITY AND SUPPORTERS OF ACCESS TO JUSTICE TOGETHER TO WALK 5K TO RAISE FUNDS FOR THE ADVICE SECTOR.

This is a great opportunity for colleagues to come together and take part in this outdoor event after work. Organised by the Access to Justice Foundation, supported by Liverpool Law Society and sponsored by the University of Law, the money you raise goes towards the most vulnerable in society to access justice and legal advice. The organisations the Access to Justice Foundation supports help:

- Prevent families being made homeless • Prevent destitution
- Allow older people gain the support to which they are entitled
- Support women and children who have been trafficked for domestic servitude or prostitution.

A wonderful £8000 was raised by the 2022 Liverpool Legal Walk fundraisers so a big thank you to all who took part last year and let's match and do even better this year!

2023 Lead Walkers

We are delighted the following are supporting the Liverpool Legal Walk as Lead Walkers:

- HHJ Wood KC, Designated Civil Judge for Cheshire & Merseyside
- HHJ Menary KC, Honorary Recorder of Liverpool
- HHJ Hodge KC, Specialist Chancery Judge
- Jeremy Myers, President of Liverpool Law Society

At the end of the 5K fundraising walk, each walker will have a chance to relax, mingle and network at our post complimentary drinks reception kindly sponsored by the University of Law.

[Register your team now!](#)

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 Tuesday 10th October 2023 5.30 for 6.00pm
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Merseyside Junior Lawyers Division

As National Representative for Merseyside Junior Lawyers Division I attended the National Junior Lawyers Committee meeting on 10 June 2023. The meeting was held remotely via zoom with representatives from all JLD's in England and Wales attending.

We were joined by Steven Drew from The Law Society to discuss the Aspiring Solicitor Project. The research aim of the Aspiring Solicitor Project is to develop pre-qualification relationships and scope on offer for learners (eg. Undergraduates, apprentices, SQE students), trainees and advocates. The research objectives are;

- To understand ways to increase awareness of The Law Society, its role and the membership offer to underpin lifetime engagement
- Identify ways to disseminate relevant and up to date information relating to

career pathways into law

- Highlight barriers to progression
- Identify the key skills and knowledge required to enter the world of work.
- Understand skill and knowledge gaps amongst trainees to support career progression within the modern firm
- Understand existing support and products both within the Law Society and through other educational providers and professional bodies

The majority of the representatives stated that they were not aware of the support The Law Society offered when they were an undergraduate or how to access it evidencing the need for The Law Society to develop pre-qualification relationships. An initial pilot scheme is due to launch in 2024.

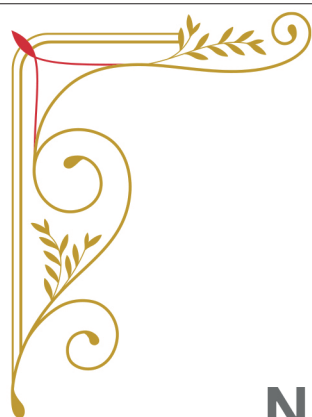
All representatives from the local JLD's

shared issues the JLD's have been facing. Generally, poor attendance at in person events post COVID appears to be a recurring pattern. Fortunately, MJLD have not had any issues with attendance at our educational, social or charity events.

The Law Society are holding the admissions ceremony outside of London for the first time. The first regional ceremony will be hosted partnership with Leeds Law Society in September 2023. Hopefully, we might have an admissions ceremony in Liverpool soon.

The annual conference for Junior Lawyers is on 8th September 2023 and the next meeting for national representatives of local JLD's is Saturday 9th September at The Law Society of England and Wales.

Kelsey Faulkner



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- OUTSTANDING TEAM AWARD - DISPUTE RESOLUTION & LITIGATION
- OUTSTANDING TEAM AWARD - FAMILY LAW
- EQUALITY, DIVERSITY & INCLUSION AWARD
- OUTSTANDING LAWYER AWARD
- LAW FIRM AWARD (1-99 EMPLOYEES)
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With eight categories to choose from, we are confident there is something for everyone. Open to Liverpool Law Society members only.

For further details & to nominate, [click here](#).



The winners of the 2023 Legal Awards will be announced at the Society's Annual Dinner on Thursday, 9th November 2023. Nominations close 8.9.23

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[Dinner bookings being taken now - click here](#)

S P O N S O R E D B Y



The Love Story of Legal Software Providers and Clients: Why It's a Match Made in Heaven!

Today, we're going to embark on a journey into the delightful world of legal software providers and our beloved clients. Buckle up because we're about to discover why this relationship simply has to be good! Trust me, this is a tale filled with love, a bit of fun, and a whole lot of gigabytes.

Picture this: a conveyancing lawyer seated at their desk, post-it notes everywhere, jumping between different software platforms, on multiple screens, looking more frazzled than a software developer who's lost his wi-fi password. Enter the [legal software provider](#), swooping in like a superhero in a snazzy branded gilet, ready to save the day! But wait, why is it so important for their relationship to be strong? Let's find out!

1. It's a Match Made in (Tech) Heaven

- Legal software providers, like us, are like the fairy godmothers of the legal world, equipped with magical technology wands. Our clients, the hardworking lawyers, rely on us to simplify their lives, streamline their work, and transform their offices into tech-savvy wonderlands. Without a strong relationship, this enchanting synergy might fall flat, leading to missed deadlines, misplaced files, and an office more chaotic than a game of Twister.

2. **Compatibility is Key** - Just like in any relationship, compatibility is essential for legal software providers and their clients. When the software seamlessly integrates into the lawyer's workflow, it's like a match made on a dating app where both parties share a love for puns, takeout pizza, and late-night binge-watching sessions. They need to be in sync, so the lawyer can focus on the law and let the software handle the technicalities.

3. Support: More Than Just a Shoulder

to Cry On - When technology goes awry, lawyers need their legal software providers to be their rock, offering support that goes beyond the average IT helpdesk. Whether it's a software glitch, frustration around using multiple platforms, or a pesky bug that needs squashing, a reliable support system is a must. It's like having a partner who can fix a flat tire in the rain, simultaneously telling cheesy jokes to lift your spirits. That's true support right there!

4. Innovation and Futureproofing -

Legal software providers and their clients are on a constant quest for innovation. They are like pioneers, venturing into uncharted technological territories. By nurturing a strong relationship and spending time with clients in person, legal software providers can gain valuable insights into the needs and desires of their clients, and in turn, develop cutting-edge features, integrations and upgrades that keep the lawyers happy and ahead of the game. It's a win-win!

It's a tale as old as time with regards [to how we at Denovo approach the relationships we have with our clients](#). It's also the reason we fast-tracked our integration with a popular property search provider.

One day as our [Head of Marketing](#) swooped into an office on the outskirts of Liverpool City Centre, for a quick catch up with a long term client, he was met by a frustrated Lawyer. As they made their way into the back office area he rested his snazzy gilet on the chair, looked across at the table at a lawyer stricken with tech fatigue. He had seen this look many times before. It was time to suit up! He confidently stated - "I'm here! What's the problem and how can I help!". A statement befitting of a Marvel movie script.

Long story short, the frustration was built out of one key issue and that was about duplicate data entry when using multiple software platforms for conveyancing transactions. "*They don't talk to one another*" was the main bugbear. The use of a property search provider entered the conversation and when the concept of integration was thrown on the table it was like music to her ears.

The result – a quick call to the search provider who were immediately on board to develop the most powerful and seamless property search integration available. Within a matter of a few months, we had created a new way of ordering a full suite of reports without ever leaving our [case management system](#). There is now no duplication of data entry.

The last email we received from that client said the following: "*The turnaround time to develop the integration was so quick. It really makes it simple for our conveyancers to access our full suite of reports without ever leaving [CaseLoad](#). This integration is a significant step forward in making our lives a whole lot easier.*"

So, dear readers, the relationship between legal software providers and their clients isn't just about codes and algorithms; it's about building a connection founded on trust, compatibility, humour, and support. Together, we can conquer the legal world one witty line of code at a time.

Until next time, stay tech-savvy and keep those legal puns coming!

Grant Yuill

Head of Marketing & Customer Engagement, Denovo

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Seven in 10 firms don't have cyber insurance



New research published by the Law Society of England and Wales shows that seven in 10 (72%) of firms have not purchased cyber insurance.

