

Leicestershire Law Society

magazine

THE **SUMMER** ISSUE

Looking forward to the year ahead with our new President, BUSHRA ALI



ALSO FEATURING

LEICESTERSHIRE LAW SOCIETY

THE AWARD WINNERS 2018



PATRONS



BUSINESS PARTNERS



Unresolved disputes piling up? Clients look set to lose at Court?
Neither party willing to budge?



Could any of the dispute files on your desk be closed following a successful mediation?

If you're working on any of these types of cases, mediation is worth a try:

- Disputes between family members
- Director / shareholder disputes
- Commercial contract disputes
- Professional negligence disputes
- Partnership disputes
- Consumer disputes
- Property and boundary disputes
- Neighbour disputes
- Landlord and tenant disputes
- Disputes relating to Wills & Probate
- Personal Injury disputes
- Intellectual property disputes
- Construction disputes
- Defamation
- Disputes regarding legal costs

The main advantages of mediation:

SPEED:

Mediation can be arranged quickly. Often a mediation can be arranged and completed within two weeks.

COST:

Mediation is cost effective and costs much less than Court proceedings.

LEGALLY BINDING:

If an agreement is reached at mediation this will be recorded as binding and enforceable.

RELATIONSHIPS:

Resolution of a dispute made by mediation may allow businesses to maintain a trading relationship.

CONFIDENTIALITY:

The mediation process is confidential, and without prejudice.

How effective is mediation?

In The Centre for Effective Dispute Resolution's (CEDR) 2016 survey of its accredited mediators found that **67% of cases settle on the day** of mediation with a further **19% of cases settling shortly after** mediation. That is, an overall settlement rate of around 86% of cases settle either at or shortly after mediation.

Ask your local Leicester mediators

Our mediators are CEDR accredited and have 40 years' combined experience in dispute resolution. We would be happy to discuss any case where you think mediation could help – feel free to call us for a chat over the phone or to email us with a brief overview and any questions you may have.

CONTENTS SUMMER 2018

CONTENTS

- 4 Editor's Intro
- 5 Dreamvar - from the PII perspective
- 6 President's Report
- 7 Events calendar
- 8 Book Review
- 10 Membership Pages
- 12 Membership Benefits
- 14 Award Winners 2018
- 16 LLS Awards Photo Gallery
- 20 Council Member's Report
- 24 Is Your Company At Risk?
- 26 Rise in Legacy Giving
- 28 Book Review
- 31 5 Ways to improve your Telecoms
- 32 The Power of Mediation
- 37 LEAP reaches 10,000 UK users
- 37 How are you, really?
- 38 Outsourcing - The Catch-All Solution to Staffing Problems!

Leicestershire Law Society, 3-5 Welford Road Leicester LE2 7AD



gildings
auctioneers

Personal Property Specialists

- Probate and inheritance tax planning valuations
- Inheritance planning
- Identification and valuation of personal property
- Advice for sale by auction and private treaty
- Comprehensive house clearance service

A magnificent imperial yellow-ground famille rose floral vase, Yuhuchunping, Qianlong four-character seal mark (1736-1795)

Identified for a local client and sold successfully for £338,500



nava | propertymark

Telephone : 01858 410414 | Email: sales@gildings.co.uk | www.gildings.co.uk

magazine contact

Published by:
EAST PARK COMMUNICATIONS Ltd.
Maritime House,
Balls Road,
Birkenhead,
Wirral CH43 5RE

Tel: 0151 651 2776
simon@eastparkcommunications.co.uk
www.eastparkcommunications.co.uk

Advertising

Simon Castell
James Bentley

Managing Editor

Adam Marillie
adam.marillie@cartwrightking.co.uk

Design

David Coffey
East Park Studio

Published: Summer 2018

Accounts

Tony Kay

Legal Notice

© East Park Communications Ltd.

None of the editorial or photographs may be reproduced without prior written permission from the publishers. East Park Communications Ltd would like to point out that all editorial comment and articles are the responsibility of the originators and may or may not reflect the opinions of East Park Communications Ltd. Correct at time of going to press.

EDITOR'S INTRO



I hope this edition finds all our readers and members well and ready

for a hot summer ahead. I am sat in my study with all the windows open, the ducks quacking away in the background, the sun shining through and a generally lovely summer's afternoon. A quick sip of something alcoholically refreshing would go down very well right now, but no drinking on the job! One needs to gather one's thoughts to get this edition to publication. Now where did I leave that Rum?

So what's new for 2018? Well, we have a new President and Bushra Ali has promised a packed year of events for us all to take part in. Take a look at the list of events that are happening over the next 12 months, starting with the Summer Drinks party which was held on June 20th 2018.

I cannot believe that since becoming Editor of the LLS Magazine, I am now on my 4th President. If I keep going long enough, I will have had as many Presidents as HM The Queen has had Prime Ministers. I wonder how difficult the Prime Ministers were.

I have just recently returned from a leisurely trip to Liverpool to visit the 1st Emperor of China's Terracotta Army which is making a one stop visit to Liverpool. The whole exhibition is excellent and well worth a visit. It remains at Liverpool until 28th October 2018 and tickets are still available, so I suggest you book quickly to avoid disappointment.

I was fascinated when viewing the exhibition to discover the term "legalism." Legalism is one of 3 Philosophy's that governed China centuries ago. I was



The Terracotta Army

fascinated by the term and wondered if any other country's legal system could be based around the ideology of the legalism period that China at one time followed. On my return home I had to look up the term to find out more about it.

Legalism according to *Britannica.com* is:

"A school of Chinese philosophy that attained prominence during the turbulent Warring States era (475–221 BCE) and, through the influence of the philosophers Shang Yang, Li Si, and Hanfeizi, formed the ideological basis of China's first imperial dynasty, the Qin (221–207 BCE).

The three main precepts of these Legalist philosophers are the strict application of widely publicized laws (fa), the application of such management techniques (shu) as accountability (xingming) and "showing nothing" (wuxian), and the manipulation of political purchase (shi).

The Legalists believed that political institutions should be modelled in response to the realities of human behaviour

and that human beings are inherently selfish and short-sighted. Thus social harmony cannot be assured through the recognition by the people of the virtue of their ruler, but only through strong state control and absolute obedience to authority. The Legalists advocated government by a system of laws that rigidly prescribed punishments and rewards for specific behaviours. They stressed the direction of all human activity toward the goal of increasing the power of the ruler and the state. The brutal implementation of this policy by the authoritarian Qin dynasty led to that dynasty's overthrow and the discrediting of Legalist philosophy in China.

It appears that between 475 – 221 BC in China, not only did punishments for wrong doing take prominence in the Chinese legal system, they also operated a system that rewarded good behaviour as well. Very much like the carrot and stick principle, or "good cop bad cop." On viewing the exhibition it was very difficult to see the

carrot element of the legal system as money appears to be the tool for the rule of governance. Especially when you witness the true extent of the Terracotta Army built for the 1st Emperor's funeral to guard him through the afterlife.

I really do recommend a visit to the exhibition.

Well this years Award winners have been announced and the winners have all received their trophy at a glittering event held at Athena on 27th April 2018. The theme for the event was "The Greatest Show on Earth." A nod to Phineas Taylor Barnum (July 5, 1810 – April 7, 1891) an American showman. Take a look at the winners and also the photos taken at the event of everyone having a great time.

As I say, this is going to be a packed year so I need to get on and get this edition into print, so everyone can read about all the exciting events that will be happening.

Adam Markillie,
Editor
adam.markillie@
cartwrightking.co.uk

DREAMVAR: A VIEW FROM THE PROFESSIONAL INDEMNITY INSURANCE PERSPECTIVE

Publicity surrounding the Dreamvar Court of Appeal judgement has left law firms reeling with many questioning how well protected they actually are when it comes to professional indemnity insurance.

Headlines recently revealed the Court of Appeal judgements in *Dreamvar Ltd v. Mishcon de Reya and P&P Ltd v. Owen White & Catlin* but what does this mean to firms from a professional indemnity perspective?

In this article, **Richard Grayson**, Director for the PIB Insurance Brokers (PIB) Professions team has highlighted how the high profile case has left many firms asking the key question "are we actually insured under our SRA compulsory cover for the types of claims advanced?"

They have outlined that, to most law firms, negligence and breach of contract are assumed to be covered under the SRA's Minimum Terms and Conditions ("MTC") compulsory insurance but what about claims against the firm for breach of undertaking, breach of trust and breach of warranty of authority?

Grayson, who is also a former practising solicitor, has revealed the answer lies in the wording of the insuring clause required to be present by the MTC in all compulsory layer policies. It states that "the insurance must indemnify each insured against civil liability to the extent that it arises from private legal practice in connection with the insured firm's practice".

Grayson said: "The key point here is the phrase "civil liability". Essentially, firms are covered for claims arising from the work solicitors do i.e. "private legal practice", and any form of civil liability claims arising therefrom. So, in short, the types of claims advanced in Dreamvar should be afforded cover under the firm's compulsory primary MTC insurance both in terms of the actual claim itself and for attendant defence costs.

"The nature of the cover provided by the MTCs is worth reiterating as we have experience of firms who have assumed that they were not covered for claims arising from, for example, a breach of warranty of authority and indeed wasted costs. Consequently, we would always recommend you seek advice from your broker should you be in any doubt about the cover you have purchased."

What of Dreamvar itself and how the insurance market is reacting?

