

# Leicestershire Law Society magazine

*Welcome*  
to 2019

THE NATIONAL  
LOCAL LAW  
SOCIETIES  
AWARDS

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TO INTERNET

PAGE 10

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## CONTENTS WINTER 2018/19

### CONTENTS

- |    |                            |    |   |
|----|----------------------------|----|---|
| 4  | Editor's Intro             | 16 | Council Member's Report                     |
| 6  | President's Report         | 18 | The National Local Law Societies Conference |
| 8  | Bray & Bray Celebrations   | 20 | Membership pages                            |
| 9  | Net Nerd                   | 23 | What is the dispute <i>really</i> about?    |
| 10 | From Parchment to Internet | 24 | EWI Conference Review                       |
| 11 | LLS Awards 2018 Results    | 29 | Sourcing Care in rural areas                |
| 12 | The Zinthiya Trust         | 30 | Free Wills and Charities                    |
| 13 | Trans Update               | 32 | The Open Spaces Society                     |
| 13 | Book Review                | 34 | Quill's investment in interactive documents |
| 14 | Pulled Both Ways           |    |   |
| 15 | Ladies That Do             |    |   |

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# EDITOR'S INTRO



Welcome to the Winter Edition 2018/19 of the magazine. As you will see this edition is packed with articles from the legal profession and all well worth a read.

The Society hosted for the first time in its history the National Local Law Societies Conference and the event was held at the Richard III Exhibition and photos of the event are contained in the Magazine. The event was very well supported and enjoyed by all that attended.

We have included a Spotlight on one of the Presidents chosen charities to show the work they are doing and why the President is raising funds for them.

The Members pages are as usual packed with members information and discounts and promotions available to members. Do take a look and take advantage of the promotions being offered to LLS Members.

It is a very busy edition and therefore on behalf of the LLS I would like to take this opportunity to wish all LLS Members and Readers a very happy 2019.

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

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# PRESIDENT'S REPORT



Dear Readers!

To serve as President of the Leicestershire Law Society is an absolute honour, but the last 3 months have been so precious that I will take very dear memories away with me when I complete my time in Office.

I had expected this time in Office to be very special but I don't think I realised how special it would be.

Since the last edition of this wonderful magazine, it has been non-stop. If you ever have the opportunity of becoming more actively involved in the Society, joining the committee or becoming an ex-officio member, grab the opportunity with both hands as you do not know how lucky you are! It is what you will make of it, and I am so proud to be President of this Society.

So, what have I been up to since the last edition?

If you attended the AGM or read the earlier pieces in the previous editions you will be aware that two of my aims during my time in Office were to celebrate the diversity we have within our community as well as our profession and to raise the profile of the Leicestershire Law Society.

In October 2018 I hosted our LLS Diversity in the Community Dinner at The City Rooms. We believe this was the first sold out LLS event in the modern era of LLS. So not only was the event well attended but it was so well received. The entertainment touched the hearts of attendees as every performer was from within our community, given a platform to showcase their talent ranging from 9-year old Angel Findley performing Thai Classical Dance, 11-year old Neve Modha singing like an angel, Rishii Chowdhury (an LLS trainee solicitor) performing table and Amit Chandrasingh playing the piano delightfully. During the night we also raised considerable funds for our two nominated charities. What was truly touching from the evening was that the LLS brought various sectors of the community together, demonstrating that without definition of borders, colours, sects and divisions, we are an amazing community that come together and have so much to celebrate.

This has been a memorable year for LLS for many reasons. Once of them being that for the first time in the 158 years history of LLS, we hosted the National Local Law Societies Conference. Each year the National Local Law Societies Conference is hosted by a different City and Leicestershire won the bid on the last occasion and hence we hosted for the first time! On 16 November we held the opening drinks ceremony at Richard III Visitors Centre, on 17 November we had the all-day conference at St Martins House and the Grand Dinner bringing the amazing event to an end that evening in The Grand Hall.

We were honoured to host this prestigious event, with Presidents and representatives of various Societies present including Kent, Surrey, Isle of Wight, Cardiff, Cheshire and North Wales, Hampshire, Monmouthshire, London and many more. To have Christina Blacklaws, President of The Law Society, Chancery Lane was a true honour. Our guest speaker, District Judge Afzal was so funny, touching the hearts of those at the dinner, but gave a very important message about diversity, creating opportunities and achieving anything if you put your mind to it.

It is hard for me to think my time in Office could get any better than this, but then I am reminded I still have almost another 6 months in Office and there are

some big events yet to come!

Dates for your diary include 17.12.18 for a seminar on SRA changes re pricing and transparency, 16.01.19 Seminar on effective supervision and risk management, 25.01.19 our annual Civic Dinner which is a closed invite only event, shortlisting in February 2019 of our Awards, 08.03.19 Part Presidents and Newly Qualified Celebration and last but not least our Annual Awards Dinner set for 26.04.19.

Our Annual Awards this year promises to be a real treat! We have more categories than ever including Solicitor, Junior, Trainee/ Paralegal, Legal Executive, Small Firm, Large Firm, Barrister, Chambers, Support Staff and the President's Choice. If you have not already nominated then hurry up because the deadline is 01.01.19.

Do enjoy this edition of the magazine, I promise it is a great one. I look forward to seeing you all at another great LLS event very soon!

Bushra Ali

President LLS



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### Leicestershire Law Society Patronage

We have been working with the Leicestershire Law Society to benefit the membership so please join us at our next seminar which will be held in January 2019. Colin Taylor, partner at JLT Specialty, will be discussing how to navigate risk in the current business environment and tips for managing your PII policy and we would recommend this for COLP's, COFA's Practice Managers and Sole Practitioners. Colin has nearly 30 years' experience in the PII market with a strong focus on risk management requirements for law firms.

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# BRAY & BRAY SOLICITORS HOLD CELEBRATION TO MARK 125 YEARS OF LEGAL PRACTICE IN LEICESTERSHIRE



**Bray & Bray, one of Leicestershire's largest and longest established law firms hosted a reception for over 85 clients and affiliates this week to celebrate 125 years practising law in Leicestershire and across the East Midlands.**

The celebration was held on Wednesday 21st November in the firm's Chapel Building at their Spa Place head office in Leicester. Guests were treated to a drinks reception, hors d'oeuvres and a four course dinner created by Kristian and his team at Mrs Bridges Catering with wines selected and introduced by well-known local vintner Duncan Murray.

Bray & Bray's Senior Partner **Tim Gladdle** was delighted with the way the event went saying: "Practising law so successfully across the region for 125 years is quite an achievement and we wanted to mark the occasion in style by thanking those who have supported Bray & Bray throughout the years. The evening was a great success, with Duncan's terrific wine selection complementing the food and contributing to the celebratory atmosphere!"

Leicester's Bishop Street was the site of Bray & Bray's first office when it was founded in 1893 by solicitor Harry Bray. The firm then rapidly expanded into larger offices on Welford Road just four years later in 1897. The firm's main base of operations is now at Spa Place on Humberstone Road in Leicester and the firm also has offices at Market Harborough and Hinckley.

Reflecting on the changes in legal practice, Senior Partner Tim Gladdle commented: "In 125 years of practice, we have seen some significant changes in the legal profession in terms of training to enter the profession, commercialisation and online technology," he explains. "However, the law is a complex and highly specialised area and there is no substitute for knowledge, expertise, experience and

*personal partner led service which is one of the reasons why Bray & Bray continues to go from strength to strength after 125 years."*

Having started from a small office with a handful of employees, Bray & Bray now has four sites across Leicestershire: two in Leicester city centre, as well as offices in Market Harborough and Hinckley. The firm now comprises over 100 people including 10 partners specialising in a wide range of legal services including Corporate, Commercial Real Estate, Residential Real Estate, Wills, Trusts, Probate and Tax, Dispute Resolution, Business and Employment Law, Family Law, Personal Injury and Business Defence.

Having carried out significant Corporate and Private Client work over the last 2 years in the area, the firm will be opening new offices in Corby in the New Year to serve the expanding business and private client needs in that area signalling the firm's continued expansion.

*"Despite the challenge of people using online legal services and consolidation in the profession, Bray & Bray remains independent and continues to grow and thrive with a wide portfolio of clients across a wide range of disciplines," adds Tim. "People will always need the expertise that personal service and a face to face relationship with their solicitor provides. We look forward to continuing to provide the highest levels of service to the people and businesses of the Midlands and beyond for many more years to come."*



# LOCAL DIGITAL COMPANY TO COMPETE WITH INTERNET GIANTS

Easy Internet Solutions have just launched their new, superfast web hosting service at the end of last month.



**The Leicester based company's new service is called NetNerd and uses cutting edge, cloud-based technology to offer top-level security and scalability.**

The current web hosting service, Free Virtual Servers (FVS) pioneered free, unlimited hosting when it launched in 2003. Clients paid only for their domain and received extras such as email and databases for free. An untested business model at first, FVS now has tens of

thousands of customers from all over the world and two offices in the UK.

Mark Esho, founder and director, said: "We are so excited to be taking our services to the next level. I took many risks with each of my companies, but I was confident that what I offered had value. It's great to see those gambles pay off and to be still innovating today."

The increased reliability brought by cloud storage is expected to make NetNerd popular with businesses, especially as the price is much less than that offered for similar web services by massive companies like Amazon EC2. Customers can also benefit from 24/7/365 customer support via telephone as standard.

Mark, who documented his entrepreneurial journey in a best-selling autobiography, 'I Can. I Will.', added: "The internet is always changing, and we see that as an opportunity. I started the hosting business in a moment of madness, but I am pleased to say we have retained many of the clients who joined us all that time ago."