The Law Society is encouraging members to consider purchasing cyber insurance and has developed guidance online which helps members navigate the purchasing process.

Findings from the research also shows:

- Purchasing professional indemnity insurance (PII) has become more difficult since 2018. Though more than half (56%) of firms still said they find it easy, compared to three-quarters (76%) in 2018
- There has been a hard market* for solicitors' PII since 2018. However, stability appears to be returning
- The level of risk for law firms has increased, due to rises in the amount of conveyancing work and number of fee earners

Law Society President **Lubna Shuja** said: "As firms look to renew their insurance for October, our research provides useful information and market analysis.

"We encourage firms to give serious consideration to purchasing cyber insurance.

"Our research shows that just 28% of firms have purchased cyber insurance. This is a small increase from the 21% who bought it in 2018.

"The latest government statistics show that one in 10 businesses (11%) – including a quarter of medium-sized businesses and almost two-fifths of large businesses – experienced cybercrime in the last 12 months.** Considering how much more work is being conducted online post-pandemic, the low take-up is concerning.

"Our research reveals that a third of firms (33%) have thought about purchasing cyber insurance, but did not go on to make a purchase. However, two in five firms (39%) have not even considered it, which is surprising, especially in light of recent regulatory changes.***

"Cyber insurance policies vary in scope and coverage, so it is wise for firms to understand the potential threat and exposure. They need to develop their own risk management strategies.

On purchasing PII, **Lubna Shuja** said: "Although stability is returning to the market, the process of buying PII has become harder – with more paperwork involved and underwriters showing greater aversion to risk. However, for those firms working in low-risk areas, the percentage increases are likely to be in the low single figures.

"New firms entering the market and firms attempting to switch insurers have faced difficulties because of some underwriters' imposing minimum prices for premiums.

"We advise firms to start budgeting for increased premiums and perhaps consider premium financing as a way to spread costs through the year. We also recommend firms start the renewal process early; around three months before your renewal date.

"That means that if you are one of the more than 40% of firms who still have the old common renewal date of 1 October, you should have contacted your broker already to start exploring the right cover for your firm."

On the risk level experienced by firms,

Lubna Shuja said: "Law firms are experiencing a greater level of risk in their insurance, which is highest among larger firms. Increases in the amount of conveyancing work and the number of fee earners have been substantial factors contributing to the growth in perceived risk.

"High staff turnover, larger numbers of fee earners and the amount of conveyancing work carried out could also result in much higher premiums."

* A hard market for PII means premium prices rise, underwriting criteria become more stringent and capacity is reduced.

** [Read the cybersecurity breaches survey 2023](#)

*** In 2021, the Solicitors Regulation Authority revised its minimum terms and conditions for solicitors' PII to make it explicit that any first-party losses (those affecting the firm rather than clients), resulting from cyber attacks or other problems relating to information technology, were excluded from cover.

Read the summary document from the Law Society's research [Latest trends in professional indemnity insurance for law firms](#)

The Law Society last published its PII Survey in 2018. The survey looks at solicitors' experiences of renewing their professional indemnity insurance. They were carried out to identify areas of difficulty and analyse market trends. [Find out more here.](#)

[Read the Law Society's cyber insurance guidance](#)



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Liverpool BID on path to Net Carbon Zero



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



Julie Johnson



Leadership often means having to be the first to carve a path. How can you expect others to follow and heed your insight if you do not take your own advice? That was one of the conversations we had around Net Zero at Liverpool BID Company, and fuelled our ambition to become a Net Carbon Zero business, especially as we are asking others to do the same.

Liverpool has ambitious plans to reach Net Carbon Zero in under two decades. Metro Mayor Steve Rotheram has announced that Liverpool City Region has a goal to become Net-Zero Carbon by 2040 or sooner. The City of Liverpool, through the 2030 Net Zero Liverpool Action Plan, sets out the actions that the city needs to take to become Net Zero by 2030. Businesses across the city and beyond should also be considering how they can become Net Zero.

At Liverpool BID we took the initiative to work to become a Net Carbon Zero business. Working with Arete Zero Carbon we have successfully calculated our supply chain carbon impact and have developed a pathway to net zero. For many businesses it can feel like yet another thing on

their to-do list, despite how vital and critical they know it to be. Therefore our goal is to first map knowledge and understanding, so that the support we offer is targeted directly to the needs of business across a range of sectors.

We want to be able to ensure that businesses outside of the city centre, and right across the city region, are able to access the same support that will be offered. The target is ambitious but it needs a strategic assessment and businesses will need help if they are to meet it.

We are also announcing a new project, where businesses in Liverpool are to be asked what they need to help them reach Net Carbon Zero to identify where targeted support and investment may be needed. The project, delivered by Liverpool BID Company in partnership with Arete Zero Carbon, will help the city assess how close it is to reaching the target of Net Carbon Zero by 2030.

What does our path to Net Zero look like? This year we are assessing any procurement, including the lifecycle of goods and reducing waste. We are examining ways we support staff travel to be more sustainable and

working towards 2025 as a target for exploring the use of alternative fuels within energy and utilities. By 2030, any remaining carbon emissions will be offset through a verified and local carbon project.

The first step of the project will see businesses surveyed across the city centre - in a variety of sectors including accommodation, hospitality, retail and leisure, culture, professional services and public sector - to gain an understanding of the awareness of Net Zero, including the city's plan to become Net Zero by 2040 or sooner. The data will then be reviewed to define the parameters of targeted support to help businesses reach their goals. Liverpool BID Company will then seek pilot funding to support a significant number of businesses in Liverpool. The surveys will continue into September.

That same month it is The 2023 Hub, an annual week of action, awareness, and accountability for the Sustainable Development Goals from 15th - 24th September 2023.

Julie Johnson
Liverpool BID Company



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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.

Improving Early Intervention in Access to Justice

Merseyside Law Centre are pleased to have been chosen as one of the legal advice centres to work on the Improving Outcomes Through Legal Support (IOTLS) programme managed by Access to Justice and financed by the MOJ.

The funding programme aims to sustain and improve access to early social welfare legal support and advice and enable users to resolve these problems as early as possible and avoid the need for court or tribunal proceedings where possible.

Where court or tribunal proceedings are needed, clients will be supported to help them navigate the process effectively, including support at court where required. There will be an extensive monitoring exercise to discover outcomes throughout the 21 months of the programme.

Clearly this is no solution to LASPO, but we see it as a way we can help a group of people who have been classed as 'the working poor'. With the stagnation of Legal Aid rates over many years, these clients have unfortunately found themselves unable to get Legal Aid, but also unable to afford commercial legal assistance which is understandably more costly.

Drop in Update

We will no longer be running a drop-in session at Kuumba Imani Millenium Centre. We are moving to online enquiry forms on our website, leading to either signposting, general advice by phone/email, advice specific specialist clinics or appointments (if needed). All clients and

agencies alike should complete enquiry/referral forms online in the first instance. We are not losing this service but are changing its format to enhance our offer to clients. This new format will make it easier for clients to access the advice they need.

Housing Focus

Rent Possession and Challenging an Unlawful Rent Increase

Our client attended the Housing Duty Possession scheme in Liverpool County Court. She had received a claim form for Possession of her Property as she had rent arrears. Her private landlord was seeking possession using ground 8 which is a mandatory ground for possession, meaning that the Court normally has no discretion in the matter and must grant possession in 14 days when there are 2 months arrears.

Client explained to the Duty Adviser that landlord had put up the rent twice within 6 months and she could no longer afford the property. The Duty adviser upon looking at the particulars of claim thought that client may have a defence as landlord may not have followed the correct procedure by increasing the rent twice within 6 months. The Duty Adviser also noticed that the landlord had not pleaded the ground for possession correctly.

We represented the client at the Court hearing and requested an adjournment so MLC could apply for Legal aid to submit a defence. The Judge agreed and ordered that the case be adjourned for a month. Client attended MLC the following week, and we applied for Legal Aid. MLC have sent a brief to Counsel asking for

an opinion as to merits of the case and asking for a defence to be drafted. We intend to assist client at the next hearing, and even if no merits in the case we have prevented a possession order being made, and client has been given more time to find somewhere else to live.