The issue at stake in the combined appeals was a fairly fundamental one, namely: "Who ought to bear the risk of loss when a fraudster pretends to sell a property?" The Court of Appeal's answer is that the loss should be shared across the solicitors for the buyer and seller. Reiterating all of the technical legal argument which drove this result is unnecessary as it has been well rehearsed but how will the insurance market respond and will it affect premiums?

Insurers look at statistical trends and actuarial analysis to assist in determining their pricing structure which, in essence, means areas of law that attract the most claims in terms of volume and value will inevitably be on the higher risk side for Insurers. Consequently, property work has always been rated as high risk in stark contrast to criminal work where comparatively few claims arise.

According to government figures, there are approximately 1.2 million residential conveyancing transactions per annum, representing a value of over £300 billion and according to figures from the Land Registry published in the Financial Times* last December, "the value of property identity fraud cases has more than tripled since 2013 when it was £7.2m, hitting £24.9m in the year to April 2017".

The Land Registry has a counter fraud team which works closely with the police and other agencies to reduce the risk of property fraud. Since September 2009, it has prevented frauds on 254 applications; representing properties valued in excess of £117m.

Grayson added: "Insurers have generally collected around £225 million per annum in premiums from the profession for the compulsory MTC cover. The reality therefore still remains, using the most basic maths, that these types of fraud are relatively rare in number and we can reasonably assume that not all funds were irrecoverable and that not all of the cases mentioned above led to claims against law firms.

"The leading question, therefore, is will Insurers look to increase premiums for those firms who undertake conveyancing?"

"Each Insurer will have their own claims statistics, relating to their own portfolio of Insured firms, which they will consider

when setting premium levels but they will also look at risk more generally and the statistics mentioned above might suggest that although Dreamvar in isolation created a storm, it may well be in the proverbial tea cup."

Property claims continue to hit insurers not least from cyber related fraud but also investment led, high yield, property transactions such as student accommodation, nursing home units etc and this, combined with Dreamvar and a more general concern about a property crash around Brexit, may lead to much more scrutiny around conveyancing practice and premium levels.

Grayson concluded: "Our advice to clients is to look carefully at your conveyancing risk management protocols around client selection and identification, review your cyber fraud and banking risk and, in Dreamvar terms, look for the transactions which may show red flags toward a possible fraud. For example, unmortgaged, vacant at the time of possession, high value and the seller is living abroad and wants a speedy completion.

"Insurers will, in all probability, want more detail from firms about these issues so in one sense, Dreamvar has provided an opportunity to consider your conveyancing risk profile more carefully and in readiness for a renewal (if you have one) on the 1st October.

"Speaking as a former practising solicitor who undertook property work, I know that those who work in this field are resilient and innovative. There have been innumerable threats to property lawyers over the past three decades be it for example, claims trends, economic upheaval or digitisation and invariably the profession has risen to those challenges and drives on. I expect the same post-Dreamvar."

If you would like to know more or if you have any specific issues you would like to discuss relating to this topic, please contact PIB on 0121 647 7401 or at enquiries@pib-insurance.com

*Source: Financial Times Help My House has been hijacked Fake tenants adopt a property owner's identity and sell the property <https://www.ft.com/content/b195fb02-2fde-11e7-9555-23ef563ecf9a>

PRESIDENT'S REPORT



Bushra Ali

With my Presidency having commenced on Wednesday 23 May 2018, I am only less than two weeks into my seat in Office at the time of writing this piece. It is very daunting indeed to take on such a role, knowing you have so much to live up to! Past presidents have done a tremendous job!

At the Annual Awards dinner, closing on Jonathan's year, Judge Nancy Hillier gave me some very wise advice. She said stop thinking about what others have done in the past and forget about whether you will live up to what others have achieved or what others will think. Bring your own personality to the table in your year in Office, know

your aims and objectives, make a decision and own it! If you don't, then your year will be over before you have even blinked twice!

Here is to taking that advice on board!

I informed a fellow solicitor that I have become President of the Leicestershire Law Society. He asked me what course we undergo to prepare for this very important role. I was able to respond in that we receive the best training in the world! We undergo a two-year apprenticeship as Deputy-Vice President and then Vice-President. During this time we get to observe closely the Chair, Past President, current President, Treasurer and other key figures within the Society. During these two years we get to shadow brilliance at the Society and it is an opportunity for me now to take all of those learnings and put them into practice.

Not being originally from Leicestershire, I lived in five different cities before making my home in Leicester. Indeed there had been diversity in other cities where I had lived, but there had also been division and there had been conflict. When I came to Leicestershire I experienced diversity at its best. I observed inclusion, support, collaboration and togetherness.

It is with all of the support I received in Leicestershire that I was able to build a solid career, be awarded Solicitor of the Year both in 2012 and 2016 and set up my own Practice.

The Society has been the bedrock of what I view to be my successful career and it is important we celebrate what the Society stands for and who it supports.

My aims and objectives this year are to take the Society into the community to build even stronger relationships with the community and professionals across the board. I want to celebrate legal and other talent of Leicestershire. With the centenary coming up of women being able to practice law, I want to celebrate what women across the board in Business and Law have achieved. With this in hand I want to focus on increasing our membership. I want this to be a year of celebration, raising awareness of the Society, building stronger relationships within the community and building upon what we have achieved year upon year.

2018/19 PLANNED EVENTS

JULY

In July we will be hosting a managing partner's lunch for Partners of firms in Leicestershire to come together. We will be holding a sub-board lunch for all our sub-board volunteers. We will be holding an event looking to recruit enthused volunteers to join our existing sub-boards where they will get to learn more about the work of our sub-boards that will deliver presentations. The final event of July 2018 will be our women in Business and Law Tea Party being hosted at the Leicestershire County Cricket Club on Sunday, 29 July 2018 at 2pm with an Alice in Wonderland Mat Hatter's theme. We are looking forward to having up to 180 professional women across the board come together and celebrate the success of women. Key speakers will include Judge Nancy Hillier. There will be an artist preparing a live painting at the event which will be auctioned off on the day to raise funds for my nominated charities.

AUGUST

In August I am focussing on taking the Society into the community with my bake off and summer fete event raising funds for charity. People from the community will be able to enter their cakes into the judging competition and the cakes will be on display at the event. I am looking forward to seeing an old school traditional summer fete after a long time. The second event in August will be our Diversity in the community dinner with an all around the world cuisine theme. The event will celebrate diversity within our community.

SEPTEMBER

September will be the month of the Society building stronger relationships with professionals across the board at our LLS across the professions dinner. Following on from this in October we will host a regional Solicitors/Accountants networking event.

OCTOBER

October will also be the month when we celebrate diversity within the Leicestershire Law Society paying homage to our Past Presidents, Council Members and key figures within the history of the Society.

NOVEMBER

November 2018 will be a very important month for the Society. For the first time since its inception the Leicestershire Law Society will be hosting the National Law Society Conference. Delegates from England and Wales will come together in Leicestershire where we will host the evening drinks opening ceremony, the National Conference the following day and then the black tie dinner that evening. This will be a key opportunity to raise the profile of the City and our Society.

JANUARY

In January 2019 we will hold our annual civic dinner and also this month will hold

the newly qualified event, celebrating the qualifying of new solicitors admitted over the past 3 years in Leicestershire.

FEBRUARY

February 2019 will be a key month for the community and City coming together to celebrate the talent we have via our charity fundraiser-

Leicestershire's Got Talent! This will be open to schools, choirs, singers, comedians and anyone else you can think of being lawyers and non-lawyers and children of all ages. This event is bound to be a highlight of the year!

MARCH

The year would be incomplete without our Annual Dinner and awards. In March 2019 the shortlist for the awards will be announced at an event.

APRIL

April 2019 the Annual Awards dinner will be held where we will celebrate the best legal talent in Leicestershire.

MAY

And finally, to reflect on the highlights of the year, we will end with a networking drinks event in May 2019.

TO CONCLUDE

It is planned to be an extremely busy year, but we are known as one of the most active societies for a reason! I truly believe we have so much to celebrate and coming together is the

best way to do it. I look forward to my year as President and hope that you will all join me this year at the many events planned to offer your support to the Leicestershire Law Society and

also to the chosen charities Zinthiya Trust and After 18.

Bushra Ali, President LLS

CHOSEN CHARITIES FOR 2018/19



My chosen charities are Zinthiya Trust and After 18. Both charities do great work in supporting the vulnerable such as young adults and women. The projects I wish to provide support to are counselling services for those with no recourse to public funds, the educational activities project and the project supporting females in teaching them new skills and giving them a safe space.

BOOK REVIEW: SUCCESSFUL SOLICITOR

by Katherine Cousins (Buggle Publishing 2018)



Katherine Cousins

Starting with the initial search for a Training Contract and the discovery that that degree and LPC for which you worked so long and hard are merely your tickets to enter the next phase of a viciously competitive environment the author moves on to the interview (research, prepare, iron your shirt/discard your red bra) and then the challenges for the newly qualified solicitor.

With a recent survey by the Junior Lawyers Division revealing that 82% of young solicitors reported feeling stressed Katherine readily admits that she too has cried in the toilets many times.

One section covers how to network for those who hate it

including minimising the alcohol/hangover ratio (wolf down hard boiled eggs or avacado on toast beforehand) or alternatively if you are teetotal/driving do not decline a glass but instead take it and appear to sip the contents.

