

# Leicestershire Law Society magazine ne

**LLS IS  
PROUD TO  
WELCOME  
OUR NEW  
PRESIDENT,  
GLYNIS  
WRIGHT.**

**ALSO:**

**LLS  
AWARD  
WINNERS**

PAGE 16

**THE GREEN  
BICYCLE  
MURDER**

PAGE 10



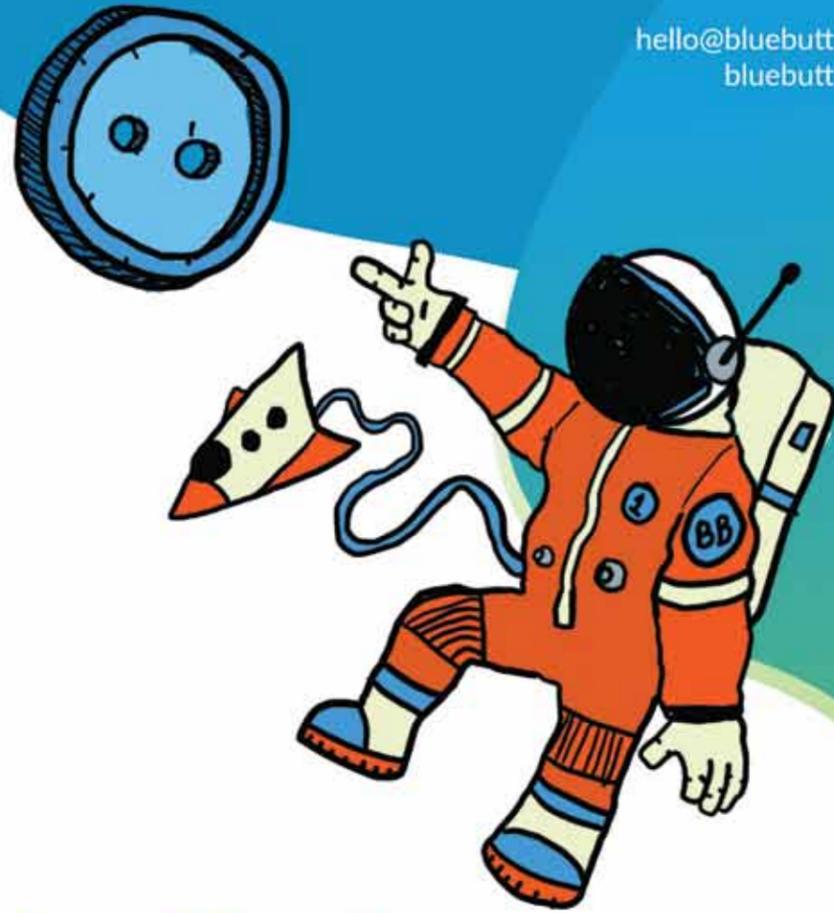
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# CONTENTS SUMMER 2019

## CONTENTS

- 4 Editor's Intro
- 6 President's Report
- 7 Costs and your financial future
- 8 My Year As President pt.1
- 10 The Green Bicycle Murder
- 12 Council Member's Report
- 14 Membership Pages
- 16 "And the winners are..."
- 18 LLS Awards 2019 Photo Gallery

## Charity Section

- 20 A shift in attitudes to Gifts in Wills
- 23 Finding out about care services for older people
- 25 Book Review
- 28 The World's Worst Expert Witness
- 30 Assessing your client's Flood Risk
- 32 Navigating Challenges Ahead
- 34 Solving the 'Back Office Puzzle'

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**Published by:**  
EAST PARK COMMUNICATIONS Ltd.  
Unit 27a, Price St. Business Centre,  
Price St, Birkenhead,  
Wirral, Merseyside  
CH41 4JQ

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### Published: Summer 2019

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### Legal Notice

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# EDITOR'S INTRO



Well another year has passed, the Awards ceremony has taken

place, the winners announced and a new President has been elected. Sadly we now say goodbye to Bushra Ali who has had a phenomenal year as President and I would urge all readers to take a look at her article - 'My year as President.'