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.

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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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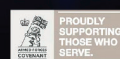
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Lawyers and Accountants tour Royal Mersey Yacht Club at President's Summer Social



Jeremy addressing the attendees

Members of Liverpool Law Society and the Liverpool society of Chartered Accountants and other professionals met at 8 Bedford Road East, Rock Ferry, Wirral on Thursday, 6 July at the hidden gem of the Wirral.

Welcomed by the Commodore of the club, and Liverpool Law Society President **Jeremy Myers**, attendees were treated to a wonderful lunch followed by a tour of the yacht club.

We were particularly pleased to welcome new sponsor Metro Bank and meet **Lisa Wortley**, the Local Business Manager and **Gary Owens**, the Local Director.

We hope this is just the first of many occasions. We have received very positive feedback from the attendees with such comments as: *"Beautiful surroundings, fabulous network of people, informative subject matter"* and *"tours and friendly atmosphere"*. Liverpool Law Society Director **Nadya Makarova** gives us a flavour of the Royal Mersey Yacht Club:



The Yacht Club has a fascinating history dating back to 1844 when sailing and racing on the Mersey started. This is evidenced by beautiful paintings displayed around the Yacht Club. My favourite is the painting by Henry Melling of the the Grand Regatta of 1853 (pictured above).

Today the members of the Yacht Club is a vibrant community where the knowledge and joy is passed through generations. Everyone is welcome at The Yacht Club, from experienced sailors to interested novices, and they run a series of taster and training events. There is also a very active social programme - from the



Gary Owens from Metro Bank speaking

regular suppers that are served after racing to the formal dinners and balls, the Club offers members ample opportunity for post-race relaxation and many occasions for inviting guests to social events.



The Yacht Club's main focus is on the main is on one-design keelboat racing. There is also an active programme of racing from April to September offering both weekday evening races and events at weekends and Bank Holidays. Find out more by visiting their website here <https://royalmersey-yc.co.uk/>

Nadya Makarova
LLS Director & Burd Ward Solicitors





The Mylne Room



The Commodore speaking



Honours Board

Liverpool Chamber of Commerce and Liverpool Law Society joint networking event at Escape Live, Liverpool One

On 20 July 2023 Liverpool Law Society and Liverpool Chamber of Commerce held a joint networking event at Escape Live, Liverpool One, 3 College Lane, L1 3DS.



The event was well attended by local businesses from the Liverpool city region and members of Liverpool Law Society. Attendees were able to enjoy the sunshine at the Rooftop Terrace Bar where a complimentary drink was provided. In addition, a wide selection of delicious canapes were available while people chatted to old friends and made new connections.

After people had time to network, Escape Live staff invited small groups to try out one of the Escape rooms. The groups were led by the friendly staff into one of the seven themed escape rooms including Watson's Office, Jack the Ripper, two Peaky Blinders themed rooms, horrible histories, virtual reality, and prison break.

Being locked in an escape room with strangers was an ideal ice breaker and it allowed people to get to know each other while enjoying the pressure of finding clues to solve the puzzles in the room.



This was the second joint event held this year with Liverpool Chamber of Commerce, and it was a good opportunity for local businesses to meet local lawyers, and to try out the escape rooms.

Thank you to our President **Jeremy Myers**, Officers and Directors and everyone who attended the joint networking event. A special thank you to Liverpool Chamber of Commerce for helping to make the event such a success, and Escape Live for their hosting skills, and making their escape rooms available.

Gaynor Williams
Vice President



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Council Member's Report

From your Council Member, **Nina Ferris**



Nina Ferris

My last trip to Chancery Lane was a busy one, packing in the Summer Council meeting, hustings for the election of the next DVP and the summer social event, all of which are equally important in terms of sharing knowledge and experiences and working together to promote and support solicitors across England and Wales.

First the Council meeting, where we heard from the Chief Exec who reported on successes on opening up international markets, and key engagements across the country including a virtual "town hall" with the president at which matters such as criminal legal aid, ethics, 21st century justice and climate change were on the agenda.

The 21st Century Justice project was launched earlier this year and is a project led by TLS to focus on finding solutions to deliver greater access to justice initially in key areas of the civil justice system including help for small businesses and those not eligible for civil legal aid and solicitors sole in the digitalisation of the legal process. This is a three year project and updates on findings will be provided at regular intervals.

Many of you will have read with interest

the proposals by CILEX to transfer responsibility for regulation from **CILEX regulation** to the SRA. TLS is engaging with both the SRA and the LSB to ensure that our members concerns are understood.

TLS continues its **judicial review** of decisions in relation to Criminal Legal Aid and permission has been granted to bring the review. The application for permission set out the argument that the government's decision not to implement the 15% increase in criminal legal aid rates, as recommended by Lord Bellamy's independent review, was amongst other things in breach of the constitutional right of access to justice and would continue to have dire consequences for the future of the criminal justice system.

The President has been busy representing the profession in a number of areas:

She commented on the **Illegal Migration Act**, which she said will be unworkable despite passing through Parliament, saying it doesn't provide solutions to the asylum backlog, and there isn't capacity in the legal aid sector to provide the immigration advice needed. There is a severe lack of asylum and immigration solicitors to represent those who are subject to removal orders.

There was an important influencing win on the **Economic Crime Bill** in relation to the new regulatory objective to tackle economic crime. TLS has been highlighting to Ministers and peers how important it is for the proposed objective to be implemented in a targeted and proportionate way. Lord Bellamy made a statement in Parliament on Tuesday 28 June setting out how the government expects the Legal Services Board and regulators (such as the SRA) to interpret the government's proposed new regulatory objective. He

referred to the new objective not directly placing new duties on solicitors. Any regulatory activity is to be appropriately targeted and not a tick box exercise. It was notable that in Lord Bellamy's statement, words were lifted directly from submissions made by the Law Society which is an indication that we are regarded as a voice of authority. She has met with the Lord Chancellor to discuss a number of matters including, fixes for the justice system, the lack of progress in judicial diversity, criminal justice delays and early legal advice funding in private children law cases. It is hoped that some progress can be made with the current Lord Chancellor, and he assured TLS of his commitment to the justice system.

Two calls to action:

Duty Solicitor Campaign – Write to your MP please

Many members have asked TLS what they can do to help. TLS has launched a Duty Solicitor Campaign asking all members to write to their MP to highlight the crisis. A template letter is available which will not take more than a few minutes to complete and send. By writing these letters, we can keep the pressure on the Lord Chancellor and Justice Secretary. The template letter (which can be adapted as you wish) can be sent to your MP. You can use the following link – [take action and write to your MP now](#).

Solicitors Assistance Scheme (SAS)

are recruiting for volunteers to be members of their panel, particularly employment lawyers. The SAS offers free confidential help and advice for all solicitors in England and Wales, and their families and employees, on any problem, whether personal or professional. The scheme relies on experienced volunteers who give up to one hour of free advice. Further information can be found at: <https://www.thesas.org.uk>.

Deputy Vice President

We heard from four candidates for DVP for 2023. They gave their statements and promises to be a voice for the profession and were then subjected to an hour of grilling from council members. All four performed valiantly and voting closes on 1st August, so in the next edition I will be able to introduce next years DVP and your future president.

200 Years of the Law Society

As we approach our bicentennial year, I am a member of the working group looking at what should be done to mark that milestone. Themes from the membership have included the history and how it has evolved and will continue

to into the future, solicitors' contribution to society and upholding the rule of law. If there are any aspects that you would like to see celebrated or highlighted, please get in touch.

And finally – cause for celebration? **50+ Years on the Roll of Solicitors**

Did you know that members can apply for a certificate of congratulations from the President for completing 50, 60, 70 or even 80 years on the Roll of Solicitors. The Law Society does not automatically receive this data from the SRA and therefore relies on members to notify us when such an anniversary is approaching. If you know of anyone,

or indeed if you are eligible yourself for such a certificate, please do let Sophie Peterson know (Sophie.peterson@lawsociety.org.uk). It is important that we do celebrate these milestones and recognise the immense contributions that long standing solicitors have made to their communities and society. Further information is available on the Law Society website at <https://www.lawsociety.org.uk/membership/anniversary-certificates-for-solicitors>.