As the 5 year post qualification date* approaches and the young lawyer learns that customers judge on results, peers on the time you are seen at your desk and bosses on billing, (competence and hard work being assumed) and that you have to secure the instruction from the client before you can do anything (the dreaded Business Development work) there also comes professional maturity. You realise for example that you in fact do not know it all but nor does anyone else and that it is better to admit that in answer to a question than stay silent and look unconfident. Also if you seek promotion you have to say so – the author does. Currently an employee at Constantine Cannon LLP Katherine states on the back

cover of the book that she "intends to make partner."

This is a very readable helpful book and but for me at 118 pages it is too short. I would have liked a chapter on the support available to young solicitors (the JLD, Law Care, The (national) Law Society Pastoral Helpline plus of course SBA The Solicitors' Charity if all else fails) and a chapter on mentoring both formally at appraisal with the boss and informally within organisations such as our own. Also although the need to maintain work/life balance is addressed with tips on taking exercise and how to get enough sleep (eat mushroom elixirs) I would have liked to have seen advice on how to maintain that later on in the career once family responsibilities kick in. So hopefully there will be sequel.

** The time when far too many solicitors particularly women leave the profession.*

Written by **Christ Hughes**

Katherine Cousins was admitted in 2015 and practices EU law in the City of London. The subtitle of her book is "Get ahead of the game as a junior corporate lawyer" but in fact the advice applies across our profession in 2018 regardless of type of work, size of firm etc.

Solicitors PII

Access our exclusive

Portland facility

Make the right choice

Portland is an A-rated PII facility backed by Lloyds based participating insurers. It's a competitive alternative for firms who can demonstrate good risk management.

WHY ACCESS PORTLAND?

- COMPETITIVE PREMIUMS
- EMBEDDED RISK MANAGEMENT SUPPORT
- REWARDS FOR WELL RUN FIRMS
- EXPERIENCED TEAM SOLELY DEDICATED TO SUPPORTING LEGAL FIRMS THROUGH SOLICITORS INSURANCE AND RISK MANAGEMENT PROGRAMMES
- LEGALLY QUALIFIED IN-HOUSE SUPPORT



TITLE INSURANCE FOR COMMERCIAL PROPERTIES

Instant Cover Available Exclusively Online

Quotations in seconds, policies in minutes

Visit www.ctis-title.co.uk for more details



www.ctis-title.co.uk t: 01435 868855 e: underwriters@ctis-title.co.uk

CTIS is a trading name of GCS Ltd. GCS Ltd is authorised and regulated by the Financial Conduct Authority. Registered in England and Wales No. 3623950

Whatever your preference PIB Insurance Brokers can help you create the right blend of insurance and risk management to protect your business

For a free no obligation
consultation, contact us

- 0121 647 7401
- enquiries@pib-insurance.com
- pib-insurance.com
- Follow us



LEICESTERSHIRE LAW SOCIETY MEMBERSHIP PAGES

WELCOME TO THE LATEST MEMBERS PAGES

You will find this section in every edition of the magazine, to provide you with information about what is going on and what you get for your membership.

The Leicestershire Law Society (LLS) is a fantastic organisation, offering

great value to its members and we are very keen to make sure that we tell you about all the Society has to offer.

We are always looking to hear from members with any comments they have about their membership and particularly about any suggestions they have about how they feel the Society could be improved.



Daniel
O'Keeffe



Navdeep
Kainth



Gemma
Lewis

THE MEMBERSHIP TEAM

With Bushra Ali taking up the reigns as LLS President, the membership team is headed up by Daniel O'Keeffe of specialist clinical negligence firm Moosa-Duke Solicitors. Daniel is ably assisted by his colleagues Navdeep Kainth and Gemma Lewis, also from Moosa-Duke Solicitors.

If you have any queries or comments to make regarding membership, please contact Daniel O'Keeffe at dokeeffe@moosaduke.com



LATEST LLS EVENTS

Since our last edition, we had the wonderful LLS Awards Night/Annual Dinner, bringing to a close Jonathan Foster's presidential year. You can read further details about the event elsewhere in this edition of the magazine.



Fiona Harrison



Sharon Percival



Mehmooda Duke



Josiah Hicks

Congratulations to the following well deserved winners:

Solicitor of the Year:

Mehmooda Duke (Moosa- Duke Solicitors)

Junior Solicitor of the Year:

Fiona Harrison (Freeths LLP)

Chambers of the Year:

The 36 Group,

Trainee / Paralegal of the Year:

Sharon Percival (Emery Jonson Astills)

Large Law Firm of the Year:

Freeths LLP

Small Law Firm of the Year:

Josiah Hicks & Moss Solicitors

This award had joint winners as the judges could not separate the finalists



Moss Solicitors

CHECK OUT THE BRAND NEW JAM PACKED LLS CALENDAR OF EVENTS

Our very own Bushra Ali has recently been sworn in as the new LLS President and she has wasted no time in announcing a year packed full of fantastic events.

For many of the events, final dates and details are yet to be arranged, but the following list gives you a flavour of what we have in store over the next 12 months.

Please check out the LLS website and future editions of the membership page in the magazine for further information.

July 2018

- Women in Business and Law Tea Party
- Managing Partners Lunch
- New Members Event

August 2018

- Bake Off and Summer Fete - Charity Fundraiser
- Diversity in the Community Dinner

September 2018

- LLS Across the Professions Dinner

October 2018

- Regional Solicitors / Accountants Event
- Diversity Within the LLS

November 2018

• National Law Society Conference

We are very proud that the National Law Society Conference will be held in Leicester this year, when we will be welcoming local law societies from all over the country. The event will include an opening drinks ceremony, the main conference and then a black tie dinner.

December 2018

- Awareness of Elimination of Violence Against Women - panel discussion, Q & A and Drinks

• LLS Christmas Event

January 2019

- Civic Dinner
- Newly Qualified Event

February 2019

- Leicestershire's Got Talent - Charity Fundraiser

March 2019

- LLS Awards Shortlisting Event

April 2019

- LLS Annual Awards Dinner

May 2019

- Drinks Reception - Closure of Bushra Ali's Year as President

TYPES OF MEMBERSHIP

There are various different ways of becoming a member of the LLS. All members are entitled to attend our social and networking events and can take advantage of our membership benefits.

CORPORATE MEMBERSHIP

This is for firms of solicitors. You only pay for the Partners in the firm. Corporate membership covers all solicitors, trainees and paralegals in the firm, so it is a great way of enabling the whole firm to make use of LLS membership.

ASSOCIATE MEMBERSHIP

This is for Barristers' Chambers and covers all Barristers at the Chambers.

INDIVIDUAL MEMBERSHIP

Individuals can become members of the LLS. This is available for all current and former legal professionals.

GROUP MEMBERSHIP

This is for businesses that are not law firms but employ lawyers.

NEW MEMBERS



We are very happy to see that our membership is expanding with K4 Law becoming our latest corporate members.

K4 Law are a boutique company of lawyers located in the prestigious New Walk area of the city specializing in all matters business, property related (commercial and residential), dispute resolution and private client. K4 Law will celebrate their tenth anniversary later this year and have recently appointed solicitor Preeti Kumar to their board of directors.

We look forward to welcoming K4 Law to the LLS and seeing them at our many social events.

SPECIAL MEMBERSHIP **BENEFITS**

We are delighted to have secured some excellent deals with local businesses and the membership team are working hard to get even better value for our members. We have some fantastic new offers to advise you of in this edition.



Howzat!

In confirming the offers for LLS members, Justin Tose Deputy Chief Executive Officer of Leicestershire County Cricket Club was keen to express his enthusiasm for joining forces with LLS.

“Leicestershire County Cricket Club is delighted to be involved with the Leicestershire Law Society. We hope many Members can take advantage of our special ticket offers throughout the summer and we look forward to welcoming you to the Fischer County Ground very soon.”



Leicestershire County Cricket Club have the following range of offers for LLS Members:

- **Friday 6th July vs Durham Jets** (6.30pm start): Adults tickets £10 in advance (£20 on the day).
- **Sunday 8th July vs Notts Outlaws** (2.30pm start). All U16's entry for £1 in advance (£5 on the day).
- **Exclusive LLS T20 Premium hospitality offer**
Private suite with balcony, inclusive of food and drink (beers, wine and soft drinks).
Full Price £85 +vat per person (min of 8 people).
10% LLS discount for all 7 T20 fixtures.

- **Half Season Membership Ticket only £115**

To include:

- 3 x One-day tourist fixtures
- 1 x International match days
- 7 x T20 Blast fixtures
- Up to 16 days of County Championship Cricket.

The discounted tickets and hospitality package can be booked over the phone on 0116 283 2128 by confirming you are an LLS Member. The half season ticket will be available over the phone and on the website: leicestershireccc.co.uk

George's
HAIRDRESSING

#LondonRdHair

We are very pleased with ourselves in securing a fantastic new offer with George's Hairdressing and London Rd Hair.

Katie Katon, Managing Director, said on behalf of the salons:

“We're very excited to welcome members of the Leicestershire Law Society into our three George's salons and newest salon London Rd Hair with an exclusive offer!”

The LLS members offer is 50% off first cut & finish with 20% off further services!

Please remember to advise the salon you wish to use the LLS discount at the time of booking.

The offer applies to all 4 salons.

FULL LIST OF LLS MEMBERSHIP **BENEFITS:**

George's Hairdressing and London Rd Hair

50% off first cut & finish with 20% off further services.