In the future, NetNerd will look to add extra cloud features through a self-service portal. NetNerd aims to be the largest, fastest, and lowest cost cloud service provider and domain registrar in Europe.

*For more details contact sarah@ei.uk.com or call on 0333 222 4080 www.NetNerd.com*

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## FROM PARCHMENT TO INTERNET

*Cautionary tales of Social Media*

NEW STREET CHAMBERS



**"Social media" did not exist when I first started out in practice at the Bar but then again there was no internet or email.**

**Communication was by**

**post or telephone and later also by Fax (usually used for emergencies). Fast forward to today and the communication landscape has changed dramatically, amongst which there now a vast number of social media platforms which exist to share news, ideas and opinions.**

You may be surprised to read that the Supreme Court has an Instagram account. The Law Society, local and national, solicitors, barristers, chambers, HMCT to name a few, all use social media to engage with their audiences in an instant. Our professional bodies regularly give us wise advice about "netiquette" as well as all the benefits of joining in.

However, there have also been a number of reported cases on matters of privacy and data protection in the last year or so which have shown that small, seemingly innocent at the time, actions on social media can have big consequences.

I shall start with the "extraordinary and sad case" of *Higinbotham v Teekhungham and Perry* 2018 EWHC 1880 (QB). The Claimant H brought a claim against T and P for breach of confidentiality and misuse of private information arising from the creation by T and P of a Facebook profile with himself as the Profile picture.

The rather bizarre facts are these:

H lived in the US and was already married when he met T in Thailand. He professed his love for T, gave her an engagement ring and the pair continued a part time relationship for some years on the pretext of H going abroad on business. T gave H an ultimatum and said he had to make a choice. H said he could not bear to lose T and wanted to prove his commitment with a Thai wedding ceremony.

This they did but it was not a legal marriage. However it was a grand affair and certainly not private. One photo of the event showed the couple standing in front of an 8ft sign bearing the large inscription

'Love Forever' over their two names. Prior to the 'wedding' H had met T's parents and provided a dowry of gold, a diamond ring and a credit card.

T then underwent IVF treatment which was ultimately successful and she gave birth to triplet sons causing a media stir in Thailand. T and the children featured in the news.

T later sent an email to H saying she was thinking of moving to Europe whereupon H replied "Thank you for your thoughts and thoughtful expressions....I may need some time to develop concrete answers to all your questions"

The relationship broke down apparently because H discovered T was in a relationship with P.

H's lawful wife brought "ambitious" proceedings in Thailand to recover monies paid to T over the years seeking damages to her reputation and the sum of £2,000,000 for the "humiliation". This claim failed.

T then enforced a Child Support Order in the US despite an aggressive challenge by H who disputed paternity. The US proceedings attracted publicity including a headline in the Chicago Daily Bulletin. During these proceedings T created a Facebook profile she said to keep a record of the children's life, the family and their father- an electronic scrapbook. H contended the Profile was designed to appear as a Profile of him and the posting of it became the subject of this case.

In these proceedings H contended that his relationship with T was on "the express understanding that their relationship would at all times be kept secret from H's family" most notably his wife, and also friends and business associates.

H said the publication of the Profile Picture which showed H sitting with T and the triplets was a breach of confidentiality or a misuse of private information. In the lower court whilst dismissing the claim as an abuse of process on other grounds, on the issue of privacy H was said to have an arguable case. The misuse of public information could not, it was said, found a claim but what is public in Thailand was not public in the part of the

world that mattered to H. H appealed against the decision to strike out his claim.

The appeal failed.

The court found that "most rational people would recognise the chance of keeping secret the existence of a secret 'wife' and three children was slim to non-existent"

The case is striking for its facts. In an act of mischief a picture of H and the children was posted as a Profile Picture on Facebook and monumental costs were incurred in doomed litigation drawing yet more publicity to all involved.

Another case reported this year is *BNC v The Irish News* 2018 NIQB41

BNC sought relief against the Defendant arising from the publication in its newspapers and online editions in April 2017 of a photo/digital image (The Image) taken on the iPhone of BNC in 2015 and posted on her Facebook page on or before 20.4.2017.

The Image appeared in an article under the headline "Boxer's mother accused of bringing drugs into jail", the article being of a bail hearing relating to an allegation BNC had supplied drugs to her son in jail. BNC pleaded guilty.

The court considered whether the uploading of the image to Facebook allowed use of it. Under the terms of use "the owner of the copyright specifically gives Facebook permission subject to privacy settings to a nonexclusive transferable, royalty free worldwide license to use any IT content you post in connection with Facebook."

The claim failed.

I anticipate that this type of litigation will continue in the advancing development of data protection and privacy. It is interesting that the first case above arises from the affairs of the heart- a broken relationship, revenge and the fallout from a single post on Facebook. The only warning you need of the unwanted consequences which can flow from what you say or do on social media!

**Sally Barnett**

2 New Street Barristers Chambers  
Leicester



# LEICESTERSHIRE LAW SOCIETY AWARDS 2018

## round-up

### CATEGORIES

- Senior Solicitor of the year 2019/20
- Junior Solicitor of the year 2019/20
- Paralegal of the year 2019/20
- Legal Executive of the year 2019/20
- Barrister of the year 2019/20
- Large Law firm of the year 2019/20
- Small Law firm of the year 2019/20
- Chambers of the year 2019/20
- Support Staff of the year 2019/20

FOR FULL DETAILS AND ENTRY FORMS GO TO THE LEICESTERSHIRE LAW SOCIETY WEBSITE [www.leicestershirelawsociety.org.uk](http://www.leicestershirelawsociety.org.uk) OR BY TELEPHONE 07929 150597

### 2018 LLS AWARD WINNERS

#### SOLICITOR OF THE YEAR

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WINNER: MEHMOODA DUKE  
MOOSA DUKE SOLICITORS

#### JUNIOR SOLICITOR OF THE YEAR

SPONSOR: UNIVERSITY OF LEICESTER  
WINNER: FIONA HARRISON  
FREETHS LLP

#### CHAMBERS OF THE YEAR

SPONSOR: FINANCE LAB  
WINNER: THE 36 GROUP

#### TRAINEE/PARALEGAL OF THE YEAR

SPONSOR: DE MONTFORT UNIVERSITY  
WINNER: SHARON PERCIVAL  
EMERY JOHNSON ASTILL SOLICITORS

#### LARGE LAW FIRM OF THE YEAR

SPONSOR 2 NEW ST CHAMBERS  
WINNER: FREETHS LLP

#### SMALL LAW FIRM OF THE YEAR

SPONSOR: KCH GARDEN SQUARE.

JOINT WINNERS.

JOSIAH HINCKS SOLICITORS  
& MOSS SOLICITORS



# THE ZINTHIYA TRUST



**The Zinthiya Trust is a registered charity which launched in 2009 with the aim of alleviating abuse and poverty which are two major issues affecting the residents of Leicester. There are high levels of deprivation with over 40% of children living in a household in poverty despite 60% being working households and very low social mobility, if you are born poor in Leicester the likelihood is that you will remain poor. Women and Girls are at risk of violence and many are struggling with the impact of historic abuse. This is a particular issue amongst the black, ethnic minor who are less likely to access mainstream support service or report abuse.**

Their activities include information, advice and guidance regarding domestic abuse, honour-based violence, FGM, money, debt, benefits, energy, and housing. They provide a counselling service for women, events and activities to raise awareness about abuse and empower women. In the past three years they have successfully applied for grants for individuals totalling £445,000, supported 1,141 people with debt issues - getting over £1 million's worth of problem debt written off and undertaken almost 2,000 benefit checks resulting in annual gains in income for beneficiaries by claiming eligible benefits of over £5 million, which in turn boosts the local economy.

Beneficiaries are at the heart of their work with 89% of their income in 2017 directly spent of charitable work not overheads. They have a particular skill of working with the most vulnerable in society who have never or

struggled to access mainstream services. Their success in helping people transform their lives is largely due to them supplementing the advice and guidance work with more practical measures. This includes the launch of the Leicester Community Shop on Town Hall Square, Leicester, selling food and household items from 10p to help peoples household budgets stretch further, a school uniform fund to help families struggling to afford uniform for their children and All Things Baby project providing essential baby items to struggling parents to ensure the best possible start for the child. In addition, as a way of supporting people into work they operate a community café, The Chapel Café in Bishop Street, Leicester. As well as acting as a vehicle to boost employability skills the café creates a warm friendly place for people struggling with



loneliness and isolation to gather, partake in activities and make friends.

**Zinthiya Ganeshpanchan**, CEO of the trust said, *"we strive to address the root causes of abuse and poverty and adopt a person-centred approach to help women and families reach their full potential."*

Each year they support over 2,000 residents to transform their lives one service user commented *"They have literally saved my life. I was totally overwhelmed by the debt left as a result of financial abuse at the same time as struggling to recover from long term physical and emotional abuse. The free counselling provided, and the resolution of the debt issues have left me able to plan and look forward to the future"* .

However, demand for support services is increasing dramatically at a time when support across Leicester City is being cut due to funding shortages. If you would like to learn more the Zinthiya Trust, get involved in their work or donate please email them on zinthiya.trust@gmail.com, call **01162545168** or visit their website **www.zinthyatrust.org**.



# TRANS UPDATE

Christl Hughes sets out the background to the recent Government Consultation on reform of the Gender Recognition Act 2004 (GRA).



**The Consultation sought views on how the Government might make it easier for trans individuals to achieve legal recognition. As it did not propose to amend the "Equality Act 2010" the statutory definition of the protected category of gender reassignment will remain as it is:-**

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

The Consultation referred only to the legal recognition process and there was no suggestion of removing the need for a diagnosis of gender dysphoria in order to access appropriate medical treatment.