If you have any questions on the contents of this report or have any issue that you would like raised with TLS, please get in touch, nina.ferris@hilldickinson.com



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IPEC Small Claims Track: Latest Changes and how they affect you

The UK Courts and Tribunals Judiciary recently announced that changes are coming to the way some cases filed in the Small Claims Track of the Intellectual Property Enterprise Court will be handled. In this article, Forresters examine what these changes could mean for you, and how you may be able to make better use of the IPEC SCT.

What is the Small Claims Track?

Some IP disputes can be handled by the Small Claims Track (SCT) of the Intellectual Property Enterprise Court (IPEC.) This is an alternative to the usual court process; disputes where the amount sought is £10,000 can usually be handled by the SCT. Hearings are still presided over by a judge, but the process is generally less expensive and time consuming than larger IPEC claims.

The SCT is not suitable for claims relating to patents, registered designs (in both the UK and EU) and plant varieties; the SCT generally handles claims relating to copyright, UK and EU registered trade marks, passing off, and UK and EU unregistered design rights.

What is the Intellectual Property Enterprise Court?

The Intellectual Property Enterprise Court (IPEC) is a specialised court which handles cases related to intellectual property disputes. The court handles a range of cases relating to registered designs, patents, registered trade marks, copyright and other IP matters.

What is changing?

From 3rd July 2023, claims submitted to the SCT in London, or via the CE File system, will be automatically transferred to Manchester, where the case will be managed by District Judges in the Manchester Civil Justice Centre. Cases which go to trial will be heard in person

in Manchester or via video link with the Manchester court.

Parties can apply to have their claim transferred from Manchester to any other court centre capable of hearing IPEC SCT cases. These centres are Birmingham, Bristol, Cardiff, Leeds, Liverpool, London, and Newcastle.

There is therefore no change to IPEC SCT claims filed in any centre outside of London, which will be case managed in the place of filing unless there is a need to transfer them elsewhere.

What is the CE File system?

This is an electronic filing and case management system used by IPEC. This allows users to file documents at court electronically, and pay court fees online.

What does this mean for you?

This change presents a significant opportunity for legal professionals in the North West. Manchester is now, in effect, the default location for SCT cases, making it easier than ever before

for clients to be represented in person at court hearings by firms with a North West presence.

Legal professionals who lack the expertise to represent clients directly at the SCT may look to specialist IP firms, such as Forresters, to provide their clients with specialist representation during court proceedings.

For individuals outside London, who use the CE File system to file cases, this change eliminates the need to travel to London, or interact with the London court, for case hearings. This is likely to be of particular interest for clients in the North West, as for the first time, cases will be managed locally by a court on their doorstep.

This marks a significant change to the way some cases are managed by the IPEC SCT. Forresters are committed to keeping our clients up to date on the latest procedural changes which may affect their business activities. We hope to see more changes like this that allow greater choice for claimants in the North West and beyond.

Forresters

<https://forresters-ip.com/contact/liverpool/>



Liverpool Law Society Directors meet with Liverpool City Region Local Authority representatives

The directors of Liverpool Law Society met with several representatives of the Liverpool City Region Local Authority for the biannual meeting on Thursday 13th July to discuss developments in the law which may have an impact on the region and its residents.

Sarah Mansfield, Civil Litigation Committee member provided an update on the Renters Reform Bill which was Introduced on 17th May 2023 to bring in better conditions for tenants. This is due for a 2nd reading in the House of Commons. There is a round table meeting between **Andrew Lewer MP** from the Housing and Levelling Up Department of Government and representatives from Letting Agents to discuss the proposed redress scheme for agents/tenants/landlords. There is not much representation from letting agents outside of London plus a concern over lack of funds behind the process/scheme. The Bill is expected to create another system of possession grounds, which are unlikely to be retrospective, therefore this will be a third system for managing tenancies in place. It is likely to put further pressure on landlords and make renting more expensive. One of the potential knock-on effects is that landlords may come out of the rental space. The focus on private landlords may result in housing availability reducing not increasing. Sarah's concern is that there is little action on licensing by local authorities currently and the proposals may further impact upon this issue.

James Mannouch Chair of the Access to Justice Committee also wished to discuss housing issues. **Valerie** from **Dan Carden's MP** office highlighted the housing crisis in Dan's constituency with approx. 1500 applicants awaiting housing. There are reports of families housed in hotels for months, and this presently presents a huge caseload for constituency offices. Many landlords have stopped acting as private landlords citing current legislative and regulatory changes as the reason with a lot of this property being

used for AirBnB short term tourist rentals instead.

Jeremy Myers, the LLS President mentioned the work of the LLS In-House Lawyers Committee and suggested that it may be of relevance to local authority in house legal teams and those represented at the meeting. Membership is encouraged and applications warmly welcomed.

Paddy Dwyer, the LLS Parliamentary Liaison Officer provided an update on Legislative Matters stating that the retained EU law bill has acquired royal assent in June, the general sunset clause expected has been replaced with 600 legislative instruments relating to the relationship with European courts, farming, fishing environment. There is still a good deal of uncertainty about secondary legislation that may come in. The most divisive bill is the Illegal Migration Bill. Amendments have been tabled around child migrants but protections around modern slavery have not been reinstated. This is a fluid situation and changes are proposed every day.

Cllr Peter Lloyd Jones from Halton BC referred to a matter which he had requested for discussion. He commented there are 300 asylum seekers in a hotel in his ward with Serco managing the accommodation for migrants. They are currently measuring rooms to see if they can fit 4 people into each room. **Cllr Lloyd Jones** intends to visit the local hotel to see for himself.

Paddy further mentioned the Economic Crime & Corporate Transparency Bill. It is welcomed overall but the issue from a lawyer's perspective is that there are changes to the SRA's enforcement and there would no longer be a cap on fines. FCA and SRA regulation differs here and with approx. 1600 sole practitioners and 80% of the professional being classed as SMEs it is felt that the fines could have a disproportional effect on lawyers.

Cllr Lloyd Jones also voiced his concerns around legal aid provision. He is a retired solicitor and has been a councillor for 40 years. He mentioned that **Lord Bach** had published a report on the provision of legal aid, but he had not heard of it since. He and his colleagues are increasingly frustrated by the lack of legal aid available with 50% of the local areas being classed as in social deprivation, residents are being denied access to the legal system. Most firms wanted paying to look at a case with approx. £500 - £1000 being quoted which his residents simply cannot afford with family legal aid effectively absent.

James Mannouch provided and referenced the current government response and **Lord Bellamy KC's** position with a further £25 million being added to legal aid available each year but many felt that the government had not gone far enough or provided a sufficient budget to an ever-widening gap. There appears to be little progress on this from parliamentarians and Asylum seekers/refugees are also suffering from lack of legal assistance with no providers readily available to assist. **James** pointed out that Immigration assistance is available at the Liverpool University law clinic & LJMU Legal Advice Clinic in a limited function. **Cllr Lloyd Jones** that CABs offer advocacy service in Halton but are overwhelmed with the huge increase for demand in advice and their funding gaps mean that they are unable to meet demand.

It was further noted by **Jeremy** that there is a new Secretary of State for Justice and Lord Chancellor since April 2023 **Alex Chalk MP, KC**.

The directors look forward to their next twice-yearly meeting with LCR councillors in January 2024.

John-Paul Dennis
LLS director, Chair of Non-Contentious Business Committee
Partner & Head of Private Client at Prosperity Law

Probate Genealogy – A Private Client Practitioners' Secret Weapon

What is Probate Genealogy?

Probate Genealogy is a crucial part of the legal services world, helping Private Client professionals with their workload on a daily basis. Also known as probate research, the core service offerings are locating difficult to find beneficiaries named in wills or establishing and finding the relevant next of kin in intestacy and Court of Protection cases.

Research in this sector can be complex, detailed and often international, as can regularly involve crossing national borders. Case managers simply follow the research, wherever in the world it leads them.

Probate Genealogy is a knowledge industry. It is work undertaken by dedicated and skilled people using both new and more traditional methods. The expertise lies in locating and correctly applying historical records and data to identify individuals, assets, and estates. Over time, a 'gut feel' for things develops as knowledge is acquired.