George's Allandale Road: 0116 270 8882
George's Granby Street: 0116 253 8777
George's Oadby: 0116 271 7888
London Rd Hair: 0116 285 1699

George's
HAIRDRESSING

#LondonRdHair

Leicestershire County Cricket Club

0116 283 2128

leicestershireccc.co.uk

Various Discounts - see facing page



Civil and Commercial Costs Limited

10% discount on first invoice of first instruction (£500 maximum)
Contact Anil Virji on Tel: **0207 842 5953** and Anil.Virji@civilandcommercial.com



Jonstar Free initial energy review to all LLS member firms.

Plus £10 donation to Prost Aid, for each energy review.
Tel: **0116 2704 686** or email a recent bill for each meter to: info@jonstarenergybrokers.co.uk



Finance Lab Financial Planning Consultants,

1 Cradock Street Leicester LE5 3AW
Free initial consultation for all new clients



David Lloyd Sports Club Narborough.

14 day free trial membership for all LLS members and their families.



Carisbrooke Tennis Club

Kenwood Road, Knighton, Leicester LE2 3PF
Full Adult Membership £120 (reduced from £250)
contact membership secretary on: **07443 647 699**



The Belmont Hotel

– De Montfort Square
10% off food and drink orders and room rates
(contact [Lucy Hateley](mailto:Lucy.Hateley@belmont-hotel.co.uk) for a discount card)



Mumbai Inn

London Road
10% off total bill



Koyla

Charter Street
10 % off total bill
(minimum spend £25.00)



WATCH THIS SPACE

We hope to have more deals and discounts with local businesses every month. Please look out for the membership page in every edition of the magazine, where we will show you all the latest membership benefits.

THE LEICESTERSHIRE LAW SOCIETY AWARD WINNERS 2018

REPORTER CATHERINE LEONG

This year's event was held at the Athena venue and the theme was "The Greatest Show on Earth." The evening was a huge success and the event included acrobats and stilt walkers and all manner of circus style entertainment that was enjoyed by all who attended.

The Judges commented on how difficult it was again this year to separate the nominees and to be able to pick an outright winner. The standard of entrants each year gets higher and higher.

As competition in the category of 'Small Law Firm of the Year' was so tough, the Judges could not decide between two nominees, so the award for 'Small Law Firm' was a tie and both shared the honour.

Leicestershire Law Society wishes to congratulate all 2018 award winners.



JUNIOR SOLICITOR OF THE YEAR
Fiona Harrison, Freeths LLP

Sponsor: University of Leicester. Announced by François DuBois who said "The finalists were fantastic. Fiona's achievements stood out even in this impressive group."

Speaking to Fiona immediately following her award, Fiona said she was "...speechless, competition was very tough."



SOLICITOR OF THE YEAR
Mehmooda Duke, MDS

Sponsor: The 36 Group. Announced by William Harbage QC and Mary Prior QC

Speaking to Mehmooda after the award was presented she said - "This is amazing, I am thrilled and honoured."



TRAINEE/PARALEGAL OF THE YEAR
Sharon Percival

Sponsor: De Montfort University. Announced by Kevin Brampton

LLS Magazine spoke to Sharon following her award and she told reporter Catherine Leong, "I am feeling amazing, really grateful to bosses for opportunities being with them."



CHAMBERS OF THE YEAR
THE 36 GROUP

Sponsor: Finance Lab. Announced by Narendra Modha

Following the award The 36 Group said "we have a long association with Leicester and Leicestershire. We are Proud of our association going back decades helping the cause of justice in this county. We are proud to offer specialist services in civil, family and criminal. A tribute to all barristers who work hard for cause, the clerks and solicitors who brief us. Long may it continue."



LARGE LAW FIRM OF THE YEAR
FREETHS LLP

Sponsor: 2 New Street. Announced by Miss Sally Barnet and Miss Hannah Fountain

Mukesh Patel, Managing partner spoke to our reporter and said "I am delighted Freeths won. It is a great place to work and wonderful people who work in it. It wouldn't be as successful as it is without the support of its clients and friends in the professional community."

SMALL FIRM OF THE YEAR
JOINT WINNERS FOR 2018
Sponsor: KCH Garden Square
Announced by Jonathon Dee



JOSIAH HINCKS

A representative of Josiah Hincks spoke after the award and said- "We very proud of our team"



MOSS SOLICITORS

Tim Dunbar, Member spoke afterwards and said "Its nice that an out of town firm can be recognised for what we do."

WITH THANKS TO OUR SPONSORS:



LLS AWARDS DINNER 2018 PHOTO GALLERY



Imagine finding
the perfect school
for your children.

Where they are happy. Where there
is endless opportunity. Where they can
become their best selves, where nobody
is a nobody and where good manners
matter as much as good grades.

Don't just imagine. Discover.



THE
LOUGHBOROUGH
Schools Foundation

OPEN DAY: SAT 29 SEPT 09:00 - 13:00

CALL **01509 283700** VISIT www.lsf.org

One beautiful campus
One exceptional education

THE NURSERY
6 weeks - 4 years

FAIRFIELD PREP SCHOOL
Boys & Girls 3 - 11 years

THE AMHERST SCHOOL
Boys & Girls 4 - 18 years

THE GRAMMAR SCHOOL
Boys 10 - 18 years

THE HIGH SCHOOL
Girls 11 - 18 years

COUNCIL MEMBER'S REPORT JUNE 2018

Linda Lee has been Council Member for Leicestershire, Northamptonshire and Rutland since 2003. She is a past President of the Law Society of England and Wales and is a member of the Regulatory Affairs Board and of the Access to Justice Committee. She is current Chair of the Solicitors Assistance Scheme. Linda is an experienced litigation solicitor and is a Consultant at RaddiffesleBrasseur where she specialises in solicitors' disciplinary, compliance and regulatory work. She can be contacted by email at: lindakhlee@aol.com

SRA research on the impact of removal of the minimum salary, planned changes to the route to qualification. This month concentrates on impacts on the profession of the future.



For many years, the Law Society set a minimum salary for trainees, it was a regulatory requirement that firms paid this.

This was abolished by the Solicitors Regulation Authority (SRA) on 1 August 2014. With the removal of a regulatory minimum salary, firms are now required to pay no more than the national hourly minimum wage, although of course many do pay higher salaries. It has now published its Impact assessment of the deregulation of the prescribed SRA minimum salary for trainees.

At the time the minimum salary was abolished, concerns were expressed that this could impact adversely on those seeking to enter the profession particularly on those from disadvantaged backgrounds wishing to enter the profession. The Law Society was asked to publish a guideline salary which it does so each year based on the last figures published by the SRA and applying the inflation rate. The current recommendation is that providers of training contracts should pay their trainees £21,561 in London and £19,122 outside London. The new rate came into effect on 1 May 2018.

Now some 4 years after the minimum salary was abolished, the SRA has published its research on the impact of its removal.

The SRA analysed its data on 33,000 trainee solicitors, who started their training between January 2011 and December 2016. It also analysed the data of firms employing these trainees. It assessed the relationship between trainees' salary with the policy change, their diversity characteristics and firms who offer the training contracts. It also carried out online surveys aimed at employers, trainee solicitors and students, paralegals and others working in the legal sector, to seek their views on the impact, if any, of the removal of a prescribed minimum trainee salary

The research highlights the changing shape of the profession and the significant inequalities that exist for those entering the profession.

The SRA comment is limited to its decision to keep the status quo but nothing is revealed of any discussions the SRA Board may have had or its reaction to the data produced.

The data shows that in mid-November 2016 there were 10,604 trainee solicitors registered of which 62.3% were female and only 37.7% were male. The trainees making up 88.2% of the total were aged under 30 whilst just 3 were aged over 61. The majority of trainees, almost 93%, were based in private practice firms with only 3.7% of training contracts provided by commerce and industry.

Almost 40% of trainees were based in firms with more than 81 partners, 17% of trainees in firms with between 2 and 4 partners and 7% of training contracts were provided by sole practices - almost double the number provided by commercial entities.

Over half, 57% of all trainees were based in London, whilst there were just 2% in Wales, lower than the figure for the East Midlands where there were 309 trainees or 3.1% of the total trainees in 2016.

Since 2012 the number of training contracts in private practice has increased by 9% whilst the number of firms has increased by 2% in the same period which could indicate an overall increase in the number of training contracts offered. It is impossible to say whether this is due to the reduction in minimum salary.

In the East Midlands 163 firms are authorised to offer training contracts and 108 firms did in 2016. Only 55 firms did not.

When looking at the level of salary paid to trainees, half of the trainees received a starting salary up to £25,677, and the remaining half received more than £25,677.

Female trainees received a lower salary compared to male trainees. Overall trainees receive about £560 per annum less since the removal of the salary.

The average pay gap between different ethnic groups has reduced since the removal of the minimum salary which it is explained is driven by reductions in the salaries of white trainees. Black and Asian trainees earn less than white trainees. The explanation provided is that, 'the main reason for the gap appears to be differences in the type of firm where different ethnic groups work. Black and Asian trainees are more likely to work in firms that pay less, such as sole practices and firms specialising in criminal, litigation or real estate work. Firms who specialise in areas such as intellectual property or corporate law pay more.'

Interestingly, there has been a decrease in the number of trainees saying they think their salary is too low, from 55% in 2012 compared to 46% in 2016. The majority of trainees (75%) and firms (82%) felt that the change had not had an impact (either positive or negative).

The SRA has concluded that there is no need to revisit its decision to abolish the minimum salary based on this research.