In fact and contrary to much of the media reporting, the 84 page Consultation document did not make any specific recommendations and devoted just a couple of pages to seeking views on whether there should continue to be a requirement for the Gender Recognition Panel (GRP) to see a medical diagnosis of gender dysphoria before granting a gender recognition certificate (GRC).

Currently the GRA requirements, utilised by 95% of applicants, are that they;

- are 18 years or over
- submit a Statutory Declaration that the applicant intends to live permanently in the acquired gender
- submit two medical reports confirming that the applicant has, or has had, a diagnosis of gender dysphoria, including details of any treatment received
- provide evidence that the applicant has lived full-time in their acquired gender for at least two years
- pay a fee of up to £140
- if married, the spouse must issue a Statutory declaration of Consent
- if in a civil partnership both applicant and partner must get legal recognition on the same day

Once the application has been lodged, the GRP will assess the evidence provided. The applicant will not appear before the Panel in person but the Panel may ask follow-up questions in writing. If an application is unsuccessful, reasons will be provided but there is no right of appeal other than on a point of law. If the application is successful the applicant will receive a GRC plus a new birth certificate. Thereafter the applicant's gender becomes the acquired gender for all purposes with only limited exceptions.

The Consultation states that although currently around 300 GICs are issued each year the Government believes the existing application procedure to be underused as it is perceived to be expensive, intrusive, humiliating and administratively burdensome. Trans individuals report dissatisfaction at having to submit personal documentation to strangers who then decide the applicant's gender identity and also argue that the requirement for a diagnostic psychiatric report perpetuates the now outdated assumption that trans status is a mental illness.

We shall see what happens. With over 53,000 Responses received it may be a while before the Government announces its decision.

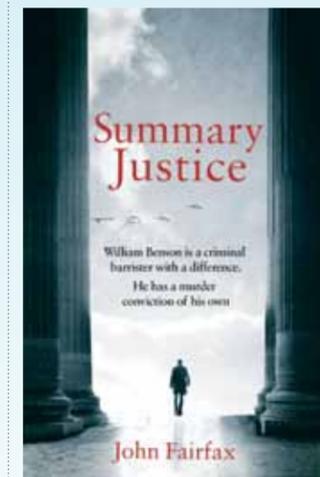
In the meantime I recommend to those interested a paperback promoted by the Leicester Mercury after research involving Leicester LGBT Centre.\* Declan Henry's "Trans Voices" is an excellent, very readable book, capturing the breadth of trans experience with a wide range of (anonymised) personal accounts. Content includes treatment options for both adults and children and there are also chapters on other issues such as cross dressing, non binary status, and sexual orientation.

**Christl Hughes**  
Equality & Diversity sub board

\*<https://leicesterlgbtcentre.org/>  
\*\*Jessica Kingsley Publishers 2017

## BOOK REVIEW

Summary Justice  
John Fairfax  
ISBN 978-0-349-14250-0



**This novel is by a former barrister turned author who is also a charity trustee. The third sector social justice themes including violence, gangsters, drug culture, etc run through the novel as a background to the Court drama.**

The goings on in the famous Old Bailey Court I are

indeed dramatic right until the end but legal practitioner reader does need to engage on a fairly high level of suspension of disbelief to accommodate for example that Counsel for the Defendant William Benson is also a convicted murderer.

Similarly the heroine solicitor Tess de Vere undertakes herself the investigatory work of tracing witnesses etc (getting mugged in the process) leaving the barrister's clerk, another convicted criminal, to sit behind him in Court. Tess has also kept a file at home for 16 years (Data Protection?).

As with any Court drama the plot twists and turns right up to the jury verdict and if the TV rights are utilised I think it will make a good series. In particular a very current issue is there namely the Prosecution allegedly withholding evidence.

**Christl Hughes**  
Member Equality & Diversity Sub Board

# PULLED BOTH WAYS

Glynis Wright & Co launches films to help raise awareness of the effects of divorce on children



This is the second year of the groundbreaking youth project, which has been made possible through financial support provided by Glynis Wright, Head of Practice at Glynis Wright & Co Family Solicitors & Mediators, and a Santander Discovery Grant secured by Soft Touch Arts.

Children who have experienced parental divorce, from Woodstock Primary Academy and Babington Academy produced three short films with the help of Soft Touch Arts and local film maker Keith Allot. The films, which reveal the emotional trauma that young people experience when their parents split up, were launched at a special event at Soft Touch Arts' base in New Walk, Leicester, on the evening of October 30. The children who took part each received a certificate to honour their achievement.

All three films will be made available for use by family lawyers working with families facing relationship break-up and divorce to highlight the importance of managing the process sensitively, and to encourage parents to consider the feelings of their children.

Glynis said: "The *Pulled Both Ways* project is very personal to me. My parents went through a very bitter divorce."

"Around 42 per cent of marriages fail, and given divorce and parental separation can have a devastating and lasting effect on children, this is a mounting social issue."

"We hope as many people as possible who are going through a divorce or separation, as well as their legal advisers, will watch the films so they understand they need to put their children first – perhaps by trying mediation – so the children do not feel they are being pulled both ways."

Christina Wigmore, director of Soft Touch Arts, said: "The impact of these films will be far reaching as they will be made available for free to every family lawyer in the UK."

"The students from Babington and Woodstock have done an amazing job in producing these thought provoking high quality short films that will benefit other young people who are going through difficult times during family divorce."

"It is a great example of a social action project by young people for young people."

The launch event was attended by local dignitaries including **Mike Kapur**, the Lord-Lieutenant of Leicestershire, High Sherriff Mrs Diana Thompson and District Judge Geoffrey Reed.

Mike said: "These films made for difficult viewing, but we must watch them and learn from them. It is important not to shy away from social issues. The films are a clever and sensitive way to show how divorce affects children. Children are the hidden victims of divorce and the films will hopefully prompt parents to consider mediation."

**Duncan Fisher OBE**, from Voices in the Middle – which helps young people and families going through divorce and separation – also attended the launch.

Duncan said: "These films are the best material on this topic in the UK. It is fabulous for us as we need material like this to distribute as we seek to raise awareness of the impact of divorce on children. There is never anything for young people when it comes to the debate about family law. The system disempowers them. So we have to do something like this to empower them and to ensure family lawyers understand the impact of divorce from a child's point of view."

The films will be added to the set of three films produced in 2016/17 by New College Leicester and Leicester High School for Girls which focused on raising awareness of mediation as a more positive option for families going through divorce.

The films will be available for family solicitors and mediators to download from the Soft Touch Arts website, Glynis Wright & Co website and Voices in the Middle website from November 2018 onwards.

**For further information please contact:  
Glynis Wright at:  
glynis@glyniswright.co.uk**

[www.soft-touch.org.uk](http://www.soft-touch.org.uk)



Three films made by Leicestershire schoolchildren, depicting the impact of divorce on young people, have been launched by an East Midlands family law firm and a Leicester-based charity.

Glynis Wright & Co, a leading family law firm, teamed up with young people's charity Soft Touch Arts to help raise awareness of the effects of divorce or parental separation on children.

The initiative aims to highlight the emotional impact of divorce and separation on children. The joint project, called 'Pulled Both Ways', helped pupils from two Leicester schools to create a series of thought-provoking short films which highlight the emotional effects of divorce, particularly when parents argue over custody and children are literally pulled both ways.

# LADIES THAT DO

Two staff from Bray & Bray's Hinckley office have taken over the running of **Ladies That Do**, a popular female-only Hinckley networking group.



Family law associate solicitor **Lisa Mohar** and associate chartered legal executive **Amanda Wright** have joined forces to become the new faces behind the networking group that was launched in 2012. The pair hope to grow the group even further, building on the good work of the organisation's founders.

#### Professional networking for women in Hinckley

"We've both been attending the group for a long time and when it was mentioned that they were looking for somebody new to run the event, we put our heads together and went for it," explains **Lisa Mohar**. "Networking still tends to be dominated

by men and many women are still apprehensive about it. Ladies That Do offers a professional and focused networking experience in a supportive environment"

Ladies That Do currently has 21 members from a range of industries including a financial advisor, web designer and healthcare professional. Only one person from each industry is able to join the group.

#### A platform to offer advice and support

"Whilst the focus of Ladies That Do is promoting businesses, we also want to collectively provide a platform that provides support and advice for work-issues that are being faced by members and draw inspiration from other businesswomen," adds Lisa.

Ladies That Do is an informal monthly networking group that takes place at Sketchley Grange Hotel in Hinckley on the last Thursday of the month between 12 and 2pm. The session includes lunch and a drink, guest speakers or spotlight talks from the members and company of

like-minded women in business.

Annual membership is £18 per month. Potential new members can also attend with a one-off offer of £25 for an introductory visit.

Data from the Global Entrepreneurship Monitor (GEM) last year revealed that between 2003-6 and 2013-16, the proportion of women that went into business rose by 45%, compared to just 27% among men. However, men are still nearly twice as likely to be entrepreneurs. This has led to a defined need for more female-friendly business and networking groups.

"An all-male environment can be considered intimidating for some women starting out in business with some citing that they prefer the camaraderie and support of a female networking group," comments Lisa. "Also, early morning meetings tend to be less accessible for women who may still be faced with the burden of childcare."