So what's coming in this edition? Our new President Glynis Wright writes her first report as President and details her chosen charity. We have an informative article by our current Vice President, Christl Hughes all about the 'Green Bicycle Murder' which took place on 5th July 2019 in Leicestershire and it is 100 years this July since the victim, Annie Bella Wright, was murdered. We have the Awards Dinner which details

the winners of this years LLS Legal Awards and our reporter for the event this year was Mr Daniel O'Keefe, from the LLS Membership Committee. There is a gallery of photos from the evening, so take a look to see if you are featured.

As Editor of the LLS Magazine I was fortunate and honoured to be invited to a dinner hosted by Bushra Ali at the end of May 2019 and whilst at that event was privileged to hear from a charity promoting their work with profoundly disabled children. The Charity is called Bamboozle Theatre Company.

For those of you that know me, you will be aware that the Theatre has always been a part of my life, since I first stepped on to the stage aged 8 years, some 46 years ago and therefore to hear about the work of a theatre company specifically designed for children who are profoundly disabled was somewhat



humbling. Particularly as I had not heard of the company myself. The Charity works with the whole family of a child with disabilities and not just the child which gives an inclusion to all members of the family and the opportunity for the whole family to attend an event that ordinarily may not be possible because of the special requirements of the children the Charity aims to reach. I would urge all readers of the magazine to take a look at the work that bamboozle does and their website is:

<https://www.bamboozletheatre.co.uk/>

I am hopeful that the Charity will consider an article about their work for the magazine in the future

to give a fuller explanation of the incredible work they do and also all about their connections with the Shanghai Children's Art Theatre and the work they did there in April 2019. Watch this space for further information.

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

**Editor's note.**  
*Owing to the very busy year that Bushra had as President of the LLS and owing to space within the magazine, Bushra's article has been divided in to two parts. Part 2 of Bushra's article "My Year As President" will feature in the Autumn edition of the magazine.*

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# PRESIDENT'S REPORT



Dear Members,  
Becoming the 9th female President of the Leicestershire Law Society on the 30 May 2019 was a very proud moment for me. Having served for three years on the Executive Committee of the Leicestershire Law Society as Treasurer, Deputy Vice President and Vice President, I can say that nothing can quite prepare you for the moment when you are elected as President, and you contemplate the responsibility that comes with the role and the objectives you wish to achieve in your Presidential year.

Our outgoing President Bushra Ali has been a 'tour de force.' Her Presidential year has been marked by a plethora of hugely successful events that so many of us have enjoyed. Her objectives were to bring Leicestershire Law Society out to the business and wider social community and she certainly has accomplished that. My personal favourite was the Diversity Dinner which has been featured in this edition, a heart-warming evening celebrating our cultural diversity. I remember one of the speakers stating that as human beings we are 99.9% the same in our DNA make-up. He questioned why therefore the subject of racial differences occupies so much attention and creates so much conflict when we in fact have so much in common. That observation has stayed with me and I often come back to it in my thoughts when events rock our world fuelled by hatred and racism.

In my Presidential year, I am planning to run a small number of what I hope will be wonderful events, but one of my key objectives is to apply myself to an approach of careful stewardship and balance. There is a time where the Law Society must reach out to the community and engage in mutual celebration, but there is also a time where the Law Society must turn inward and reflect upon its objectives, concentrating on ensuring its

foundations are strong for successive years and that it has enough renewable income to continue its fantastic work. I have a strong Executive Committee to support me in that endeavour, and I am delighted to announce that we have recently appointed 8 new members to my Main Committee. It is pleasing that we have so many new members wishing to serve on the Committee bringing fresh ideas and enthusiasm about how we can provide even better services to our members. I am looking forward to hearing from them and balancing their ideas with the pearls of wisdom that I know I can rely upon from those members who have served on the Main Committee and the Executive Committee for many years now.