The research also showed that trainees in City firms have increasingly high levels of salary which have increased the average salary to mask the real hardship that is undoubtedly faced by those trainees on the minimum wage who have significant debts to repay following their studies. The research is limited in the conclusions it can draw on the impact of the reduction of the minimum salary, stating:

'We concluded that a prescribed minimum salary may have artificially impacted on salaries for some groups of trainees. The picture is complex with many factors at play such as the characteristics and practices of firms, social factors and economic factors.'

The conclusions it draws for the reduction in average salary do not address what

Article continues on page 22.



EASY INTERNET SERVICES HAS EVOLVED

Eighteen years in the internet industry is a very long time, as a result, we often have come up with something new to stay ahead of our competitors. We were inspired to launch our NEW Pick & Mix service following an increase in the number of unique requests we were receiving for services that were separate from our existing dedicated packages.

We have created a one-stop shop for all your internet services starting at just £300 a month. Any digital services we don't provide (e.g. PR), it will be sourced via our wide network of contacts. In addition, we now offer a consultancy which allows you to tap into our vast knowledge which could easily save you thousands of pounds.

- Consultancy Work
- Content Creation
- Domain Registration
- SEO & SMM
- Web Design
- Web Hosting

0333 332 6396 | enquiries@easy-internet.co.uk
Studio 7, Phoenix Square, 7 Burton St, Leicester, LE1 1TB

10 ways to pursue a better investment experience

How your client's money is invested in the equity & bond markets is changing. Significant amounts of investment are moving away from traditional 'active management' (where fund managers select specific company shares with the hope of a price increase) to an empirical evidenced based investment approach. Some of the most effective research into this area comes from the organisation *Dimensional Fund Advisors*. Below find their list of 10 items that they believe you should consider to achieve a better investment experience:

1. Embrace Market Pricing

The market is an effective information-processing machine. Millions of participants buy and sell securities in the world markets every day, and the real-time information they bring helps set prices.

2. Don't Try to Outguess the Market

The market's pricing power works against investment fund managers who try to outperform through stock picking or market timing. As evidence, only 17% of US equity mutual funds and 18% of US fixed income (bond) mutual funds have survived and outperformed their benchmarks over the past 15 years.

3. Resist Chasing Past Performance

Some investors select funds based on past returns. However, research shows that most US mutual funds in the top quartile (25%) of previous five-year returns did not maintain a top quartile ranking for one-year returns in the following year. Past performance offers little insight into a fund's future returns.

4. Let Markets Work for You

The financial markets have rewarded long-term investors. People expect a positive return on the capital they supply, and historically, the equity and bond markets have provided growth of wealth that has more than offset inflation.

5. Consider the Drivers of Returns

Academic research has identified these equity and fixed income dimensions, which point to differences in expected returns.

Investors can pursue higher expected returns by structuring their portfolio around these dimensions.

6. Practice Smart Diversification

Diversification helps reduce risks that have no expected return, but diversifying within your home market is not enough. Global diversification can broaden your investment universe.

7. Avoid Market Timing

You never know which market segments will outperform from year to year. By holding a globally diversified portfolio, investors are well positioned to seek returns wherever they occur.

8. Manage Your Emotions

Many people struggle to separate their emotions from investing. Markets go up and down. Reacting to current market conditions may lead to making poor investment decisions.

9. Look beyond the Headlines

Daily market news and commentary can challenge your investment discipline. Some messages stir anxiety about the future while others tempt you to chase the latest investment fad.

When headlines unsettle you, consider the source and maintain a long-term perspective.

10. Focus on What You Can Control

Focus only on what you can control: your plans for your future; structuring an investment portfolio around the dimensions of return; diversify globally; manage expenses, turnover & taxes; discipline.

Please feel free to contact our office if your client requires further information on simplifying their investment strategy to meet their long-term lifestyle needs.



Rajesh Modha
BEng & BComm, CFP®
CHARTERED FINANCIAL
PLANNER

steps it will take to address the inequalities it revealed. It goes on to conclude, 'We do not plan to make changes to our approach in this area. It is still our view that salary levels should be set by market forces and the profession itself in the context of the law around the minimum wage and the living wage option.'

The profound concern relating to plans to change the way in which solicitors qualify has been noted but at this stage ignored by the SRA and the Legal Services Board (LSB)

The Legal Services Board received a number of letters including from the parliamentary Justice committee asking for a delay in permitting the SRA to continue its road to reform of the solicitors qualifying examination for introduction in 2020.

The LSB have given approval and under the new arrangements it is proposed that the four criteria for admission as a solicitor will be-

- passing a centralised assessment conducted by an assessment organisation appointed by the SRA
- holding a degree or qualification or experience that SRA is satisfied is equivalent to a degree
- completing work experience of two years duration with confirmation of that work

experience from the compliance officer for the legal practice or other solicitor who has experience of work done; and

- satisfying the SRA of character and suitability

At this stage the SRA has not finalised its plans for structure content and assessment methodology for the SQE and so they will need to make another application for approval at some stage in 2019.

The LSB concluded that there is no evidence to suggest that there will be a negative impact on the international competitiveness of the legal profession from the removal of the requirement for prescribed academic study of law. They noted but did not consider the residual risk sufficient to be a ground for refusing application when balanced against the positive aspects that the SRA was seeking to achieve through the changes.

Whilst there is little opposition to the introduction of a requirement for central assessment many doubts will remain until the SRA are able to detail the content and format of the qualifying exams examinations which must test the competencies that they have established for qualification.

In the absence of any prescribed law degree or Legal Practice Course (LPC) or

Graduate Diploma in Law (GDL) it seems doubtful that the SQE will prove accessible without some expense on the part of students in training courses. These will doubtless spring up and be unstructured in delivery. The quality of 'work experience' compared to the Training Contract also gives rise to doubts whether current standards will in reality be maintained.

The profession has changed over the last thirty years. In 1988 there were 66,380 solicitors compared to 187,961 in April of this year. It is impossible to guess how the profession will look in 30 years' time or even in ten years' time. No matter what stage of our career, we should all be concerned that the profession we worked so hard to join, should maintain the high standards we all aspire to and be fair and just for all members entering and remaining in the profession. If we do not, it is doubtful that solicitors will survive as a profession.

¹ www.sra.org.uk/sra/how-we-work/reports/minimum-salary-trainees.page

Linda Lee
Council Member
June 2018

Comprehensive and competitive cost drafting and assessment support services.

Since 2001 we have been providing law cost drafting, assessment support, consultancy and legal costs management services to Solicitors.

SPECIALISED
We specialise in drafting detailed bills, Legal Aid claims, Costs Budgets, Points of Dispute / Replies, conducting negotiations and provisional assessments, and advocacy at oral assessment hearings.

ACCURATE
When you instruct us you can expect to receive complete, accurate and professional documents that create a good first impression before a Judge, at a price proportionate to the costs involved.

QUALITY
Quality is our top priority, and we won't cut corners to achieve a quick turnaround. However, we will prioritise any work with a fixed deadline (e.g. Points of Dispute, Costs Budgets etc.) by prior arrangement.

WHY NOT CONTACT US TODAY?

Hawkins Law Cost Drafting
13A Hagley Road
Stourbridge
DY8 1QH

Phone: 01384 349766
DX: DX 710683 Stourbridge
E: paul@hawkinslawcost.co.uk

HALO CONSULTING

As managers, directors and business owners, with the exception of a call from HMRC, it's one of the things we dread the most – the early morning call from the office.

What could possibly have gone wrong now?

What if the factory burnt to the ground overnight – contact your insurance company and arrange for some emergency space elsewhere.

One of the delivery trucks has broken down in rush hour and is blocking 2 lanes of the M25 – contact the recovery firm and get the thing rolling again before the capital grinds to a permanent halt.

That brand new forklift has got a fork that doesn't – ring the maintenance company and get someone out, yesterday!

All in a day's work for the person driving the business onwards and upwards.

But what if it's you that suffers the breakdown?

Companies are very good at insuring themselves with a wide array of policies and contracts to cover property, vehicles and other assets, but what about their most important assets – their people.

In April 2007 Carter and Carter, an outsourced training services company based in Nottingham which counted Audi, BMW, Bentley and government organisations such as the Learning and Skills Council and the Department of Work and Pensions amongst its clients, employed 500 people and was worth in excess of £550m. Less than a month later, it's chief executive, Philip Carter, was killed in a helicopter accident as he returned home from watching a football game in Liverpool.

The company was plunged into turmoil and their shares, which had been trading at an all-time high of £12.75 the previous year, collapsed, losing the support of their banks until finally, with the price now at 82.5 p, the shares were suspended in October the same year and the administrators called in. By the end of the month the company was sold to Newcastle College for a fraction of its previous value.

But that couldn't happen to my company could it?

According to the most current analysis produced by Vitality Life, if you have 4 directors aged between 45-55, there is over a 40% chance that at least one of them will die before the normal retirement age. More alarming still, if you have eight directors with a similar age profile, that figure rises to over 65%.

The loss of such an influential person in the business can have a catastrophic effect on the company's ability to continue to operate and trade effectively. Research by Legal and General shows that 53% of businesses would cease trading in under a year if a key person died or became critically ill.

IS YOUR BUSINESS AT RISK? If a business loses a key member of staff



But what happens if the deceased director was also a major shareholder or had a significant Directors Loan account? According to the same research, 26% of companies were unaware that Directors Loans accounts must be repaid in full on the death of the director. Does the company have sufficient funds to enable the shareholders shares to be acquired from his/her estate in order to allow the remaining directors/shareholders to retain control of the company?