**More information about Ladies That Do can be found at [www.ltdnetworking.co.uk](http://www.ltdnetworking.co.uk).**

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# COUNCIL MEMBER'S REPORT DECEMBER 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 the current Chair of the Regulatory Processes Committee and a member of the Policy and Regulatory Affairs Committee and Access to Justice Committee. She is current Chair of the Solicitors Assistance Scheme. Linda is an experienced litigation solicitor and is a Consultant at Radcliffe-Brasseur where she specialises in solicitors' disciplinary, compliance and regulatory work. She can be contacted by email at: [lindakhlee@aol.com](mailto:lindakhlee@aol.com)

*Price transparency in force from 6 December, SRA's Digital Badge, Legal Services Board consult on removing a layer of accountability from the SRA, Legal Services Board consult in response to the SRAs lobbying to remove/reduce the Law Society levy, first steps to re-validation for solicitors*



## Price transparency regulations/digital badge

**Following pressure to implement the Competition and Marketing Authority recommendations of 2016, the Solicitors Regulation Authority (SRA) announced in October its plans to compel firms to produce costings on the website.**

As previously reported, from 6 December, the SRA now requires firms to publish indicative information on its charges and likely disbursements in the following areas of law:

- Residential conveyancing (Freehold sale or purchase, leasehold sale or purchase, mortgages and re-mortgages)
- Probate (uncontested cases with all assets in the UK)
- Motoring offences (summary only offences)
- Employment tribunals (bringing or defending claims for unfair or wrongful dismissal)
- Immigration (excluding asylum applications)
- Debt recovery (up to £100,000)
- Employment tribunals (defending claims for unfair or wrongful dismissal)
- Licensing applications for business premises (new applications or varying existing licenses)

Pricing information must be displayed on the firm's website or made available on request if it does not have a website. Firms cannot require the names or contact details of those seeking this information.

The SRA has provided detailed guidance<sup>1</sup> but whilst there are lines that cannot be crossed and minimum requirements imposed, there are a number of options available to firms.

The government and the SRA believe these recommendations will drive down the cost of legal services but given the many ways in which the guidance can be interpreted and implemented it is difficult to see how this will assist consumers.

The Law Society objected strenuously to the introduction of these rules and provided its own research that demonstrated the dangers of consumers focussing too heavily on price rather than their service requirements. It pointed out that the real difficulty is that what appears at first blush as a relatively straight forward service can contain so many variables that impact on price that the information provided will be meaningless to most consumers.

It is possible that ultimately there will be a requirement to provide information in a format that can be accessed by price comparison websites but for the present consumers will need to wade their way through the myriad of cost information provided by different firms. Each firm that has so far complied appears to be producing information in a totally different way to the others.

Firms must explain what services are included within the displayed price, any services not included in the price (that consumers might reasonably expect to be included), details of the experience and qualifications of teams/individuals who will carry out the work, typical timescales and key stages of the matter and must specify whether stated prices include VAT.

Despite the obvious short-comings of the proposals, the SRA made it clear in their application to the Legal Services Board (LSB) that in time this requirement will be extended to other areas of practice.

- THE SRA have produced a list of mandatory requirements, firms must:
- provide price information prominently, in as clear and in an understandable a format as possible.
  - specify whether stated prices include VAT.
  - specify exactly what is included within the price displayed-even if you quote a fixed fee- to avoid confusion amongst consumers about what they might need to pay extra for.
  - if firms provide a range of costs, it must set out the basis for charges, including any hourly rates and the types of factors that will determine what the final price will be.
  - If offering services in different ways and the delivery model impacts on the price, this must be made clear e.g. if you charge a higher fee for face-to-face services than for strictly online services.
  - online quote generators can be used but must produce a quote directly without requiring any additional contact, for example someone calling to discuss the quote.

Firms do not need to specify any preferential rates and provided it is clear that the prices may vary from those advertised on the web site and on what basis, it does not appear that firms are compelled to offer services at the price indicated on the web site provided that the offering does not in any way mislead the consumer.

Conditional Fee and damages-based agreements have additional requirements in that firms must state on the web site the likely timescale for considering whether or not to offer such an arrangement and the cost of any such assessment. Firms will also have to provide information on additional costs that may arise in the lifetime of such an agreement, including deductions from damages.

The Law Society has produced a practice note<sup>2</sup> to assist firms but there are difficult choices to be made about what information to present and how to present it. In the early days of December many firms either are unaware or have chosen not to display this information on their web sites, some have even taken their web sites down. Although it is unlikely that the SRA will use heavy handed enforcement in the early months of the introduction of the Rules, it would be a significant problem for the regulator if the majority of firms refused to comply.

On 6 December the SRA also launched its new 'digital badge' that only regulated firms can display. The SRA state that the badge is 'Underpinned by technology which means it will only display on websites registered to

law firms we regulate, the badge will help firms differentiate themselves from unregulated legal services providers.' The SRA state that the badge is a response to the, 'public's demand for better information on the protections people get from using a regulated law firm'. The badge will be a portal to information explaining the protections offered to clients because the firm is regulated including insurance, access to the Compensation Fund, and the ability to complain to the Legal Ombudsman. Use of the badge will be mandatory for all SRA-regulated firms later in 2019.

Initial reaction was three-fold - a sense of bemusement by the SRA's position when it has striven to reduce the protection offered to consumers in the face of opposition from solicitors themselves, its planned reforms that will see solicitors offering services from unregulated firms with no or very limited consumer protection, thus creating consumer confusion and concern that the profession will be asked to pay to market and promote the new digital badge, to develop an alternative to the brand of 'solicitor'.

## Legal Services Board (LSB)

The LSB is the independent body responsible for overseeing the regulation of lawyers in England and Wales. It was established following the introduction of the Legal Services Act 2007. Over 90% of its funding is paid for by solicitors through the practising certificate.

One of its functions is to approve rule changes brought by the regulators such as the SRA. In November it controversially approved the rule changes brought by the SRA. These changes were opposed not only by the Law Society but a variety of stakeholders including the LSB's own Consumer Panel. In addition to introducing a new handbook, the SRA also plans to allow solicitors to provide unreserved legal activities to the public from unregulated businesses and to allow individual self-employed solicitors (freelancers) to offer services to the public but not from a regulated entity. Consumer protections will be reduced or removed completely and there will ultimately be damage to the brand of 'solicitor'. The SRA argue that these steps will reduce the cost of legal services and thus 'unmet' need. It is likely that the new handbook will be introduced in April of 2019. Unregulated firms of this type will not of course be caught by the new price transparency rules.

The LSB is also consulting on changes to the Internal Governance Rules (IGRs). These are the rules that the LSB has made setting out the requirements to be met by approved regulators in ensuring an adequate split between their regulatory and representative functions. Under the Legal Services Act, the original intention was that regulation would remain 'profession led'. The SRA would make rules and enforce those rules independently but the Law Society as frontline regulator would have oversight and for example scrutinise and approve its budget and spend. In the intervening years, the LSB has eroded the ability of the Law Society to exercise any oversight function and in May of this year sanctioned the Law Society for following rules which had been designed by and agreed with the SRA and the LSB previously. It is now seeking to remove any oversight capability from the Law Society who will be compelled to rely on assurances by the SRA that it has complied with any financial and legal requirements and any oversight function will be vested in the LSB. The consultation<sup>3</sup> remains open until 21 January 2019. Interestingly despite this consultation affecting the way in which millions of the profession's monies is spent and the way in which those regulating the profession are held to account, the LSB does not list solicitors as a group who may be 'interested' in the consultation. Instead there is reference at number 10 out of 15 as 'Members of the Legal Profession'.

The LSB also approves all budgets and fees such as practising certificates. Under the 2007 Act, the Law Society is permitted to levy the profession for some of its income for permitted purposes such as education and training and promoting the profession, although some of its activities such as legal challenges to legal aid must be paid for out of commercial income. The SRA has long opposed the Law Society being able to levy the profession and has lobbied to have this power removed. Removing the power to levy

the profession would undoubtedly risk the survival of a professional body potentially leading to small, fragmented lobby groups. In its consultation on its business plan<sup>4</sup> which closes on 27 February 2019, the LSB indicates that it will revisit the income raised by the levy under section 51. The abilities of the Law Society to represent solicitors could be further curtailed.

The LSB seems to be taking the first steps to introduce revalidation for solicitors. In its business plan it states that, 'We have noted that, unlike other professional services environments, eg healthcare, there is no regular formal assessment of practitioners during their careers beyond requirements on continuing professional development'.

Unfortunately, the profession is facing another year of change and uncertainty in 2019, with new obligations and a new handbook and facing a further reduction in its ability to respond to planned changes. For the avoidance of doubt, I am a volunteer and am not paid for my services in representing you, but if you do have any concerns or queries or would like to discuss any of the issues raised, I am always very happy to hear from you.

Linda Lee

<sup>1</sup> <https://www.sra.org.uk/solicitors/guidance/ethics-guidance/price-transparency.page>

<sup>2</sup> <https://www.lawsociety.org.uk/support-services/advice/practice-notes/price-and-service-transparency>

<sup>3</sup> [https://www.legalservicesboard.org.uk/what\\_we\\_do/consultations/open/pdf/2018/LSB\\_consultation\\_Proposed\\_Internal\\_Governance\\_Rules\\_Nov\\_2018.pdf](https://www.legalservicesboard.org.uk/what_we_do/consultations/open/pdf/2018/LSB_consultation_Proposed_Internal_Governance_Rules_Nov_2018.pdf)

<sup>4</sup> [https://www.legalservicesboard.org.uk/what\\_we\\_do/consultations/2018/Business\\_plan\\_2019-20\\_consultation\\_document\\_\(f\\_ii\).pdf](https://www.legalservicesboard.org.uk/what_we_do/consultations/2018/Business_plan_2019-20_consultation_document_(f_ii).pdf)

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# MEMBERSHIP PAGES

## Welcome to the latest members page.

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 LLS could be improved.