Turning to the events, it is a matter of personal delight to announce that one of the first big events I will be running will be in collaboration with the Midlands Asian Lawyers Association (MALA) - the first 100 Years of Women in Law. MALA and LLS will be co-hosting this glittering event which will showcase the achievements of inspirational women in the legal profession. I see this as a golden opportunity for the legal and business community of Leicestershire to come together to celebrate the role that female lawyers from a culturally diverse background are making to our profession today - 100 years on after the 1919 Act removed the barrier to women becoming lawyers.

I am also hugely excited to announce another event that I will be running in February next year which will be celebrating some of the enormous achievements that have come out of Leicester, achievements that have literally changed the world map. The event will celebrate our 'triumphs' in law, science, sport, the arts and even the outer dimensions of space! It is easy to overlook just how much brilliance has come out of Leicester and how many outstanding individuals Leicester has produced. The speakers will be telling us about their fascinating stories and the impact their accomplishments have had on the world!

I have been working for some time with the Charity LawWorks and both Universities on holding a 'Question Time' debate with key speakers such as the Solicitor-General and the national President of the Law Society as a symposium on the subject of Pro Bono - Friend or Foe? The debate will focus on the benefits as well as the disadvantages of offering pro bono services. It is clear that legal aid has been decimated and is unlikely ever to return to its former glory. In the light of the impact of its withdrawal, particularly in family and criminal cases, is there a moral argument as well as a business

argument for pro bono services? This event is set to be a very lively debate and I am looking forward to hearing what our members as well as our esteemed speakers will have to say on the subject, and hope we will see an increased commitment in pro bono work in our community as a consequence.

The most important event for our members is of course the Annual Dinner and Legal Awards. This provides a real opportunity to celebrate the excellence that exists within our local legal community. Having been a contestant and winner in the Law Awards, my team and I understand the benefits of winning such a prestigious recognition. It is a wonderful thing to see the pride and sense of achievement that glows from the faces of the winners each year. Every President has a theme for the Awards. I have already decided upon mine and will say no more other than that I hope it will prove to be an evening of elegance and dressing-up!

Finally, each President chooses a Charity to support. I have been engaged in a whole range of charitable activities since I set up my own law firm, and therefore this was a very difficult choice for me as there are so many wonderful charities. In the end, I decided to support a Charity close to my heart called Alex's Wish.



The Charity's prime objective is to fund research into a cure for Duchenne Muscular Dystrophy that affects around 1 in 3,500 boys and some girls. It is a death sentence for those children. Many are wheelchair bound by the time they are 10. Most will not survive beyond their mid-twenties. However, a cure is so close and therefore I am proud that the Law Society will be playing its part in funding the search for the cure that will ensure the current generation of children diagnosed with this terrifying disease will be the first survivors!

I wish to thank the Executive Committee and Main Committee and all the members for giving me this opportunity of being your representative for the next 12 months. You have my assurance I will do all that I can to discharge my responsibilities with commitment and integrity, and with the pastoral care of the Leicestershire Law Society at the heart of my presidential endeavours.

Glynis Wright  
President of the Leicestershire Law Society



## The effect of costs on your financial future

This issues' subject is based on the charges that clients pay for using financial advice and how they affect their investments over the longer term.



In January this year, we saw the sad passing of John 'Jack' Bogle. The company he founded 'Vanguard', is the largest mutual fund company in the world - currently holding over five trillion dollars under management. Mr Bogle developed the first tracker fund - funds which essentially are designed to replicate whichever market they are designed to follow. It's very simple. Very cheap to run and believe it or not, over time will provide investment returns that will surpass the very large majority of fund managers attempting the same thing. The annual management fee is considerably lower than the majority that clients are paying tradition fund managers.