You might think that in this increasingly connected world that we live in, finding beneficiaries would be relatively straight forward, yet this is frequently not the case. On a general level, people forget to update their contact details when they move residence (which happens more often now) and can drop off electoral rolls and other government databases. More specifically, in some instances, people simply do not want to be found and make it difficult to be located.

Intestacies

In cases of intestacy, the work of probate genealogists becomes particularly important as it can often be unclear as to whom is entitled to inherit assets where no valid will is in place to follow. In fact, this is a particularly prevalent issue with industry reports stating that up to two in three deaths in the UK in 2021 was intestate.

The research work carried out checking family trees and verifying entitled beneficiaries can save both probate and Court of Protection professionals a huge amount of time and effort. Probate research really dovetails with the work being undertaken by those in Private Client teams up and down the land; in fact, all over the world.

Court of Protection

A probate genealogist is also able to assist Court of Protection

solicitors making Statutory Will applications by verifying the family trees and identifying existing or prospective beneficiaries in a discreet and empathetic manner. A further and often overlooked service that can also be offered by genealogist firms is access to 'living person' financial asset searches.

At locally based Anglia Research, we have a wealth of experience in providing help and guidance on Court of Protection cases and are proud supporters of the Professional Deputies Forum.

Unregulated Industry

The importance and relevance of probate genealogy firms is ever increasing, but it surprises many to learn that it is an unregulated industry, with no set entry requirements. Therefore, reputation and professionalism are key, and most firms (though not all) have suitably qualified staff undertaking the research work.

In fact, Anglia Research employ more accredited genealogists, legally qualified and independently regulated staff than any other UK probate research company. We were delighted to be awarded the Best Probate Research Organisation of the Year at the illustrious and independent National Paralegal Awards held in 2022, an award we have been shortlisted for again this year.

The takeaway message here would be: By using a probate genealogist, a legal professional is effectively 'outsourcing' elements of their work – there must be confidence that the work carried out by a genealogist is accurate, to a high standard, and legally sound.

Summary

Probate genealogy is about so much more than just finding missing beneficiaries or reconstructing family trees – other services include assistance with asset reunification, financial asset and bankruptcy searches, Missing beneficiary indemnity insurance, and even assisting with a law firm's Unclaimed Client Funds obligations.

So next time you are faced with a not-so-straight forward case, do not be afraid to instruct a reputable probate genealogy firm such as Southport-based Anglia Research to carry out the heavy lifting for you.

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Regulation Update

The latest Regulation news from **Andrea Cohen of Weightmans LLP**



Andrea Cohen

Welcome to this month's review of what's been happening in the world of risk and compliance, and what we can expect in the next few months. As we commented last month, the world of risk and compliance, other than in relation to disciplinary matters, has been rather quiet.

Summer weather seems to be elsewhere for now, but for those going to sunnier places, I hope the rain doesn't follow you! For those who, like me, went abroad earlier in the year and now feel rather jealous of those packing their bags, I hope the weather improves, at the weekends at least!

AML

On 24 July 2023 the SRA published a revised AML sectoral risk assessment <https://www.sra.org.uk/sra/research-publications/aml-risk-assessment/>. You should review this, make any necessary updates to your firm wide risk assessment and record that you have done so, together with any action you are taking e.g. training, notified the firm etc. Even if no changes are required, this should be noted.

The SRA has also reduced the time for providing the documents required pre-AML inspection from within 21 days to 10. The previous 21-day time limit was

tight, taking into account the documents required, including risk assessments, AML policies and procedures, copies of audits, AML related training records, list of fee earners who work within scope, and matter lists, and the questionnaire to complete. The same documents will be required, so make sure the documents are all readily available/accessible and up to date, and that more than one person knows where they are, in the event that, for example, your MLRO is away when the letter arrives.

As you will see from the disciplinary decisions below, compliance with AML obligations remains high on the SRA agenda. In addition to the cases we highlight, with one individual being ordered to pay a fine of £3000, and a firm £4000, another firm was fined £2000 following an SRA AML inspection for not having a compliant AML practice wide risk assessment until October 2022, having incorrectly made a declaration in January 2020 that it was compliant, and not having compliant AML policies, controls and procedures (PCPs), and a sole practitioner has been referred to the SDT for failing to carry out adequate enhanced due diligence (EDD); failing to have appropriate risk management systems and procedures in place; failing to take adequate measures to establish the source of wealth and source of funds, and failing to conduct enhanced ongoing monitoring, in relation to the purchase of two properties. In our experience, these matters, as with the majority of SRA investigations, will have been running for some time and we anticipate there are a large number of similar cases still to be decided and reported, in addition to the ongoing SRA AML visits which may well make similar findings.

Sanctions

The government has issued further sanctions, severely limiting access to legal services provided by UK lawyers to businesses and individuals connected to Russia. The legislation came into force

on 30 June 2023, although there is a grace period for contractual obligations in place before 30 June 2023 in relation to legal advisory services, which will expire on 29 September 2023. The restrictions on legal services do not include legal representation for Russian nationals. As at the date of writing, the guidance, 'Complying with professional and business services sanctions related to Russia' was updated 30 June 2023. It is understood that discussions are being held with the Law Society and lawyers regarding concerns relating to the sanctions and further guidance will be coming out soon. In the meantime, the Law Society published a new guide 'UK sanctions regime' on 13 July 2023. <https://www.lawsociety.org.uk/topics/anti-money-laundering/sanctions-guide>.

The Foreign, Commonwealth and Development Office (FCDO) has issued 13 new sanctions for individuals and businesses linked to the actions of the Wagner Group in Africa, in addition to new designations earlier in July in relation to the Iran (Human Rights), Sudan and Russia sanctions regimes.

Professional indemnity insurance (PII) trends

The Law Society's recently published research on PII trends indicates that market stability and confidence is returning, and while that does not mean that premiums will go down, there may be smaller percentage rises at renewal, particularly for those firms that work in lower risk areas. Due to fewer insurers in the market, higher levels of risk, longer and more detailed questionnaires etc. the renewal process has become more difficult and the Law Society advises starting the process early, so those renewing in October, should start now, if you've not already done so. The Law Society has recently produced a guide 'Renewing your firm's professional indemnity insurance'. The research also indicated that a large number of firms have not taken out cyber insurance.

Losses from cyber-attacks or other IT problems affecting the firm, rather than clients, are excluded from cover under the SRA minimum terms and conditions.

SRA corporate reports

The SRA's recently published set of corporate reports for the period November 2021 – October 2022 in the areas of authorisation, client protection and education and training report there were 9,636 firms including 1,141 ABS's; 160,676 solicitors holding practising certificates, with 7300 holding PCs for the first time; 584 apprentices; 25 firms intervened; £15.2m paid out from the compensation fund; 10,121 reports to the SRA, of which 1741 were referred for further investigation; 301 internal sanctions; 76 cases heard at the SDT and £16.5m spent on disciplinary matters.

The 'Upholding professional standards - corporate report 2021/22' includes reference to the SRA's increased fining power, from £2000 to £25000, the fixed penalty regime, and the Economic Crime and Corporate Transparency Bill, expected to become law this year, which currently proposes giving the SRA unlimited fining powers in relation to economic crime. The SRA said that it continues to focus on reducing the time taken to conclude cases and there is a 'significant programme of work to further improve in this area'.

New practice notes and guidance Law Society practice notes

In addition to the above, The Law Society has published a number of new practice notes since our last update:

- SRA powers of investigation <https://www.lawsociety.org.uk/topics/regulation/sra-powers-of-investigation>
- Making gifts of assets <https://www.lawsociety.org.uk/topics/private-client/making-gifts-of-assets>
- Disclosure of tax avoidance schemes <https://www.lawsociety.org.uk/topics/tax/disclosure-of-tax-avoidance-schemes>

SRA guidance

- Proceeds of crime – Guidance <https://www.sra.org.uk/solicitors/guidance/proceeds-crime-guidance/>

Disciplinary decisions:

Fined for failing to follow anti-money laundering procedures

A fee earner, who was not a solicitor, has been fined £3,500 and ordered to pay costs of £1,350 by the SRA for failing to follow the firm's internal anti-money laundering (AML) procedures to adequately investigate source of funds when acting for clients in two residential conveyancing transactions.