## THE MEMBERSHIP TEAM



The membership team is headed up by Daniel O'Keeffe (above left) of specialist clinical negligence firm Moosa-Duke Solicitors. Daniel is ably assisted by his colleagues Navdeep Kainth (middle) and Gemma Lewis (right), also from Moosa-Duke Solicitors.

If you have any queries or comments to make regarding membership or would be interested in joining the team, please contact Daniel O'Keeffe: [dokeeffe@moosaduke.com](mailto:dokeeffe@moosaduke.com)

## LATEST LLS EVENTS

Since our last edition, we have had many fantastic events.

We held a very successful networking event in conjunction with our accountant friends at the beautiful refurbished Queen Victoria Arts Club on 17 October.



Then on 19 October we held a *Diversity in the Community Dinner*, highlighting the wonderful mix of people and cultures that make up the Leicestershire Legal Community and Leicestershire in general.



## National Law Society Conference

From 16-18 November Leicestershire hosted the National Law Society Conference for the first time in our history, welcoming local law societies from all over the country.

This commenced with an opening drinks reception on Friday 16 November in the King's Suite at the Richard III Visitor Centre.

The main conference followed on Saturday 17 November at St Martin's House with the weekend brought to an end by a black tie dinner at Leicester Cathedral. Further information about the National Law Society Conference can be found elsewhere in this edition of the magazine.



## The last event of 2018 will be the Winter Wonderland Christmas event at Leicestershire County Cricket Club on 12 December, with fantastic food, drinks and a chance for networking and catching up with friends. This should be a great finish to what has been a jam packed 12 months.

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

Further details will appear on our website under Upcoming Events.  
<https://www.leicestershirelawsociety.org.uk/>



## TYPES OF MEMBERSHIP

**There are various different ways of becoming a member of the society. 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 Law Society membership.

### ASSOCIATE MEMBERSHIP

This is for barrister's chambers. It is really important that we have a significant presence from the Bar in the Society and our social events are a great opportunity for networking with the legal community.

### INDIVIDUAL MEMBERSHIP

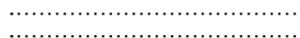
Individuals can become members of the LLS. This is available for all current and former legal professionals.

### GROUP MEMBERSHIP

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

### SPECIAL MEMBERSHIP BENEFITS

We are delighted to have secured some excellent new deals with local businesses and the membership team are working hard to get even better value for our members.



We have 2 new offers from Easy Internet, one of the LLS business partners.



In offering the LLS discounts Mark Esho of Easy Inters said "We are delighted to be business partners with the LLS and are keen to work with their members."

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Email: [enquiries@easy-internet.co.uk](mailto:enquiries@easy-internet.co.uk)



Gayatri Beauty Clinic are offering £50 off Microblading (offer available until April 2019). Please contact Gayatri Samplay on Tel: 07984888058 or [Gayatri\\_patel@hotmail.co.uk](mailto:Gayatri_patel@hotmail.co.uk). Please advise that you wish to use the LLS offer, at the time of booking.



We also have a great offer from the Beauty Refinery, who are specialists in threading, waxing and mendhi art.

They will give LLS members a 15% discount on all treatments from their price list on Monday – Saturday between 10:30am – 2:30pm (this cannot be used in conjunction with any other offers).

**The Beauty Refinery 1st Floor, 101 London Road, Leicester. Tel: 0116 254 7940**

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**Gayatri Beauty Clinic**  
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**Beauty Refinery**  
1st Floor, 101 London Road, Leicester. Tel: 0116 254 7940  
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from their price list on Monday – Saturday between 10:30am – 2:30pm (this cannot be used in conjunction with any other offers).

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**Jonstar** Free initial energy review to all LLS member firms. Plus £10 donation to Prost Aid, for each energy review.  
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**Finance Lab**  
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**David Lloyd Sports Club**  
Narborough, 14 day free trial membership for all LLS members and their family  
Carlton Park, Narborough, Leics LE19 0LF  
Please contact the membership team on: 0116 272 7820

**Mumbai Inn** - London Road, Leicester  
10% off total bill

**Koyla** –Charter Street, Leicester  
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**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

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## WHAT IS THE DISPUTE REALLY ABOUT?



Chris Makin

**When for some years I headed up a team of forensic accountants in my old national firm, as a matter of policy I always recruited people who were brighter than me. They kept me on my toes and were great problem-solvers. They also worked extremely hard; the customary valediction on a Friday evening was not "Have a good weekend" but "Have a weekend", on the assumption that not working through was the exception.**

And we had great fun together, whilst getting the job done. At one stage, we devised ten mock rules of litigation; typical was the one which said that the case reached its critical stage when the ringbinder was on the point of bursting. Familiar? Another was that the claimant's idea of quantum was the amount which would repay all his debts.

Which brings me to my topic: what does the party really want out of this case?

If we are acting as straightforward forensic accountants and expert witnesses – still the bulk of my practice – we don't get to find out, since a litigation case, with minor exceptions, deals only in terms of money. The winner gets an award of damages and (most of) their costs, and the loser's blood is on the carpet. But does that always satisfy the true needs of the parties?

In litigation we will never know, but in mediation we are in a totally different ball-game. We must explore what the parties really want out of the case, and what they can live with. Taking an extreme example, with a really horrific case of negligence or maltreatment by the NHS, the parents of the deceased or severely handicapped child are not really interested in damages; what they yearn for is an apology and an assurance that systems have been improved so that other parents will not have to go through the vale of tears which they have endured.

The fascination in mediation is finding out the true needs of the parties, and using those needs to build a settlement, to help the parties to reach a solution they can live with. Unless those

true needs are identified, the mediation is likely to be a waste of time; if they are identified, the parties can reach a settlement and know that their trauma is over.

A term of my mediations is that both or all parties deliver to me a mediation position statement with key documents five working days before the allotted day. They rarely come on time, but that's another matter. But I do study these documents very carefully when they eventually arrive, and I plan which topics to explore and which will likely lead to a settlement.

Except it never works out that way! I'm not saying that my careful planning is always a waste of time, but there is always something more, something which even the parties didn't think was important, which will come out of discussions during the day. And the real skill of the mediator is to be alert to that "something else", and work on it to bring the parties together.

I am reminded of this quite forcefully from a mediation I did some time ago in Edinburgh. Mother and Son were in partnership in an old-fashioned coal business in Perth, where Son heaved the coal, then collected cash from the customers on Friday teatime (before all the wage ended up in the pub!) and tipped up the cash to Mother, who did the banking, kept the books, ordered the coal, and so on.

Son became convinced that Mother was creaming off much of the cash, so he compiled a financial statement using National Statistics – impressive – to demonstrate that his mother had stolen £253,000 from the business. Mother was very old and frail, and she brought along her other son (who was useless) and her son-in-law. Now, he was a real asset, because he was a tax manager at a firm of accountants. So I set him up in a side room to mark Son's homework, and errors were found which caused the value of the claim to fall. But he couldn't get it any lower than £100,000.

This was serious, because the case was listed for trial very shortly, and the legal costs would have been huge. By this time Son had spent £10,000 with a posh firm in Edinburgh; Mother had spent a modest sum with a local firm.

As the discussions went on, the true needs of the parties emerged. Son remained convinced that Mother had stolen partnership cash and was determined to hurt her financially. Mother wanted two things: she wanted to go home because she was frightened of what might happen at court and – crucially – she explained to me that she hadn't seen her 15-year old granddaughter for about three years, and that Son had even sent back her Christmas card.

So Son wanted money and to hurt Mother; Mother wanted an end to the nightmare and a chance to rebuild the family.

Discussions went on and on, but eventually just before midnight a settlement was reached. With no admission of liability, Mother would pay £9,000 to Son. So she could go home to Perth, and it had cost Son £1,000 to take £9,000 off his Mother. In a funny way, they had both won, and their true needs had been met.

I happened to meet Mother's advocate when I was next in

Edinburgh, giving a lecture to the Faculty of Advocates. He asked if I knew what had happened to Son, and of course I said no. He then gave me the news: Mother and Son continued their coal business in Perth, but about a month after our mediation a coal truck ran away in the yard, and crushed Son to death.

Which makes one think: however important the dispute may be at the time, and however one may feel that the mediation satisfied the true needs of the parties, you never know what might be just around the corner.

*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!*

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Accredited Civil Mediator  
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# EXPERTS UNDER THE JUDICIAL MICROSCOPE: CASES, COMMENTARY AND CRITICISM



THE EXPERT WITNESS CONFERENCE WAS HELD ON 27TH SEPTEMBER 2018 AT CHURCH HOUSE, WESTMINSTER, LONDON SW1.

A review by Elizabeth Taylor and Phillip Taylor MBE of Richmond Green Chambers

It was another first-class expert get-together which took place at Church House, Westminster in September 2018.

Our leading experts from the Institute met to have a natter and be briefed on new case law from colleagues, judges and lawyers. This time the theme was specifically about "judges under the microscope" and it was well-attended by EWI members eager for the legal updates which are now an annual feature of the Conference.

Chaired as amiably and effectively as ever by Amanda Stevens from Hudgell Solicitors, the keynote speech was delivered by Sir Ernest Ryder, Senior President of Tribunals. He reviewed how experts assist the court process in their respective role. Sir Ernest did not disappoint! You can read his speech in detail on the judiciary website.

Attendees took the point that judges in future will have a much stronger lead role in the

management of contentious cases from the outset. Then, an entertaining, but equally serious, presentation from Andrew Ritchie QC on "expert evidence and the seven deadly sins" giving us a quick trip round recent decisions with the theme of the seven sins which we won't remind you of.