Over the last few years, more investors and advisors have switched over to the argument presented by those in the 'evidence based' (alternatively labelled passive investment) sector. The trickle has begun to turn into a stream, and in time we expect it to become a river. One of the reasons why passive funds outperform over the longer term is cost. Empirical studies have suggested that if you're to review a fund; the biggest predictor of that funds long-term performance

will be its cost (Morningstar 2017). The cheaper the fund cost, the more likely it will out-perform the majority of its peers.

Normally, financial advisers charge on a percentage basis. So, their charges also affect the overall return to investors (similar to fund managers), but there is an alternative. Advisers are coming around to the idea of fixed fee pricing, and I have looked at this below.

So as a comparison I thought I'd compare the charges of the largest (but restricted) financial advisors in the UK against a fixed fee model. I've compared an investment of £1,000,000 which is being set up with a new advisor under both options.

Investment returns are kept at 5% per annum. With the national firm, the fees after the first six years are reduced from 3.0% to an average rate of 1.85% per annum. The comparable has an evidence-based investment fund charge of 0.35% plus a 0.20% platform charge. Total 0.55% per annum. The fixed fee charges start at £10,000 per annum and increase by a rate of inflation of 2.5% per annum. There is an initial charge of £10,000; the national firm has no initial fee.

THE CHEAPER THE FUND COST, THE MORE LIKELY IT WILL OUT-PERFORM THE MAJORITY OF ITS PEERS

In the first six years the difference is a little over £96,000! IN JUST SIX YEARS!! A large proportion of this is due to the charges being levied (approx. £86,000). Fortunately, the average price for the national firm falls to 1.85% per annum, and this slows down the difference between the two pricing models. On average, I would expect to advise, partner and coach my clients over a 30-year investment period (as would most of my peers), so it's important to consider the difference over that time period also. It is over £200,000. The cost savings each year provide additional funds for compound growth so the difference in value of the two funds is over HALF A MILLION POUNDS after 30 years.

What difference could this make to your client's life; their family's life; their legacy?

The effect of cost over the long-term is enormous. Ignore them at the detriment of your clients financial freedom. Question every cost being levied, and why? It could mean obtaining financial peace of mind many years earlier. Is it time you paid more attention?



# BUSHRA ALI MY YEAR AS PRESIDENT, 2018-19, PART ONE.

**What a whirlwind of a year! Sitting at the AGM on 30 May 2019 presenting my end of year President's report, it reminded me as though it was only a week ago that I stood in the same spot and set out my objectives for the year to come.**

On 23rd May 2018 I took Office as President of the LLS and was absolutely honoured to do so as the 8th Female in the 158 year history of the Society, the fourth Asian, only the second Asian female and one of if not the youngest President in the history of this Society.

It was also to be the first time in our 158 year history as a local law society to be hosting the National Local Law Societies' Conference, a bid I was extremely proud to have won. No matter what, we knew the year would be different for this very reason, even if we did nothing else!

Given all of the above, there was indeed an enormous amount of anxiety to be able to deliver, given what past Presidents had achieved, but at the same time, it was an absolute honour and privilege to be given the opportunity to serve my Local Law Society in such a way.

At the AGM on 23rd May 2018 I set out my agenda and the objectives I intended to deliver as President with the support of the Executive Board and Committee. Those objectives included to celebrate diversity in the profession, the community and local law society, to celebrate the success and empowerment of women both in law and across the professions, to take our local law society into the community to continue to foster better relations and address social mobility, to continue to engage with and create better relations with professions across the board and to focus on raising the profile of the Society and encourage others to join and become more active in our local law society, and hence raise its profile.

Indeed this was and has been an ambitious agenda which could not have been attempted or achieved without the commitment and hard work of a number of people. Thank you to the employed staff at LLS that included Kauser Patel serving as Manager during the early part of my Presidential year and then Iqrah Fayyaz who served as Administrator and Marketing Officer

since November 2018 to date.

The Main Committee and Sub – Boards have all worked tremendously hard to make this an enormously successful year. There have been some changes and we have welcomed a number of new faces on to the sub-boards- particularly the Events sub-board, Media and Equality & Diversity with 'Family' being the newest sub-board created this year. Those on the sub-boards this year and main Committee do represent the diverse membership of our Local Law Society.