Fined for not having AML documents in place

A firm that did not have an AML risk assessment for over four years despite SRA warning notices, up to date AML policies, controls and procedures (PCPs) and who failed to nominate a MLCO for over 3 years, has been fined £4000 and ordered to pay £1350 costs.

Struck off for lying to multiple clients

A solicitor, who had been the firm's compliance officer, has been struck off the roll and ordered to pay almost £18,000 in costs for lying to four clients about how their cases were progressing. The solicitor, who admitted that he was dishonest and reckless in his handling of matters, repeatedly made false assurances and misleading statements to his clients, including telling one that he had sent notice of an injunction to another party's solicitors and a hearing date had been set, and telling another that mediation was arranged in a leasehold dispute and later that the judge had dismissed the opponent's case.

Struck off for misleading client

A solicitor was struck off for misleading his client, failing to submit their claim to the employment tribunal whilst making false or misleading assurances that he was 'still waiting to hear from the employment tribunal' and later submitting false documents to the SRA in order to bolster his defence. No costs order was made as the SDT found there was no reasonable prospect of the solicitor being able to pay.

Fined for misleading insurers and failing to pay disbursements

A solicitor has been fined £9,000 for failing to run his business in accordance with sound financial and risk management principles. He submitted a draft PII proposal form which said the firm had not employed any fee earner in the previous 10 years who had been sanctioned by the SDT, which was untrue, and had unpaid disbursements totalling £674,000, having used the monies for the general running of the firm. Whilst the solicitor was cleared of acting dishonestly or without integrity, the tribunal said that a £9,000 fine reflected the seriousness of the misconduct. It also ordered the solicitor to pay £35,000 in costs, although this could not be enforced now due to his financial position.

Suspended for false signature

A solicitor has agreed to be suspended for a year and ordered to pay £17,250 costs after inserting a witness' signature on a legal charge without obtaining their consent. Having been informed by the lending bank's solicitor that the witness had not signed the documents, within 20 minutes he sent them a copy of the mortgage deed with what he said was the witness' signature. He reported his action to his firm when the transaction completed. The solicitor claimed that he was 'overloaded', working 70-hour weeks, including weekends and holidays. It was accepted this was a one-off incident and acknowledged that the solicitor had health issues (details redacted from the ruling) which affected his judgement.

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.

Andrea Cohen
Compli,
Weightmans LLP

The Respite Association

Caring for Carers



The Respite Association was born on May 16th 2001. A group of people, all with first-hand experience of the stress put on carers, had come to realise that there was very little support available for those caring for loved ones. That small but committed group of people decided that the best way forward was to create an organisation whose sole aim was to care for the carers by providing respite.

When you are caring for someone the task can be overwhelming. You can be 'on duty' for 24 hours a day, seven days a week, with no breaks or holidays. This is too much to ask of anyone.

So what do we actually do?

We are a small charity that makes a big impact. We provide short term assistance by funding appropriately qualified respite care for people with disabilities, long-term physical or mental health conditions, and those who are terminally ill in order that their regular unpaid carer can be allowed to take a much needed break.

Breaks can take the form of anything from enabling attendance at an evening class to a weekend break or longer. We also provide free week long seaside holidays to enable carers to recharge their batteries. In 2021 we purchased our first bricks and mortar respite facility – a purpose built holiday bungalow in Cornwall. We also have a caravan in North Wales.

Who will we help?

Many of the people who are at home caring for loved ones are forced to live on very limited incomes. It is these people that we are working to help.

What does it cost?

Whilst providing suitably qualified carers in the home or funding a temporary place in a residential care centre can be expensive, the benefits to the carer are beyond measure. The cost and level of support varies dramatically from a few pounds to several hundred. Our average grant is around £450.



Of all the unsung heroes in the world, carers come top of my list. It is humbling to read of the love, time and dedication that carers give so constantly to others: their voices are seldom heard, as they so seldom complain. When they DO call for help we must react at once, with support and understanding and gratitude.

And lovely money: what seems like peanuts to larger organisations would be a godsend to the Respite Association, as it means that we can help ease the burden (which would be intolerable in our own lives) and bring some comfort, escape and freedom to those who give their all to others every day and night, week after month after year.

These are my heroes: these are the stars I admire and applaud. Knowing that every gift to Respite will bring happiness touches me hugely.

Joanna Lumley
Patron



The Respite Association, Highfield Barn, Lewdown, Okehampton, Devon EX20 4DS

☎ 01566 783383 ✉ help@respiteassociation.org

🌐 www.respiteassociation.org

The Respite Association is a Registered Charity No: 1193232 (Formerly 1086598 from 2001 to 2021)

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Private Family Solicitor

Southport

Leading law firm with strong record of success across financial remedy, matrimonial and children matters, seeks experienced Private Family Solicitor (3+ yrs' PQE). Generous benefits, hybrid working, and opportunities for professional growth.

Contact: Justine - j.forshaw@clayton-legal.co.uk

Head of Residential Conveyancing **South Liverpool**

Established, forward-thinking firm seeks experienced Solicitor (min 4 years' PQE) to manage small team and handle varied caseload. Full time, permanent role with progression opportunities to Partner level. Part-time considered for the right candidate.

Contact: Rebecca - r.davies@clayton-legal.co.uk

RTA Solicitor

Liverpool & Wirral

Dedicated personal injury firm, renowned for their expertise in the field, seeks an organised RTA Solicitor/ Fee earner with experience (min 1 yr PQE) of working in a fast paced, cost driven environment - managing a team and caseload. Excellent benefits.

Contact: Chris - c.orrell@clayton-legal.co.uk

Data Breach Fee Earner

Wirral

Due to growth and continued success, Liverpool & Wirral-based firm are looking to grow their Data Breach department and seek an experienced Fee Earner (min 2 yrs in Data Breach Litigation). On-site parking, company pension + performance bonus on offer.

Contact: Chris - c.orrell@clayton-legal.co.uk

Head of Private Client

Liverpool & Southport

Award-winning firm, established for 100+ years, seeks Head of Private Client, covering probate, wills, LPA's & trusts work (no contentious work). Full time with competitive salary, the role would also involve supervising the team and implementing new processes.

Contact: Justine - j.forshaw@clayton-legal.co.uk

Property Solicitor

Liverpool

Well-established, city-centre firm seeking Property Solicitor (min 3 years' PQE) to manage a mixed caseload of both Residential Property and Commercial Property matters, from initiation to completion. Full time, permanent, office-based role + competitive salary.

Contact: Rebecca - r.davies@clayton-legal.co.uk



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Charity Spotlight: **Shelter** Fighting for Home with Shelter Merseyside



Shelter believes in every person's fundamental right to have a place they can call home. Annually, over one million individuals turn to us for guidance and assistance through our website, helplines, and nationwide network of services.

Operating locally, Shelter has established hubs in seventeen regions, including Merseyside. Our dedicated team tirelessly addresses the specific needs and priorities of each community, providing invaluable advice and support to individuals and families experiencing homelessness or living in inadequate housing conditions.

To proactively combat homelessness, our Merseyside early help team closely collaborates with Liverpool Council's Early Help Social Care Team. This partnership ensures vulnerable families have access to necessary guidance and support. Additionally, our legal team offers expert advice and representation in various housing-related cases.

In conjunction with these services, our GROW Trainee program empowers individuals with first-hand experience of homelessness who face challenges reintegrating into the workforce. Through a paid 12-month placement, we aim to support them in rebuilding their lives. Our dedicated group, Time to Change, comprises individuals who have experienced homelessness and actively participate in service delivery, development, and advocacy.

Our DIYSA (DIY Skills Adviser) programme provides skill-sharing opportunities to enhance homes and foster a sense of ownership, and our community organiser supports local community members in addressing key concerns and spearheads campaigns for change.

Collaborating with individuals, businesses, groups, and organisations, our community fundraiser secures support through sponsorship, volunteering, and event participation. Throughout the year, she manages several fundraising events, including the popular Lip Sync Battle and Strictly events. She also nurtures relationships with regional businesses through our exclusive 30 Club initiative.

The 30 Club initiative aims to secure partnerships with thirty businesses in the region providing a remarkable opportunity to tangibly demonstrate dedication to making a positive impact and contributing to meaningful change in the community. Benefits include welcome posts on our regional social media, the "In aid of" logo for display on websites and literature, priority access to events and sponsorship opportunities, volunteering opportunities, social media postings, personalised award trophies, inclusion on our Hub supporter wall, access to fundraising packs for employee engagement, and support from the regional fundraiser.