"But it's not all doom and gloom", according to Paul Bradley, director of specialist broker Halo Consulting. "Fortunately, it is possible to avoid these nightmare scenarios by putting business protection policies in place such as shareholder protection and keyman insurance. In the event such a catastrophic event, the company would receive an immediate injection of capital to provide support through these difficult times and even finance the share purchase to give much needed stability to the business. With 65% of businesses having some form of debt and the average borrowing being £176,000, much of this being subject to personal guarantees, such a cash injection can prove a valuable lifeline."



"The assessment of the fundamental risks faced by a business is one of the corporate responsibilities of the board but keyman and shareholder protection is often overlooked. The cost of mitigating these risks via insurance may appear to be an additional expense to the business, but the consequences of not doing so can be infinitely more costly."

For more information about shareholder protection, keyman and other employee benefits, please go to www.halo-consult.co.uk or ring Halo direct on 0116 366 6866.

halo consulting

- Private medical insurance
- Income protection
- Life insurance
- Keyman and shareholder protection
- Critical Illness insurance
- Dental insurance
- Employee Assistance Programs (EAPs)

We are independent specialists who can advise on all your health and protection needs. Whether you are an individual or a multi-national with offices worldwide – we can help.

0116 366 6866

enquiries@halo-consult.co.uk

www.halo-consult.co.uk



TRACKING STUDY INDICATES STEADY RISE IN LEGACY GIVING



09 APRIL 2018 – LONDON, UK – Over a quarter (27%) of charity donors are preparing to leave a charitable legacy or have already done so (up from 23% in March 2009), according to the latest consumer tracking figures from Remember A Charity. Only 9% reject the prospect of making a legacy donation, down from 13% when the consortium's tracking study began in 2009.

The research also indicates that awareness of legacies is growing, with just 12% of those surveyed saying they are unaware of the option of donating to charity through their Will (down from 17% in 2009).



Rob Cope, director of Remember A Charity, says: "Legacy behaviour and attitudes are really starting to change. While we are likely to see some fluctuation year-on-year, now with nine years of comparable data, we can see a sustained shift in public attitudes towards legacies. This echoes findings from *Legacy Foresight* and *Smeed and Ford*, showing longer-term growth in the number of gifts in wills and charities benefitting, as well as the amount given.

"Bearing in mind that only 6% of people that die currently leave a legacy, even a small percentage increase can make a big difference in terms of charitable returns."

The research, carried out by nfpSynergy, looks at the attitude and awareness to legacy giving among 1,000 UK charity donors aged 40+ on a scale ranging from rejection to action!

One in six (16%) of the over-40s questioned in 2017 say they have written a charity into their will (the second highest figure on record behind its peak of 17% in 2015) and 11% say they are preparing to do so (up from 7% in 2015 and 9% in 2016). A further 13% say they are contemplating it.

Cope adds: "It's an exciting time for the sector, but with more and more charities coming into the marketplace, there is even greater need for organisations to invest in this area of fundraising and ensure they can continue to rely on such a vital income stream."

For more information see Remember A Charity's new Impact Report.

MEDIA QUERIES:

Remember A Charity

Jenny Turner: jenny@turnerpr.co.uk

on 01932 859617/ 07940 472653

Lucinda Frostick: lucinda@turnerpr.co.uk

Stages of Change

The Stages of Change tracking study is carried out by nfpSynergy. Conducted via an online poll, the study collates the views of over 1,000 charity donors aged 40+.

¹ Six stages of change for legacy giving: active rejection, pre-contemplation (unaware), pre-contemplation (aware), contemplation, preparation and action.

The legacy of Amersham.

Will you remember the survivors?

In 2008, Redwings gave a home to over 60 survivors of the horrors of Spindle Farm, one of our largest rescues. Ten years later, 58 are still living at the Sanctuary – just like little donkey Esther. A gift in your Will can help us care for survivors like these for decades to come.

Please remember Redwings

Call 01508 481030 or email legacies@redwings.co.uk

rainbows hospice for children and young people

Remember Rainbows

You could help support Rainbows through donating your Unclaimed Client Balances or promoting gifts in wills. This support would mean so much to our children, young people and families who rely on Rainbows.

Get in touch:
Emily Wright
01509 638033
emily.wright@rainbows.co.uk

rainbows.co.uk/giftsinwills

Registered charity number: 1014051

Leicester Children's Hospital

AS PARENTS, WE DO EVERYTHING WE CAN TO CARE FOR OUR CHILDREN. BUT WHEN OUR CHILD IS REALLY ILL, THEY NEED EXPERT HELP.

THE LEICESTER CHILDREN'S HOSPITAL at Leicester Royal Infirmary sees around 350 children every single day. From emergency treatment to surgeries and long-term treatments for cancer, their families rely on us for care.

We are dependent on public support of our Children's Hospital Appeal to develop the Children's services at this site beyond what the NHS can provide alone.

A gift in your will – no matter the size – will directly contribute to securing a future of more effective and efficient healthcare for thousands of Leicestershire's children and their families into the future.

LEICESTER HOSPITALS CHARITY
Belgrave House, Leicester General Hospital
Gwendolen Road, Leicester, LE5 4PW
Tel: 0116 258 8709
www.lhcharity.org.uk/childrens-appeal/

LEICESTER HOSPITALS CHARITY
enhancing your hospitals



Dave's will

didn't just get him through the devastation of losing both legs and an arm in Afghanistan. It also helped him deal with challenges closer to home. He learned to walk again on prosthetic legs in just seven weeks.

Your Will

could provide the funding to help support people like Dave and their families when they need it most. **By leaving a legacy to ABF The Soldiers' Charity you can help us give something back to those who have given so much.**

Find out more about leaving a gift in your Will.
Call Nicholas Scarfield on **020 7811 3964**
or email legacies@soldierscharity.org

For Soldiers. For Veterans. For Families. For Life.

ABF The Soldiers' Charity is a registered charity in England and Wales (1144420) and Scotland (039189). Registered as a company limited by guarantee in England and Wales (07974609). Registered Office: Mountbarrow House, 12 Elizabeth Street, London SW1W 9RB.



BOOK REVIEW



Schemes of Arrangement in Corporate Restructuring. Second Edition
By Christian Pilkington

ISBN: 978 0 41405 695 4

SWEET & MAXWELL/
THOMSON REUTERS

www.sweetandmaxwell.co.uk

A DEFINITIVE TEXT ON CORPORATE RESTRUCTURING – NOW IN A NEW EDITION FROM SWEET & MAXWELL

An appreciation by *Elizabeth Robson Taylor* of *Richmond Green Chambers* and *Phillip Taylor MBE*, *Head of Chambers and Reviews Editor, "The Barrister"*

Commercial lawyers will welcome the recent publication by Sweet & Maxwell of a new second edition of this highly regarded text on corporate restructuring, a process often seen as one of the most sensible solutions available to those dealing with the problems of corporate debt.

Commonly called a 'scheme', (which refers to an English law scheme of arrangement) corporate restructuring is, in the words of author Christian Pilkington, "an established

www.leicestershirelawsociety.org.uk

tool of choice for those engaged in complex financial restructuring", especially in situations where creditors are cutting up rough, raising the roof, or being awkward, argumentative and impossible -- and therefore unable to reach a consensus as to the way forward.

It seems that since the economic downturn (which means disastrous economic crash) of 2008, corporate restructuring has been more commonly used, says Pilkington, not only for UK-based corporate entities, but also for those from overseas, provided they have the required 'sufficient connection' with England and/or Wales.

As the author further explains, such schemes have come to be generally regarded as more 'user friendly' and more efficient than local law alternatives. There is apparently a statistic which shows that in 2016 over 75% of scheme applicants were foreign companies which met the usual requirements.

But there are complications that arise here, primarily increased and more rigorous scrutiny by the courts on supporting evidence, for example, and other issues such as the identities of creditors

The biggest complication of all is Britain's planned exit from the European Union ("Brexit"), which puts into question the recognition of English schemes of arrangement by EU member states when

hitherto, such schemes were automatically recognized and enforced.

These and a host of other related issues are discussed in detail throughout this new edition, which includes leading cases in this area that have emerged since the previous edition of 2013. Then there are new chapters on different areas of law relating to schemes of arrangement, including those pertaining to listed companies, tax, capital markets, bond restructurings and more.

There is a new feature too, in the form of a further annex (in addition to the eight other annexes) which provides in tabular form a comparison of schemes across seven other jurisdictions. One is reminded here that in terms of procedure, a scheme of arrangement in the UK equates to Chapter 11 of the Bankruptcy Code in the United States of America. At the front of the book, there is a tabular summary containing a six-page listing of big corporates, many of them overseas, which in recent years have undergone pre- and post-restructuring debt.

Written with clarity, authority and style, this is a navigable, information-rich and easy to use work of reference on an often vexed and complicated subject. It should be considered a must-have purchase for every practitioner involved in this area of corporate law.

The law is stated as at 31 May 2017.

index if
PROPERTY INFORMATION

A different kind of search provider

Our clients tell us that we truly understand their challenges and needs, that's because we have local offices run by local people using local knowledge and expertise to provide the level of service that other providers simply cannot.