We have continued to benefit from the constant support, insight and wisdom afforded to us by Linda Lee Past President of The Law Society, Council Member and representative for Leicestershire and Northants. Her input has proved invaluable on countless occasions.

We have grown from strength to strength as a Local Law Society with our profile having increased further this year through local community engagement, constant activity, reaching out to new firms and a social media presence which has taken a lot of effort, but been successful.

We have continued to respond to a number of consultations (including civil litigation changes, the changes to the route in qualifying as a solicitor, the removal of reserved work, and price transparency rules), put on a range of regular and new courses for our members (including Immigration law and Wills and Probate), held an unprecedented number of events and tried new venues (including the Leicestershire County Cricket Club, Winstanley House, Porsche Centre Leicester and New Walk Museum) which have been very well received. Due to the increase in number of events this year in turn we have increased the number of sponsors that we have had this year to support us- with all events making a profit or breaking even. The number of Patrons has remained the same at 7 with 2 Business Partners, and membership has increased significantly after hosting Why Support our Local Law Society seminar and having opened the pool of membership to allow barrister chambers that do not have a physical chambers in Leicestershire but are instructed by Leicestershire firms

to become members. Some larger firms have disappointingly decided not to renew membership as firms but have encouraged individuals within their firms that remain individually active to renew their own membership. Finally, the number of Award categories increased this year including the number of nominations received and those shortlisted. The diversity in applications, nominations, those shortlisted and the winners has been commended this year.

Our Judges (District Judge Stamenkovich, Judge Prakash Suchak, David Monk, Steve Evans, Kevin Bampton and George Oliver) have played an instrumental part in us continuing to achieve great heights with our Annual Legal Awards Dinner and the actual process of judging. The LLS is thankful for their continued support.

It goes without saying, this very magazine is described as being the best magazine of a local law society by far!

We continue to be one of the most vibrant, modern and active Local Law Societies in the country, and, most importantly, we are very well respected for our commitment and hard work. Most recently we were visited by members of the Ethnic Minority Lawyers Division of Chancery Lane and we were commended for our hard work and what we are achieving with some of our initiatives other Local Law Societies are being advised to put into place.

Below is a synopsis- snapshot and breakdown of some of our achievements at our Local Law Society this year, and when reflecting, it is so hard to believe we have done all of this within the space of 12 months!

## JUNE 2018

In June 2018 we had prepared a pop out calendar year of the LLS events which enabled members to know what was planned throughout the year and gave us something engaging to distribute amongst our members and those looking to support, sponsor and engage with our Local Law Society.

On 20th June we held our (what has become known as the) 'traditional Summer Garden Party' in the elegant grounds of De Montfort University's Trinity House.



The building belongs to our Patron DMU who welcomed the use of Trinity House for this event once again. This evening was very kindly sponsored by DG Legal and Mr Rahman of Chef & Spice- both new sponsors which I brought to the scene this year. We introduced the 2 chosen charities to be supported for the year, Zinthiya Trust and After 18.



We had in excess of 100 people attend amongst whom included our local dignitaries (Chairman of the County Council Ozzy O'Shea, High Sheriff of Rutland, Lord Lieutenant of Rutland and Lord Bach Police and Crime Commissioner).

On 26 June 2018 we had lunch with our Patrons and Business Partners to thank them for their continued support.

In June 2018 we as an Executive Board had lunch with the Judges of our Annual Legal Awards in order to take their continued feedback on board on what was working with the Awards process and where they felt we could make further improvements.

## JULY 2018

We had a lunch on 6th July 2018 with our Main Committee and sub-board members in honour of thanking them for their continued hard work and looking forward to another year of commitment in fulfilling our objectives.