Investing in charitable initiatives not only projects a positive corporate image but also cultivates a sense of purpose and fulfilment among employees, contributing to a more productive and inspired workforce.

Shelter also presents exclusive sponsorship opportunities tailored for businesses. Our diverse packages encompass a range of upcoming events, such as the black tie Strictly event, a spirited fun run in Wirral, a footgolf tournament, a Lip Sync Battle, a captivating outdoor theatre production, and more. Additionally, Shelter can collaborate with your business to curate a bespoke event, or even arrange a corporate golf day that aligns with your vision, with all profits contributing to support Shelter's vital work.

At Shelter, we remain committed to our mission of providing support to those in need. By working on multiple fronts, we strive to create lasting change and ensure that everyone has a safe and secure place to call home.

To discuss ways to work with Shelter, please contact Pauline Cox, Regional Community Fundraiser for Cheshire, and Merseyside.

Pauline Cox
Regional Community Fundraiser
Shelter Merseyside
Pauline_cox@shelter.org.uk

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Family inheritance mediation



Chris Makin

I want to talk today about a particularly difficult problem which mediators are asked to address, namely disputes over family inheritance. The reason they are so difficult is that it's seldom about the money, or at least about money alone. Underlying many of these disputes are

long-held resentments, questions of self-worth, fairness, and questions of the degree of love felt by the deceased. And so often the deceased's love for their siblings can only be measured – in the perception of their offspring – by the size of their legacies.

Let us take a hypothetical case

The deceased widow was moderately wealthy, leaving two adult siblings, a boy and a girl. Both thought they were equally loved by their mother. The boy had developed a very successful career and was financially comfortable; the girl had stayed at home to look after mother during her long final illness, and was in need of financial support. So when the will was read, the fairly rich boy was left just a few mementos; the girl was left the rest of the sizeable estate.

Why the imbalance? No doubt because mother thought her girl needed the money and deserved a reward for all the care given. But the boy was offended because he thought this showed that Mum didn't love him as much as his sister, and he suspected that she had put their mother under undue influence to write her will in that way. And then all the old resentments came out: Mum had always loved the girl more than the boy; she got more presents at Christmas, and so on. The girl thought it unfair that the boy was allowed to go to university (and even take an MBA in America) when she was already stuck at home looking after Mum.

Well, this is hypothetical, so I can't tell you the outcome of the mediation, but you can I'm sure appreciate the challenge. And I have seen these imbalances in several cases. For example, in a farming case one brother worked on the farm for many years on a modest wage, with an understanding he would inherit the farm. The other brother worked abroad, and did very well with his own business. On father's death, the estate was left to the two sons in equal shares, no doubt to demonstrate his equal love for them. But that left the farming brother with a problem; he had to raise the finance to buy out his wealthy brother's share of the farm. You see, even doing the right thing can cause friction.

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 FCI FAE QDR MCIArb

Call for a **FREE** initial discussion without obligation
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www.chrismakin.co.uk

The grandfather clock

This is one of my early mediations. Please forgive me if you've heard it before, but it is worth repeating.

Brother and sister hated each other with a passion, for good reason. Sister had left home at 18 to get married and had virtually never returned home to see how Mum was doing. Brother was stuck at home looking after Mum and working locally as a motor mechanic. He was Mum's carer, and was resentful that he couldn't go out with the lads to the pub, get a girlfriend, have a normal life.

When Mum died he went off the rails, went to Thailand and did all the Gary Glitter things: excessive tattoos, drugs, under-age sex. He was resentful at missing a normal lad's life and his sister despised him for his Thailand activities.

When he came home the passions flared up. He found that his sister had sold Mum's house (his home) and put all the house

contents in storage. So he had lost his home, and she was having to pay storage charges. Not good.

I spent a lot of time in caucus with the two of them, allowing the bile to spill out. The solution was obviously to get the furniture out of storage, so eventually I asked sister if there was anything there which she would like to keep, to remind her of Mum. "Nothing", she said emphatically. Then I asked brother, and he said he would like to keep the family grandfather clock, which he had wound every night after making Mum's supper. Sister said he could have it.

This was mediation gold dust; we had found something which one party wanted, and which would cost the other party nothing to give. After that the siblings agreed that all the other contents could be sold or given to charity, and in no time we had full agreement to how Mum's money should be divided. Magic!

The fourth wife

The deceased, a wealthy property developer, was rather fond of the ladies. He had been married four times, not counting the other female friends.

There were no children involved here, but it was complicated enough.

The problem was that the deceased had written a codicil in favour of his fourth wife, a go-getter whom he married just before going into hospital where he died. The second wife was still in love with the deceased; they had been in partnership as property developers and she had still not agreed a final shareout of the properties. But they had agreed that she could take the family mansion, a very valuable property on the Hamble. And because the property would give her more than a half share of their stock, she had to give the deceased a charge over it. Now, she had no dependents and could not afford to live there, but there was substantial equity. So an equity release scheme was ideal, but the charge permitted no later charges.

Both ladies were stuck; wife two couldn't afford to release her equity and wife four couldn't wind up the estate and enjoy her inheritance because of the challenge to the codicil.

I spent a considerable time with wife two, who was very old and frail, and eventually a solution was reached: wife four would remove the inferior charge requirement, wife two would get her equity release, and wife two would pay to wife four a discounted figure against the charge.

The moral

I often say that in mediation, the parties need a mediator who is more a social worker than a high-powered lawyer or specialist in the subject. The key need is for empathy; the mediator must be a warm human being who gains the trust of the parties, and who takes the trouble to listen to their true needs. That way, a

position which the parties can live with may be found. But with family inheritance disputes, those qualities in the mediator must be there in spades!

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

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

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

www.chrismakin.co.uk
chris@chrismakin.co.uk

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Forthcoming Courses

DATE	TOPIC	SPEAKER
12/09/2023	Conveyancing & the Family Home	Richard Snape
13/09/2023	Private Child Conference	Various
14/09/2023	Criminal Law Update	Matthew Hickling
19/09/2023	SRA Accounts Rules Update	Linda Lambert
20/09/2023	Residential Property Conference	Various
22/09/2023	Ogden Tables and future losses	Mike Winston
27/09/2023	Family Finance Conference	Various
29/09/2023	Indemnity, Warranties, Guarantees, and Representations Masterclass	Helen Swaffield
03/10/2023	Clinical Negligence Conference	Various
04/10/2023	Private Client Update	Prof Lesley King
06/10/2023	Contract & Commercial Update	Chris Beanland
11/10/2023	Employment Law Conference	Various
16/10/2023	Costs in the Court of Protection	Helen Forrester
17/10/2023	Trial Advocacy in the Civil Courts	Mike Winston
18/10/2023	An introduction to Japanese Knotweed Claims	Michael Krebs
19/10/2023	Building Regulations and Planning Permission for Conveyancers	Richard Snape
20/10/2023	Personal Insolvency: A Practical Guide	Chris Beanland

Training events open to legal professionals nationwide

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For full details, visit: www.liverpoollawsociety.org.uk



Conveyancing & the Family Home with Richard Snape

Live ONLINE Tuesday 12th September, 1.30pm - 4.30pm*

Conveyancing with the family home involves many difficulties. This online course aims to highlight the difficulties & their solutions.

Useful for both conveyancers & family practitioners.

Topics covered include:

- The various declarations of trust available
- Gifts from parents to children
- Potential undue influence and conflicts of interest between the parties
- Overriding interests and consent forms
- Problems in relation to severance
- SDLT Issues



*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 Private Child Law Conference

Wednesday 13th September | 9.30am - 3.15pm

Hybrid - Attend in person or online

Chairperson

HHJ Parker

Parental alienation and the use of experts in private law

Kate Burnell KC, St Johns Buildings

The power of a Child's Voice

Helen Pittard, I74 Family Law

Improving Communication for Co-Parents

James Evans, OurFamilyWizard

Dealing with vulnerable clients or what to do if client lacks capacity

Natasha Khaliq, Unit Chambers

Section 91(I4) order

Rachael Banks, St Johns Buildings

Fact-Finding Hearings: A practical guide

Tom Hynes, Oriel Chambers

 **OurFamilyWizard®**

[**More Info**](#)



Criminal Law Update with Matthew Hickling

Live ONLINE Thursday 14th September, 1.30pm - 4.30pm

Suitable for general criminal practitioners, including police station representatives & higher rights criminal courts advocates.