The session was heavy on detail (but not too heavy) and delivered with that lightness of touch we expect of a silk with well-devised PPP slides, and Andrew stayed for the Q and A afterwards with useful information from Mike Napier.

Sir Martin Spencer gave an important speech after one year as EWI chair. A challenging time with EWI staff changes and Martin's new job as a High Court judge on circuit which he spoke frankly about- his speech will also be available on the EWI website. He talked also of the exciting developments with EWI in Singapore – a recurring theme during the day. The continuing importance of member engagement, membership support and the Expert Certification programme were useful updates for members.

Later sessions covered a presentation on EWI Singapore with contributions from Sir Vivian Ramsey, Dr Thomas Walford and Chris Easton. The event concluded with the usual lively "questions" session which have become an important feature of EWI Conferences in recent years led by Dr John Sorabji with some most realistic views on the development of certification from Sandy Mackay whom we were able to chat to earlier during the lunch break as he explained the need for change.

The sad passing of Sir Louis Bloom-Cooper (1926-2018) was announced. Louis, known to many throughout the legal world and beyond for his indefatigable support in some many areas of legal controversy. Louis was a



Amanda Stevens, Conference Chair

leading figure throughout his life, called to the Bar at Middle Temple, and he with played a major role in the EWI, the Press Council and Amnesty amongst others. He was a founder of Doughty Street Chambers and will be greatly missed by all.

EWI members will meet in September 2019 in the post-Brexit British era so keep that date in your diary. EWI Conferences remain an excellent day out to update both experts and lawyers which you cannot miss.

## READINGS

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# CAN I AFFORD TO RETIRE?



In 2017, Brewin Dolphin PLC completed a significant piece of research into the needs and attitudes of Senior Partners tasked with considering the issue of partner retirement within their firms.

During our discussions, it became clear that the topic of partner retirement was both complex and sensitive. Two observations stood out with refreshing clarity. First, few Senior Partners had sufficient understanding of where to begin to address such a multifaceted issue. Secondly, there was a willingness among most Senior Partners to bring the issue higher up their Board's agenda.

Our research revealed other interesting matters about partnerships, personal wealth and retirement. Key findings included:

- partners in their late fifties were most likely to be approached by their firm for a discussion about retirement. More specifically, 58 was a typical age in large firms for partners retiring
- only the very largest firms believed they should actively, albeit subtly, be encouraging partners to take personal wealth advice
- a surprising number of partners have insufficient investments to fund their desired lifestyle into retirement and need to continue working beyond 58

- the issue of equity dilution was exacerbated for some firms when juggling low margins, with new partners' admissions and partners not yet ready for retirement
- none of the firms had an informal panel of wealth advisers that partners could be steered toward for advice when preparing for retirement
- the most common reason for partners not addressing their personal financial plan was lack of time and other personal matters taking priority
- most partners accumulated on average two to four pensions over the 20- to 25-year period of being self-employed.

### WEALTH MANAGEMENT

Partners were also asked what type of wealth management service would be most helpful. Top of the list of the questions they wanted an answer to was: can I afford to retire?

To answer this, partners agreed to spend several hours with a wealth manager (also called a financial planner) to discuss their plans after retirement. The financial planners set about answering the question by ascertaining the partner's desired lifestyle after retirement and establishing the clearest picture about intended expenditure, assets and income.

Establishing likely expenditure meant budgeting for everything from holidays, cars,

second homes, property deposits for children, care home fees for themselves and their parents through to grandchildren's school fees.

Regarding income, it included identifying accumulated savings, investments, endowments and pensions.

A cashflow illustration followed, produced by deducting expenditure from income and projecting the equation into the future with some assumptions for tax, inflation and growth. The analysis was bespoke to each partner and showed how long their money would last into retirement, including the year their money would run out. In just under half of cases partners had not accumulated sufficient funds to meet their desired lifestyle.

### GENERATING AN INCOME

Next on the list of partner priorities was how to generate an income from pensions. Financial planners can advise on managing pension issues to ensure partners receive the most tax-efficient income stream. This includes advice on how much you can contribute, how to take an income, such as 'flexible drawdown', and how the reduction in the lifetime allowance may create unwanted tax charges.

### OVERPAYING PREMIUMS

The third most popular request of partners nearing retirement was a review of protections such

as mortgage or income protection and life benefits. Many partners pay unnecessary premiums for cover they no longer need because their liabilities have reduced with age. Again, lack of time appeared to be the main reason for not keeping abreast of the cost of protection.

With greater pressure than ever being placed on partners, it is no surprise that many struggle to find time to address personal financial plans. But, in 2019 we will continue to speak to Senior Partners with enthusiasm about how to include personal wealth management in the concept of partnership stewardship.



**Scott Charlish**  
Senior Financial Planner  
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# Interaction is key to getting the most of your CPD

Continuing Professional Development (CPD) is an integral part of any conveyancer's progression and aptitude, as well as being an effective way to sharing expertise and best practice. Regulatory bodies such as the Council for Licensed Conveyancers and Solicitors Regulation Authority expect property practitioners to undertake CPD activities, as well as reflect on their learning and apply to their day-to-day working life.

Any approach to gaining CPD points is valid so long as the legal professional can demonstrate that it contributes to the service they are offering. Today, participants are overwhelmed with choice as there are a host of activities to choose from, including webinars, coaching / mentoring, courses, research and events – so how best can a solicitor invest their time in CPD?

Geodesys – part of Anglian Water and a leading provider of conveyancing searches for residential and commercial properties throughout England and Wales – regularly hosts a series of complimentary CPD events for conveyancers across the country.

Worth three CPD points, the popular, interactive events feature industry experts like property market analyst and commentator Kate Faulkner and provide highly informative seminars looking at a mixture of topics such as the threats the modern conveyancer is exposed to and the best tools for remaining compliant. **Jane Moir**, Associate Solicitor for Sprake and Kingsley claimed one of the events to be: *"The best CPD event I've attended!"*

*"Taking time out of the office is often considered an inconvenience for busy professionals, but actually stepping away from the desk away from distractions, mingling with peers and being in a learning environment, means our events offer a wealth of benefits,"* says **Jonny Davey**, Conveyancing Product Manager for Geodesys and regular presenter at events.

- Interaction. Delegates are encouraged to contribute to discussions which helps them benefit from shared knowledge about the industry, legislation and products available to them.
- Real-life scenarios and case studies are an excellent way to apply learning back in the workplace and show what solutions are available for particular situations.
- Event takeaways. Event organisers usually give participants a copy of the presentations and examples discussed to help embed learning when back in the office.
- Networking. Events provide the opportunity for delegates to network with one another as well as the presenters, extending the learning potential.
- Mix it up. Cover a number of areas and topics in one fell swoop by attending a CPD event which features a mix of different topics.
- Conveyancers are extremely busy individuals so it's important their time is used wisely when investing in CPD training. Events are a powerful way to interact and learn from many different professionals as well as boosting networks, confidence and knowledge.

**Geodesys offers a range of conveyancing CPD options including housing industry updates, regional housing analysis, legislation updates and product training. Look out for their regional events and don't forget they also organise in-house training to suit the needs of your team. Find out more by calling their customer services team on 0800 085 8050.**



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## Japanese Knotweed Indemnity Policy Now Available

Whilst the presence of a garden is often something that buyers look for, not all plants are friendly to home owners.

Buyers and especially lenders will always be rightly concerned when a seller's replies to a Property Information Form indicate that there is a risk that Japanese Knotweed ("Knotweed") may be present on a property. This previously ornamental plant has been reported to grow up to 10cm a day in summer and be powerful enough to break through concrete and undermine foundations. Consequently many lenders will refuse to lend or will impose strict conditions when there is a danger that Knotweed might raise its ugly head in a property.

Stewart Title's new **Residential Japanese Knotweed Indemnity Policy** now gives lenders and buyers the confidence they need to proceed with a purchase.

Covering residential properties for a period of 5 years for buyers and the term of a loan for lenders, this new policy provides up to £20,000 of cover against remediation costs necessary to comply with a remediation notice.

The Residential Japanese Knotweed Indemnity Policy is available where the sellers are not aware if Knotweed is present and even where it has previously been treated.

Policies can be ordered via Stewart Title's online ordering platform at [www.stewartsolution.com](http://www.stewartsolution.com) and Bespoke Policies via [quotes@stewart.com](mailto:quotes@stewart.com).

## TRYING TO SOURCE CARE IN RURAL AREAS IS DIFFICULT

**The most recent census found that 9.3 million people (17.6% of England's population) live in rural areas. This number will include older people and people with a disability who need to live with care support. Many people have local relatives, friends, advocates who though willing are unable to provide the regular, care support that is needed.**

The major problem is that a lack of information surrounds all areas of the care sector with people living in rural areas finding information hardest to access. Sadly, without information, many people make choices that are later regretted. Sons and daughters visiting older parents realise they need to find out about local care services, to source additional facts, an older spouse wanting to support a wife or husband needs to know what to do to sustain their lifestyle. Many people believe that their local surgery will have the answers, but this is rarely the solution.

What care support is available, how much does it cost, are there any State Benefits that can be claimed, is there a local support group, what is NHS Care Support, what is social care, etc? Where do they get such information?

Tens of thousands of villages have no newspaper delivery, have no local shop, no local post office, no library, so how does information get through about what is available in the care sector?

There is public media advertising about smoking, obesity and eating 'five a day' but no public media advertising about where to go for information when care support is needed.