Our approach is practical and straight forward in that we agree more local knowledge leads to improved levels of service. This is enforced by an example of our recruitment policy so that our reports are proof read by an ex head of conveyancing with over thirty years' experience. Believe us when we say we know what makes the difference.

Index East Central
Unit 9 The Metro Centre
Welbeck Way
Peterborough, PE2 7UH

T: 01733 368600
E: eastcentral@indexpi.co.uk

www.indexpi.co.uk



St Martins Lodge

A haven of peace in the city

- Brand new luxury City Centre accommodation
- 28 elegant rooms many with a Cathedral view
 - Premium quality for business guests
 - Parking available on site
 - Opening October 2018

www.stmartinslodge.co.uk



St Martins House

Wedding & Conference Venue

- Grade II Listed building
- Dedicated team to help you plan your unique event
- Talented in-house catering team
- Proud to have hosted and catered for Her Majesty The Queen

0116 261 5200

www.stmartinshouse.com

5 WAYS TO IMPROVE YOUR PRACTICE'S TELECOMS

Having worked with solicitors' practices and law firms across the UK for over two decades, we often find that their current phone systems are outdated and no longer suit their clients' requirements. From a lack of call recording to inadequate CRM integration, we know how frustrating this can be and how important it is to keep you communicating with your clients as efficiently as possible.

At Network Telecom, we've pulled together 5 ways to improve your firm's telecoms, update your phone system and make sure that you are operating both productively and securely.

1. Integrate your phone with your CRM system

By integrating your phone system with your CRM system, you'll be able to see existing clients' details and notes pop-up on your desktop when they phone you. This allows you to begin the conversation accordingly, make calls more personal and easily dial directly from your desktop.

2. Utilise call recording

With call recording you can quickly replay conversations to ensure that you have

captured important details correctly, resolve any disputes and easily refer to any calls for clarification on a case. In addition, call recording enables you to monitor the performance of your staff and provide examples of phone etiquette for training purposes. Our systems are programmed to be GDPR compliant.

3. Opt for Call Management software

Our call management software allows you to see missed calls and return calls to increase appointments. Call management gives you a complete cradle-to-grave view of every internal and external call on your phone system. You can view historical reports or real-time activity within your practice and identify trends in calling patterns and performance to ensure you are capturing every opportunity to connect with your clients.

4. Out-of-hours preferences

Set up out-of-hours voicemail and call divers to increase meetings with clients trying to contact you when you're closed. Don't let missed calls mean missed appointments.

5. Direct calls with a virtual receptionist

Auto attendant can act as a virtual receptionist and direct client calls to the right extension and appropriate person. Make sure your clients and partners are reaching the right people and streamline your operations.

As one of the UK's leading independent business telecoms providers, Network Telecom can supply your firm with a complete 'one stop shop' telephony solution, including hardware, installation, maintenance, lines and calls and business enhancing applications, all wrapped up in one affordable, fixed monthly bill.

From hosted solutions to traditional phone systems, and broadband to business mobiles, we can help you improve your practice's communications and make sure that you are getting the best deal. With a dedicated account manager once you join, 24/7 maintenance and access to our in-house team of engineers, we're here to keep your business talking every step of the way.

To learn more about how we could help your firm and for an instant quote, call **01952 221 312** or visit www.networktelecom.co.uk.

NETWORK TELECOM
TRANSFORMING BUSINESS COMMUNICATIONS

A complete cutting edge phone system for your practice.

At Network Telecom we have a wealth of experience in helping clients to choose the right business telephone system for their needs

- + Business Telephone Systems
- + Hosted Voice
- + Mobile Convergence
- + Computer Telephony Integration (CTI)
- + Call Management & Reporting
- + Call Recording
- + Advertising on Hold
- + Professional Voicemail
- + Maintenance and Installation
- + Lines and Calls Packages

Designed to deliver real business benefits

To find out how we can transform your communications, get in touch today.
E: enquiries@networktelecom.co.uk | T: 0800 0976 543
www.networktelecom.co.uk

Business Telephony | Hosted Voice | Lines & Calls | Connectivity | Mobile | IT Services

IS THERE NO LIMIT TO THE POWERS OF MEDIATION?



A few days ago we saw the funeral of brave Alfie Evans, the terminally ill little boy of 23 months who died despite a campaign to have him treated in Italy, supported by no less an advocate than the Pope, and whose parents had taken his case right up to the

European Court of Human Rights. One cannot but be moved by such a tragic case.

Now, I'm just a humble chartered accountant and commercial mediator, and not a social campaigner; but even I recognise the heart-wrenching dilemma of parents who seize every chance of life for their beloved children.

The previous similar case was that of Charlie Gard¹ where, again, parents had to fight it out with the medical profession through the courts and where, again, they lost, and Charlie died. But the words of **The Hon Mr Justice Francis** in the High Court stage of that fight are illuminating, since they include a plea for mediation to be used even in a case such as this. The emphasis is mine:

(20) "Fourthly, I want to mention, again, the subject of mediation. Almost all family proceedings are now subject to compulsory court led dispute resolution hearings. This applies in disputed money cases, private law children cases and in all cases involving the welfare of children who might be the subject of care proceedings. I recognise, of course, that negotiating issues such as the life or death of a child seems impossible and often will be. However, **it is my clear view that mediation should be attempted in all cases such as this one even if all that it does is achieve a greater understanding by the parents of each other's positions.** Few users of the court system will be in a greater state of turmoil and grief than parents in the position that these parents have been in and anything which helps them to understand the process and the viewpoint of the other side, even if they profoundly disagree with it, would in my judgment be of benefit and I hope that some lessons can therefore be taken from this tragic case which it has been my duty to oversee."

¹ Great Ormond Street Hospital -v- Yates and Gard [2017] EWHC 1909 (Fam).

So his Lordship did not expect that mediation would necessarily achieve a bridging of such disparate views, but he saw great value in the understanding of different viewpoints which it could bring.

So too in the commercial cases which I often mediate. Very few of them fail to achieve a settlement but, even with the small number which don't see an end to the dispute on the day, there are advantages. There may be a settlement soon afterwards when the parties realised they were not so very far apart; what is learned at a mediation, although being without prejudice, can help to craft a persuasive Part 36 offer; and, even if all of that fails, you will have seen the whites of the enemy's eyes and counsel can plan their advocacy and cross-examination accordingly.

But the fact is that mediation, being so powerful, really can achieve a settlement in the most difficult circumstances. I always hold a joint meeting

at the start, even with parties who at first refuse to sit in the same room as their enemy; and it is surprising just how often such an unpromising start does lead on to settlement. And why not? Where, as so often is the case, the future legal costs to trial are likely to be more than the claimed amount, what possible sense can there be in fighting on?

Going back to heart-breaking medical cases, another infamous case – which again featured Alder Hey Children's Hospital – was that where a consultant had been retaining the organs of deceased children "for research" without their parents' permission, so that hundreds of parents had buried their children without knowing that they were incomplete. That most heart-wrenching case went to mediation.

Now, it is often said that the parents and other relatives of loved ones who had received negligent medical care want, above all else, two things: an apology, and assurance that others will not suffer in the same way.

The Alder Hey mediation achieved those things. The hospital apologised – something which in litigation could have been construed as an admission of liability. The offending consultant had long since left, and procedures were put in place to retain children's organs for research or organ donor purposes only after the parents' informed consent had been given. And then, at the hospital's expense, a peace garden was established, in memory of all those little children who were with the angels but in incomplete bodies.

Mediation is a wonderful process. If there really is a limit to its power, I haven't found it yet.

Biog:

Chris Makin was one of the first 30 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness. He is also an accredited civil & commercial mediator and an accredited expert determiner. He has given expert evidence at least 100 times and worked on a vast range of cases over the last 30 years. For CV, war stories and much more, go to his newly relaunched www.chrismakin.co.uk - with videos!

ELIZABETH J. SOILLEUX
MA, MB, BChir, PhD, FRCPath
CONSULTANT PATHOLOGIST

Experienced Cambridge and Oxford-trained consultant pathologist with particular interests in haematopathology (lymphomas, leukaemias), cardiovascular pathology & autopsy pathology.

Expert Witness Certificate (Civil Law), Bond Solon / Cardiff University

- Biopsy Pathology (esp Lymphoma & Leukaemia)
- Autopsy Pathology (esp Cardiovascular Pathology)
- Professional Conduct (GMC work undertaken)

Department of Pathology, Cambridge University / Addenbrookes Hospital, Cambridge

Tel: 07798 643879 Email: lizsoilleux@gmail.com
www.expertwitnesspathologist.co.uk

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 FCMJ FAE QDR MCIArb
Call for a **FREE** initial discussion without obligation
01924 495888 or **07887 660072**
www.chrismakin.co.uk

DICKINSON & RABBITTE

LAW COSTS DRAFTSMEN

WE ARE A LOCAL FIRM ESTABLISHED FOR 25 YEARS. WE SPECIALISE IN ALL TYPES OF COSTS TO INCLUDE THE FOLLOWING:

- Electronic Bill of Costs (for all multi track cases post 06 April 2018)
- Paper Bills of Costs - between the parties / Legal Aid
- CLS Claim forms / CCMS
- High Cost Case Plans
- Court of Protection Bills
- Points of Dispute / Replies
- Negotiations
- Attending Detailed Assessment hearings

Please have a look at our website on www.dickinsonandrabbitte.co.uk for further information. Alternatively contact admin@dickinsonandrabbitte.co.uk for details of our introductory offer for new clients.