This online session will include relevant changes to legislation, rules, and guidance together with summaries and analyses of all recent judgments that are important to core criminal practice.

Covering:

- Relevant developments in law and practice that will keep you up to date
- Recent legislative commencements and imminently pending legislation
- Important judgments analysed, summarised and explained
- The latest in sentencing, legal aid and criminal procedure
- Advising at the police station – Changes to PACE and the Codes

*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**](#)



SRA Solicitors Accounts Rules Update

with Linda Lambert

Live online: Tuesday 19th September, 1.30pm - 4.30pm*

This online course is aimed at **cashiers, head cashiers & COFA officers** wanting to refresh their approach or to understand what is meant by applying compliance to the SRA Accounts Rules.


Whether you are new to the legal accounts profession or been involved for years, a sound knowledge of both SRA Accounts rules and other compliance issues will assist you in the decision making that will occur in all types of legal practice.

This course aims to equip you with that knowledge.






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2023 Residential Property Conference
 Wednesday 20th September | 9.30am - 3.40pm
 Hybrid - Attend in person or online

Chairperson
 John Jones, Jackson Lees
Leasehold Enfranchisement
 Katherine Whittle & Sarah Howe, Brabners
HM Land Registry Latest Updates
 Leanne Wright & Pam White, HM Land Registry
Improve and evidence CQS compliance with ease using digital solutions
 Lisa Edwards, InfoTrack
Transforming the home buying and selling process
 Stephen Ward, CLC
Climate Change in Residential Property Transactions: Understanding future risk and how to advise for best practice due diligence
 Sally Redman, Landmark Information
CQS 2023 Update
 Tracy Thompson, Tracy Thompson Associates
Residential Conveyancing from a Landlord's/Managing Agent's Perspective – help us to help you
 Rob Denman, JB Leitch
A litigator's perspective on boundary disputes and rights of way
 Andrew Leakey, Jackson Lees

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  [More info](#)


Ogden Tables and claims for future losses
 with Mike Winston
 Friday 22nd September, 9.30am - 4.30pm (lunch included)
Venue: Oriel Chambers, 14 Water Street, Liverpool, L2 OSA


This comprehensive course looks at schedules of future losses **from both the claimant's and the defendant's point of view**. All aspects of the use of the Ogden tables are covered, from basic aids and equipment calculations through periodic loss of earnings claims with split multipliers through to dependency claims following fatal accidents.

The course takes delegates from the absolute basics through all the major calculations required in a PI claim including more advanced uses of the Ogden tables in calculating bereavement and dependency awards in fatal accident and disease claims.


What you will learn:


- Introduction to the 8th edition of the Ogden tables
- Multiplicands and multipliers
- Discounting for early receipt and mortality
- Calculating losses for life
- Calculating losses to a fixed age
- Using the reduction factor tables
- Calculating loss of earnings
- Challenging evidential assumptions
- Using Conner v Bradman in disability claims
- Evidential uncertainty – is Blamire appropriate? & more...

[CLICK HERE FOR MORE INFO](#)


2023 Family Finance Conference
 Wednesday 27th September | 9.30am - 4pm
 Hybrid - Attend in-person or virtually

Chairperson
 District Judge Sheren Guirguis
Transparency in the Financial Remedies Court
 Sam Hillas KC, St John's Buildings Barristers' Chambers
Litigation Friends in Family Proceedings
 Emma Spruce, 4 Paper Buildings Chambers
Intervenor
 Eve Horren, Unit Chambers
Financial Remedy Applications and Capacity Issues
 Chris Wagstaff KC, 29 Bedford Row Chambers
Improving Communication for Co-Parents
 OurFamilyWizard
Financial Remedies Update
 Michelle Burley, St John's Buildings Barristers' Chambers
Navigating section 37 MCA 1973: when and how do we use it?
 Tom Hynes, Oriel Chambers
The Impact of Domestic Abuse in Financial Remedies
 Margaret Parr, 7HS


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Indemnity, Warranties, Guarantees, and Representations Masterclass
 with Helen Swaffield on Friday 29th September, 1.30pm - 4.30pm

For commercial and corporate practitioners who are seeking to have a fuller understanding of key parts of their relational contracts and their SPAs. It includes examples of recent cases and updated materials.

Course outline:

- Warranties
- Purchaser
- Seller
- Key points for SPA disclosure and data rooms
- Wording which is an exclusion of liability
- Wording towards increasing their power as performance guarantees
- Representations
- Their role and remedy in the contract



& More....

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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Liverpool Law Society

2023 Clinical Negligence Conference

Tuesday 3rd October | 9.30am - 4.15pm | HYBRID - Attend in person or online

Sessions confirmed so far:

Back to basics: Cerebral Palsy claims
Matthew Stockwell, Exchange Chambers

Secondary Victims in Clinical Negligence Claims
David Pilling, Civil Law Chambers

Medico-legal aspects of Limb Ischaemia inc amputation claims
Christian Taylor, Exchange Chambers

Fundamental Dishonesty and Exaggeration in clinical negligence claims
Gemma McGungle, 18 St John Street Chambers

Legal Update 2023
Aneurin Moloney, Gatehouse Chambers

A&E / Emergency Care
Professor Alan Fletcher, National Medical Examiner for NHS & Consult in Emergency Medicine at Sheffield

Missed Cancers in General Practice
Dr Jonathan Lieberman

Liverpool Law Society

Private Client Update with Professor Lesley King

Wednesday 4th October, 9.15am - 12.15pm*

This online session will provide a review of current issues in Private Client Practice. It will focus on good practice & avoiding pitfalls.

The content will depend on developments during the rest of 2023 but is likely to include:

- The latest on the trust register:
- Which trusts are excluded?
- should you change your will drafting?
- duties in relation to discrepancy reporting
- Getting the best out of online probate
- A look at errors in will drafting in recent cases
- Means tested benefits and legacies in the light of FSS v LMS and F v R

*Can't make the date/time or need to revisit the training?
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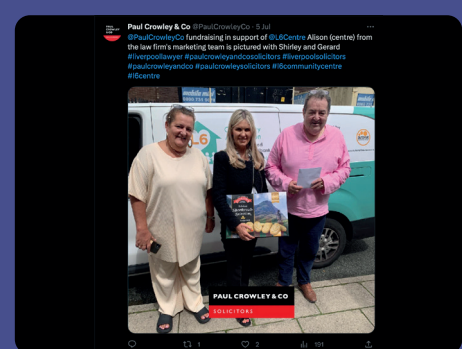
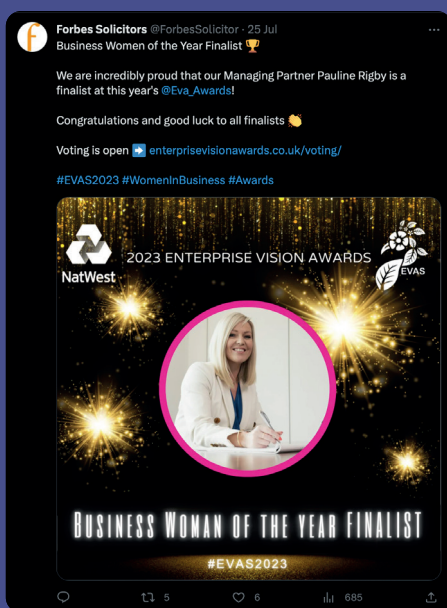
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Non-Contentious Business Committee:

Are you interested in joining the Non-Contentious Business Committee? We are looking for new members to share experiences, discuss best practice, arrange events and respond to consultation papers where applicable. All are welcome, but in particular we would like charity law practitioners and company and commercial lawyers who deal with non-litigious contacts who are willing to add insight and input to the committee. We meet six times a year for an hour and would welcome enquiries to join from new and existing members of the Society. For further information & to apply visit <https://www.liverpoollawsociety.org.uk/about/committees/specialist/non-contentious-business-committee/>

Social Media Highlights

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