There are many charities which have quality information which is easily available once you know who to contact. Similarly, there are charities with volunteer services supporting people who need their help, but who are they?

There are thousands of care providers who have a wide range of services which can be individualised and are available in rural areas but where are they found, what questions should be asked?

Knowledge is power, and steps should be taken to have a comprehensive public campaign to offer directions to both urban and rural communities with reference to care provision in the UK.

Written by: **Angela Gifford.**

MD of Able Community Care Ltd

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# FREE WILLS HAVE A TIME AND PLACE, BUT IT'S NOT ALL WE NEED TO TALK ABOUT

By Rob Cope, Director of Remember A Charity



At a recent legal sector conference, I was struck by how many lawyers and solicitors assumed that – because I worked for a charitable campaign – what I'd be looking for from them was to coordinate free will-writing services. And yet I believe that there are far more important conversations to be had.

## A TIME AND PLACE FOR FREE WILLS

Charitable campaigns like Will Aid and Free Wills Month have a critical place in the market, encouraging those to write a will who they might not get around to it otherwise. This was certainly the case for me: I'd been meaning to get around to it for months, when I remembered that I could write my will for the cost of a small donation through Will Aid.

Quite simply, the timing was right; I knew how I wanted to divide my will and who would benefit. It was relatively quick and easy for me to get it done, and that included three charitable causes that are particularly closely connected to me and my family – not least the children's hospital that saved my daughter's life.

Essentially, the ability to write a will without incurring hefty costs triggered me into action. And this is where free charitable wills work so well. They can be an effective tactic and trigger for action. But that doesn't mean that they should be the main strategic approach for interactions between the legal and charitable sector.

While I'm a believer that professional will-writing services should be accessible for all, free or even cheap services are not always the way to go. My fear is that – particularly in an unregulated market – we run the risk of a race to the bottom, where the only conversation between the legal and charitable sector is through free or heavily discounted wills. And many of these wills do not include a charitable bequest at all.

If charitable will-writing is synonymous with 'free', the danger is that this will become the norm, when professional will-writing services and often more complex decisions and estate arrangements are worth paying for and getting right. In other words, while free will campaigns can be a great spur into action, they should not necessarily be the default position for charitable wills.

## INCREASING VOLUME OF DISCOUNTED WILL-WRITING SERVICES

Even beyond the free charity wills movement, the challenge is of course that there is a large and growing range of discounted will-writing services on the market, both online and offline. All of which offer assurances that the necessary checks will be carried out.

While the legal sector awaits news of how the future will-writing environment might change post the recent Law Commission consultation, the vetting procedures, legal checks and professional advice for each service can vary immensely. This can cause confusion and runs the risk of people preparing a will that either may not be legally-sound or that fails to take account of their full financial circumstances and wishes. What's more, the scope for legal disputes is greater if there hasn't been sufficient rigour in the will-writing process.

When it comes to highlighting the option of giving to charity, it's a lottery: some advisers always mention it, while others choose never to talk to clients about it, further adding to the disparity between will-writing services.

While there are merits to offering discounted wills – this should not come at the expense of people failing to access the support they need when writing their will or indeed lawyers not being funded to fulfil a proper service. A cheap price can devalue the importance of will-writing, meaning that the public isn't always getting the comprehensive advice they need or the service that solicitors want to deliver.

## WHAT SOLICITORS & CHARITIES DO NEED TO TALK ABOUT

From our perspective at Remember A Charity, we're working to create an environment where everyone has the option to include a gift to charity in their will. For this to happen, people need to know that this choice is available, they don't have to leave a particularly large sum and – most importantly – that they can still look after their loved ones when they do so.

Free charitable will campaigns may indeed help generate such discussions, but charitable conversations cannot be reserved for these outlets alone. A standard professional approach is what I believe will make the biggest difference of all.

While solicitors aren't expected to be fundraisers, we hope that they will always raise the issue with relevant clients, along with the full range of options available to them. These conversations simply wouldn't happen at all from many an off-the-shelf or online will-writing service.

So I'll end with a plea; don't reserve conversations about charitable will-writing for designated charitable campaigns. When the option is included in all comprehensive will planning services, your advice can have a transformational impact on good causes across the UK and your clients' affairs.

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# THE OPEN SPACES SOCIETY



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Our history of defending public paths in Derbyshire goes back a long way. We encouraged the formation of local groups to protect public paths; the Derbyshire Footpaths Preservation Society was founded in 1894 and was affiliated to the Open Spaces Society for more than a century before it dissolved in 2011. Today the society is notified of all proposed changes to public paths in Derbyshire and our volunteer local correspondents study them carefully, objecting if they believe the change is against the public interest. This means that we may need to appear at public inquiries and hearings. We generally cannot afford legal representation so we make use of our in-house expertise from staff and volunteers with long experience.

Our South Derbyshire representative has pressurised the county council to maintain a strong

team of rights-of-way staff. He has been pressing for improved signposting of paths where they leave the road, and is researching unrecorded paths with the aim of having them included on the official map of public paths. He comments on every planning application affecting public paths, commons and village greens and every proposal to alter the route of a public path. His work is replicated by other local correspondents throughout the country.

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The Open Spaces Society was founded in 1865 as the Commons Preservation Society and is Britain's oldest national conservation body. In its early years it saved many commons and other open spaces in and around London: Hampstead Heath, Epping Forest and Wimbledon Common for example.

The 1932 mass trespass on Kinder Scout was a catalyst for greater access and the society lobbied for laws giving us greater freedom to roam throughout England and Wales.

The splendid county of Derbyshire is rich in open land, and it is thanks to the Open Spaces Society that so many of its commons and green spaces are still unspoilt and available for public enjoyment.

In 1895 the society's founders created the National Trust as a landholding body. The society then established local committees who raised money to buy threatened properties for the Trust. An example is Mow Cop, an elevated, romantic ruin in Staffordshire which the society rescued from quarrying; it

raised £400 to restore it as a jubilee memorial to George V in 1935.

Today the society champions common land: as a statutory consultee it scrutinises every application for works there. Commons are important to their local communities and it is vital that the society examines all the applications for works. In 2010 the society published guidance to land managers, Finding Common Ground, on how to ensure that they take account of all those with a stake in the common before they proceed with plans which might alter its appearance or ecology.

We also advise communities on protecting their green spaces, by registering them as town or village greens. This gives local people the right of recreation there and protects the land from development.

It is more difficult to claim land as a green now that the Growth and Infrastructure Act has been passed, outlawing the registration of greens where land is threatened with development. So we are promoting an alternative means of protecting land, by applying for its designation

**Open Spaces Society**  
Campaigning since 1865

**Remember those open spaces**

"The Open Spaces Society campaigns to create and conserve common land, village greens, open spaces and rights of public access, in town and country, in England and Wales."

Leave us a legacy to help ensure that future generations will enjoy commons, open spaces and paths, in town and country, throughout England and Wales

You can contact the Open Spaces Society at:

25a Bell Street  
Henley-on-Thames  
RG9 2BA

Tel: 01491 573535  
Email: [hq@oss.org.uk](mailto:hq@oss.org.uk)

Registered charity no 1144840

or you can visit our website at [www.oss.org.uk](http://www.oss.org.uk)

Scan with your phone to visit our website



Jubilee Field, Northants



## Training dogs to guide blind and partially sighted people

For 70 years blind people in the UK had only one source of guide dogs. The Seeing Dogs Alliance now provides a choice.

Our aim is to help anyone wanting to achieve or maintain personal mobility with a professionally trained dog, whilst remaining truly independent. We provide fully trained dogs and personalised tuition for new owners, in order to build effective partnerships.

Currently, waiting lists for trained dogs are such that some clients wait months or longer to be trained with a dog. This is particularly serious for elderly people waiting for replacements as, if they are without a dog for a period, they can lose the mobility needed to complete their training when a dog becomes available.

We urgently need funds to change this situation.



Please help us

T: 01483 765556 | M: 07966 241386 | F: 01483 750846  
E: [info@seeingdogs.org.uk](mailto:info@seeingdogs.org.uk) | W: [www.seeingdogs.org.uk](http://www.seeingdogs.org.uk)  
The Seeing Dogs Alliance, 116 Potters Lane, Send, Woking GU23 7AL  
Registered Charity No. 1156790



## GIVING THE GIFT OF A LIFETIME

It's not every day you think about your Will and we understand your family and friends will always come first when making decisions about your estate. But once you've taken care of your loved ones, maybe you could consider including a gift in your Will to the Children's Air Ambulance.

The Children's Air Ambulance is dedicated to helping children all across the UK get to the care and support they need. Fast. In fact, we can get children to the care they need 4 times faster than if they were to go by road.

Our charity does not receive any government funding and provides all our services free of charge. We are enormously grateful for gifts of all types and sizes, and giving even just 1% of your estate will help us continue operating our service.

If you do wish to leave a gift in your Will, you can name the charity as a beneficiary as either the Air Ambulance Service or the Children's Air Ambulance. Our Registered Charity No. – which covers all services – is 1098874 and our address is Blue Skies House, Butlers Leap, Rugby, Warwickshire, CV21 3RQ.

If you would like to talk to someone about this way of giving then please call **Chloe Bass** on **03003 045 999**, or email us at [legacies@theairambulanceservice.org.uk](mailto:legacies@theairambulanceservice.org.uk)



Part of the Air Ambulance Service. Registered in England and Wales as a limited company by guarantee. Registered Company No. 4845905. Registered Charity No. 1098874

## COULD YOUR NEXT CLIENT MAKE THE DIFFERENCE?

A **third** of donations to Leicester Hospitals Charity comes from legacies.

Without these gifts, the equipment and improvements we've made to Leicester's Hospitals would not have been possible.