40 A Gordon road, West Bridgford, Nottingham NG2 5LN

Tel: 0115 9826394
DX 719925 West Bridgford

Legal Indemnity Insurance

INSTANT COVER

WHEN YOU NEED IT

Our 'Instant Issue' Legal Indemnity Insurance remains the quickest and easiest way to cover your clients' title needs.

No cover notes, no referral, and no delay.

Visit our website www.gcs-title.co.uk for more details

Comprehensive cover for Residential and Commercial properties

GUARANTEED CONVEYANCING SOLUTIONS

www.gcs-title.co.uk
01435 868050
underwriters@gcs-title.co.uk

Online
PACK Bespoke

Guaranteed Conveyancing Solutions Limited is authorised and regulated by the Financial Conduct Authority. Registered in England and Wales No. 3623960

Legal Indemnity Insurance

The new-generation CON29DW from Geodesys

The Law Society CON29DW

With the abundance of conveyancing reports on the market, it's good to know that the Law Society introduced the CON29DW in 2002 to promote a consistent approach to property-specific drainage and water information.

With 23 questions and two accurate Ordnance Survey maps showing assets and pipes, it ensures that property buyers get a consistent and thorough drainage and water search regardless of where the property is located in the country.

This standardisation of property information is very much in line with the Government's current proposals for improving the homebuying process as it helps to reduce uncertainty and unnecessary delays.

CON29DW
DRAINAGE AND WATER ENQUIRY

What makes the CON29DW unique?

When speaking to clients we find that the CON29DW is usually the drainage and water search of choice. It is the **ONLY** search that:

- includes answers to **ALL** 23 Law Society copyrighted questions on drainage and water
- includes **TWO** separate maps to illustrate the position of both drainage and water assets
- does **NOT** infer or insure against answers to Law Society questions
- does **NOT** refer customers to a different source of information
- provides **FULL** protection to residential property buyers
- provides effective **REDRESS** for homebuyers in the case of incorrect information

Our new-generation CON29DW

Despite the thoroughness of the report, the Geodesys team is constantly speaking to homebuyers who have not understood the implications of identified drainage and water issues. Bearing this in mind, we set ourselves a challenge of ensuring that Geodesys' version of the CON29DW offers the best possible information and explanation to conveyancers and buyers. We come across examples every day where a property's value and enjoyment have been affected by related issues – so we felt it was important to paint a picture of why this could be the case.

The redesigned CON29DW provides this information upfront, ensuring that the homebuyer is empowered either to proceed with confidence or to make further enquiries of the seller. As a result, it's much less likely that a deal-breaking issue will emerge later in the process.

The new-generation CON29DW from Geodesys is now live!

For more information and to arrange a product presentation, please contact:

Kay Toon
Account Manager
07764 987 259.



CON29DW – about to make the conveyancer's job even easier

The redesigned CON29DW from Geodesys launched this April with the following key features:

- a **new crystal-clear front-page customer dashboard** highlighting information on key questions
- **clearer identification of potential issues** on the dashboard
- **easy-to-use interactive navigation** so it's easy for users to retrieve relevant information from the details in the report
- two formats: **interactive PDF** and usual **print format**
- **improved information** on drainage and water legislation
- an **updated 'plain English' guide** explaining how specific issues could affect value and further development
- a **new design** created by industry experts

 **GEODESYS**
Land and property information

Geodesys. About to get even better.

www.geodesys.com





EVIDENCE MATTERS

**24 Hour
Nationwide
Service**

Digital Forensics & Cell Site Analysis

Defence Specialists in Child Pornography,
Terrorism and Fraud

Computer Forensics

Cell Site Analysis

SatNav Forensics

Data Recovery &

Mobile Phone Forensics

Preservation

E-Discovery &
E-Disclosure

Chip-off Forensics

CCTV analysis

Social Media Analysis



0330 660 0052 or 07921 579910

sarah@evidence-matters.com

www.evidence-matters.com



LEAP REACHES 10,000 UK USERS

LEAP is celebrating 10,000 UK users of its cloud-based practice management solution. Since the first law firm signed up to the software in November 2014 more than 1,700 law firms have adopted it and benefitted from LEAP's innovative features, efficiency tools and world class customer service.

Since January 2017 user numbers of LEAP have doubled and this rapid growth has been largely attributed to the versatility of the software and the efficiency it brings the end-user. Fee-earners are able to access a comprehensive library of up-to-date and highly automated legal forms and precedents, can manage and access their matters from anywhere, from any device, and can time record and manage their billing and client accounting with ease and accuracy.

Peter Baverstock, CEO of LEAP UK, commented "It is fantastic to see each month our user numbers growing. I believe what makes LEAP so attractive is not only our ongoing commitment to research, innovation and development, but the value that LEAP represents to both existing and prospective clients. Software excellence is what our client base have come to expect and it is our enhancements to both product and service

that helps to grow their practices. Since January 2017 nearly a fifth of the new licences issued were additional licences to existing clients looking to scale-up their law firm which is unbelievable."

"Our statistics show lawyers using their mobile device to help manage matters has more than doubled, and over 100,000 legal documents were shared in June - via LEAP's integration with the secure document sharing system LawConnect compared to 30,000 in 2017. This proves that our focused development is making a difference to those most important to us, our clients."

LEAP's executive chairman Richard Hugo-Hamman added "When we first came to the UK we were already well established in Australia with an outstanding product. It was important that our entry strategy to the UK market was right. Four and a half years on, I could not have dreamed that today there would be ten thousand lawyers across the UK using LEAP. I am incredibly pleased with the impact that LEAP is having, clearly there is a requirement in the market for the software and we look forward to helping many more small to mid-sized law firms for many years to come."

HOW ARE YOU, REALLY?

Mental Health Awareness Week takes place 14-20 May
this year in the UK and this year focuses on stress.

LawCare
Supporting the Legal Community

At LawCare we know that life in the law can be challenging and sometimes things can get on top of you. We also know that people often don't notice the signs of stress, some of which are:

- Sleep deprivation: This is a vicious circle: worries about work lead to lack of sleep, which makes it difficult to perform well at work
- Physical changes: Headaches, skin complaints, frequent colds, aching muscles and digestive problems
- Drinking and smoking: Many turn to drinking and smoking to cope with the demands of work
- Eating: Comfort eating or skipping meals
- Mood swings: People can become irritated and frustrated, get very angry one minute and feel fine the next. They can be short-tempered or difficult
- Panic attacks: These can happen suddenly, for no clear reason. It can mean feeling sick, short of breath, shaking, sweating and experiencing a sense of unreality

Chronic stress increases the risk of addictive and damaging behaviour, of developing anxiety, depression and other mental and physical health problems. If you are feeling stressed and want to talk give us a call today.

We've been supporting all branches of the legal profession for 20 years: solicitors, barristers, barrister's clerks, judges, legal executives, paralegals, trade mark attorneys, patent agents, costs lawyers, and their staff and families. Our confidential helpline is answered by trained staff and volunteers who have first-hand experience of working in the law. We offer a safe place to talk without judgment.

Last year we responded to nearly 900 calls, with half of those calling citing stress and depression as the reason.

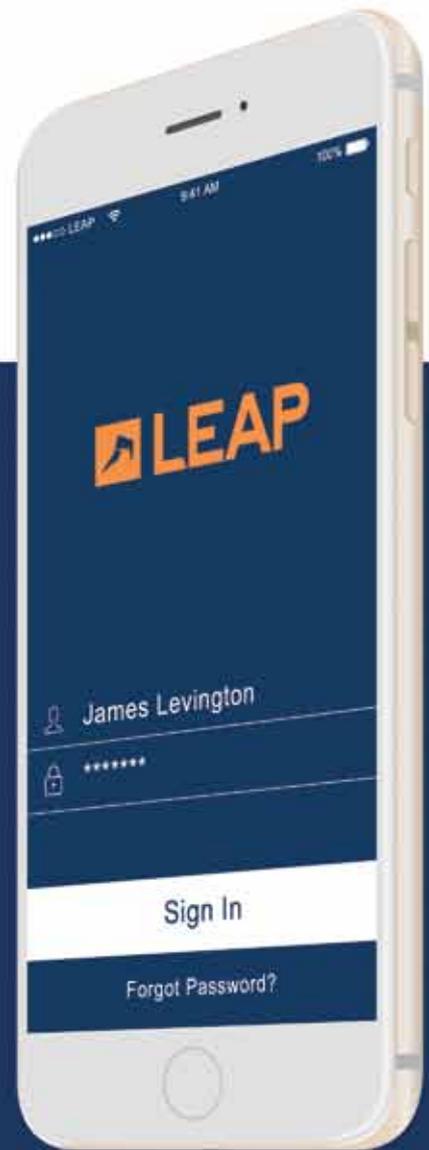
As well our helpline, we offer one-on-one peer support. If needed we can match you with one of our dedicated team of over 100 supporters who will help you work through your problems over a period of weeks or months.

Call our helpline on **0800 279 6888**, 365 days a year. We're open 9am - 7.30pm weekdays and 10am - 4pm weekends and Bank Holidays.

Additional information, resources and factsheets are available at www.lawcare.org.uk



More than a practice
management solution



Access cutting-edge
technology



+4000 fully integrated, automated
legal forms and precedents



Integrate with leading
legal tech providers



Benefit from our commitment
to innovation



Receive world-class
customer care

Everything you need
to run a law firm

To find out more, visit: leap.co.uk