So many people would like the opportunity to make a difference to the lives of their community – for children, for older people and for those in need.

Please ask your clients if they would consider supporting their community by leaving a charitable donation in their will to Leicester Hospitals Charity.



For more information contact our Legacy Manager Marie on:  
**0116 258 8709**  
[www.LHCharity.org.uk](http://www.LHCharity.org.uk)



## Why Quill's **software development team** invests heavily in Interactive Documents



By Julian Bryan, Managing Director, Quill

**The legal profession is never static. With always-evolving legislation, increasingly demanding clients and**

**growing numbers of aggressive competitors, change is never far afoot. To thrive in such challenging conditions, law firms rely more than ever before upon technology.**

One constant thread in this sea of change is the written word. You see, the law is all about the written word. Every single task performed by a solicitor involves the written word in some form. Law firms are document-intensive by nature and every fee earner is a content factory generating document after document as they progress through live matters, be it a client care letter sent to a new customer, completion statement in a commercial conveyancing matter, divorce petition for a matrimonial case, last will and testament for a private client or anything in between.

It thus follows that the primary role of technology is to help legal practices manage the written word effectively. Software's role is to apply as much automation as possible to generating, storing, transmitting and finding the written word including time recording throughout each of these stages. Speed and accuracy are absolutely essential.

The quicker and easier it is to produce, save, share and locate this expanding library of documents, the better for everyone, from the lawyer who can concentrate on client-facing work thereby boosting earning capacity to the compliance officer who can plan for business continuity thereby meeting Code of Conduct obligations.

Because of this, no legal software supplier can afford to be complacent about development. At Quill, software development is something we take really seriously and invest considerable resources in doing. We have 12 dedicated employees in our software development team. Led by our IT Director, Richard Salt, it's their responsibility to research new technologies and industry trends then develop our applications in order to keep Quill at the forefront of innovation and enable our clients to control the written word to the best of their ability.

Our R&D staff understand the pressures faced by today's law firms and continually enhance our Interactive Cloud and Interactive Documents software – comprising case management, legal accounts and document management features – to empower them to work more efficiently, save administration time, spend longer earning fees, reduce operating costs and a whole raft of other benefits which drive both greater productivity (so your clients are happy!) and profitability (so your partners and investors are happy too!).

With regards to the written word, Interactive Documents – our intuitive document management module – provides tight integration

between Interactive, Word and Outlook – called our Add-Ins – which allows you to spend your working day in familiar Microsoft applications with full links to Interactive's database, templates and document store.

Technology that constantly advances is a must-have tool for any forward-thinking law firm. Not only because of the productivity advantages delivered, but also for safety reasons. Without ongoing security patches and bug fixes, you're vulnerable to the rising volumes of threats from hackers and cybercriminals whose sole purpose it is to disrupt (even ruin) your business. Software development, then, is a future-proofing promise that, whatever changes and challenges come your way, your software supplier's got your back.

At its core, our Interactive Documents gives unique integration between Interactive Cloud, Word and Outlook saving users re-entering data as a key, but by no means only, benefit. But more recently a myriad of new features have been introduced to Interactive Documents and we're going to describe just a few of them here.

We've created conversion to PDF and attachment as PDF functionality. As you'll no doubt know, PDF is a secure file format. Documents of this type can't be edited by recipients. In Interactive, it's a one button task; job done.

Using the Interactive Add-Ins in Outlook makes tasks such as this really straightforward. By simply hitting the 'New Quill Email' then 'Attach From Quill' buttons located in the top toolbar of Outlook, single or multiple documents can be attached as PDFs even if you haven't previously converted files to PDF format. At this point, you haven't formally logged in to Interactive itself either; you're using the well-known Microsoft interface instead which you're at liberty to do all day long, should you please.

We've established an entire series of document and precedent templates comprising everything from credit control letters and identification forms to requests to extend time and receipt of money acknowledgements. These templates are supplied as standard with Interactive Documents. You can also choose to set up your own bespoke templates, link to merge fields in Interactive then auto-populate content direct from your database.

In the same vein, popular forms packs can be purchased too as an optional extra. Linked closely to Interactive, these forms offer even more auto-database population for documents related to each of the common steps in particular matters.

This has to be one of the biggest draws of document management software – the ability to generate documents and letters in minutes. Where Interactive Documents is concerned, the same applies to emails. Ready-made email templates allow emails to be written, recipients selected from handy drop-down lists, documents attached and the entire communication saved straight back to case effortlessly, all from within Outlook itself.

In fact, you can even now do so from within Word. Auto-email the document you've been working on directly to the client, opposition, expert witness or any combination without switching between systems.

Integrated attendance notes are another enhancement. Either when saving a just-completed document, receiving a document or later, the notes field permits the addition of attendance notes – that's a description of discussions, meetings or events that have taken place – relating to that specific document.

There are two main advantages of attendance notes. One, the important notes are logged both for future reference and to support your accompanying time record so there's no chance of forgetting further down the line. Two, entering your attendance notes as you go along saves you an extra task and negates the need for double billing which assists with client satisfaction.

Time recording generally is worth a mention. Our overhauled Interactive Documents lets you make time entries at various touchpoints when writing, uploading or dispatching case-related documentation and correspondence. With the ability to perform these stages quickly, you can record more units of time than the task has actually taken to bill clients appropriately for actions completed and boost chargeable time in the process. In other words, do less and earn more.

These are just a few of many improvements to Interactive Documents. To refer to some others, you can set up calendar events from Word and Outlook with reminders to ensure defined milestones are met; maintain a full audit trail with version-control-stamped documents; assign colours, labels and preview before opening to locate the right documents with ease; access your cloud-stored documents from anywhere with an internet connection to become more mobile; tailor sub folders to your preferences so Interactive mirrors how you work; store unlimited quantities of documents, emails and images without taking up valuable space on your own servers; protect your vital records with industrial-strength security measures and in-built disaster recovery planning; and much, much more besides.

The combination of these multiple features means you can run your legal practice competitively, with minimum support staff, at low cost. A 'Lite' version of Interactive Documents is provided as part of your Interactive licence fee. Alternatively, an advanced 'Professional' version is charged at just £17 per user per month for full integration with the Microsoft Office suite. Exploit our heavy financial investment in Interactive Documents without breaking your bank. The written word, sorted.

**Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill is the UK's largest outsourced legal cashing provider with 40 years' experience supplying outsourcing services and software to the legal profession.**

# QUILL DOCUMENTS

## We're not just legal accounts



Cost effective document management software integrated with MS Office™

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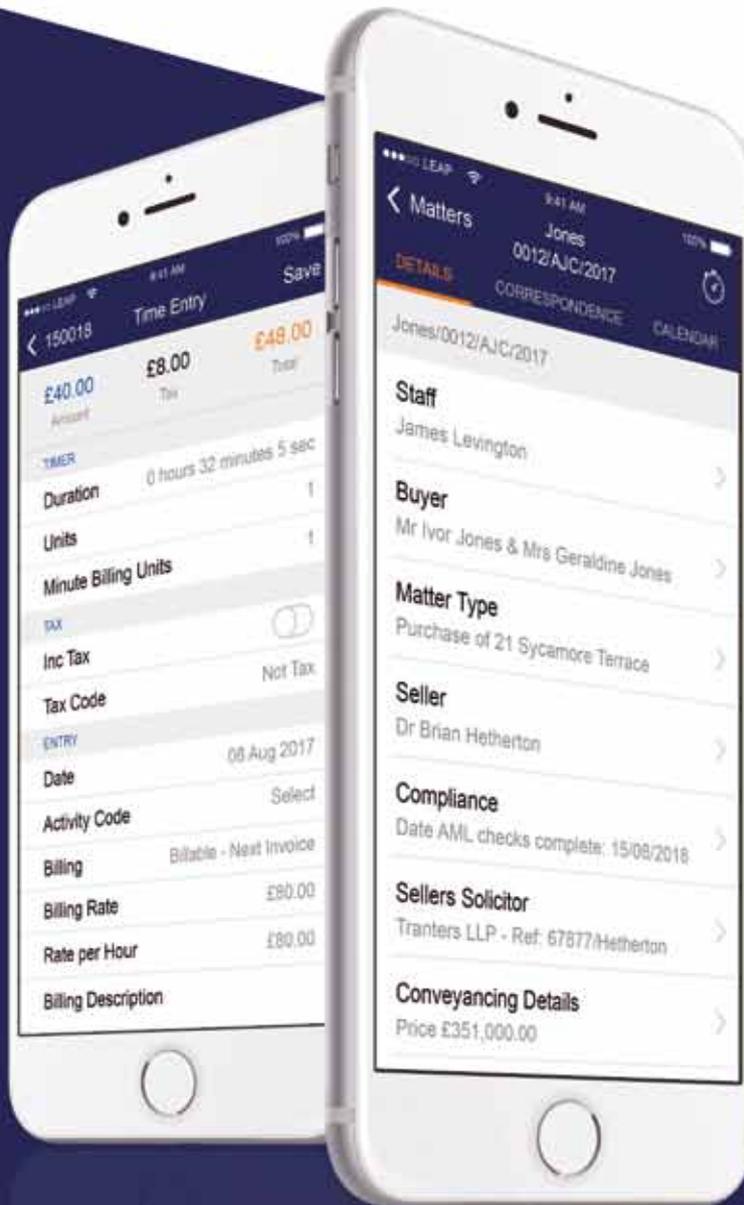
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Access your matters



Stay in sync with your office



React to clients' needs



Digitise your documents



Dictate straight into the matter

Introducing smart, intuitive technology to your law firm

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