On 29 July 2018 our Women in Business and Law Tea Party took place at the Leicestershire County Cricket Club in the theme of Alice in Wonderland- Mad Hatter themed Tea Party. We were joined by over 100 women dressed in theme with a hat or fascinator, and we had a beautiful backdrop sponsored by Betty Brown for lovely scenic photographs of our guests. We had Malika as a live painting artist who painted a live picture during the Tea Party which was then auctioned to raise funds for our 2 charities as were two dresses from the Betty Brown Collection. Guest speakers at the event were HHJ Nancy Hillier and Sarah Houldcroft. In attendance included Dr Sarah Furness, the first female Lord Lieutenant of Rutland. The event was kindly sponsored by 2 New Street Chambers.

The LLS magazine that covered this event was one of my favourites as I love what done with the Queen of hearts image.

On 31st July 2018 we hosted our first ever Why Support Our Local Law Society Seminar at The Belmont Hotel where Representatives of each sub board (Crime, Patronage,

Non-Contentious, Membership, Equality & Diversity, Civil Litigation, Media, Events and the Magazine) presented on the work of their sub-board. This allowed members of the professional community interested in sponsoring, supporting or becoming members of the Local Law Society to learn about our work. Subsequent to this event, we had an influx of applications from new firms and individuals for membership of the Society. During this period we also amended the Rules to allow not for profit set-ups or set ups that were not traditional law firms that had at least one qualified practising solicitor to become members of the Local Law Society.

**Next issue, Part Two:** September to April



Bushra Ali as 'The Queen of Hearts' - after Sir John Tenniel

# THE GREEN BICYCLE MURDER

**"We all knew `e did it but Marshall `all got `im off!"**

Marshall Hall KC did indeed secure an acquittal for Ronald Light at his Trial in June 1920 for Leicestershire's most famous unsolved crime, known as the Green Bicycle Murder case. Another book on the alleged murder is due to be published later this year.



Ronald Light after his acquittal 1920.

For now, Christl Hughes marks the centenary of the incident on 5<sup>th</sup> July 1919 by looking at two other characters in a drama that engulfed individuals

from all socioeconomic backgrounds - Chief Constable Edward Holmes and the Prosecution witness Muriel Nunney.



Annie Bella Wright. Victim.

Edward Holmes was born in Melton Mowbray on 18<sup>th</sup> October 1847 and baptised at St Mary's Church. His father Thomas is described as a "Labourer" on the birth certificate and thus young Edward grew up on a farm, attending first the Church School, and then the British School in Melton Mowbray. At 19, following a competitive examination, he became a Post Office Clerk in Leicester. He was, however, already interested in crime investigation and a frequent attendee at what were then known as the Police Courts. That, and cricket, then led him into contact with the Leicestershire Constabulary, and in 1875 he applied successfully to Frederick Goodyear, Leicester's first Chief Constable, initially to be again a Clerk, becoming an Inspector the following year.

Thereafter Holmes's rise in the Constabulary was rapid. Superintendent in 1885, then Deputy Chief Constable and finally at 42 Chief Constable in 1889. His annual salary was £450 plus eg a horse allowance of £60, although later in his 53 year career he became one of the first officers to enjoy a police car – a sage green Coventry Humber complete with driver. As Chief Constable he initially lived "over the shop" namely the police HQ then situated in Horsefair St.

Having early on declared his intention of running his force with consideration and kindness coupled with fairness Holmes rapidly became noted as a good leader and organizer, thorough, imaginative and dedicated to his work. That included a miners' strike in 1893, and another early task was provision of better police accommodation throughout the County.

He was in the front line of criminal operations, for example participating in the arrest of the killers of PC William Wilkinson at Sibleby in 1903, and he also took a very great personal interest in the investigation of the Green Bicycle case, although that was probably not Leicestershire Constabulary's finest hour. It now seems more likely than not that the Prosecution witnesses were telling the truth and the accused was not and before his death Holmes considered having

the defendant Light charged with perjury, but was dissuaded by the Director of Public Prosecutions.

An enthusiastic huntsman, the Chief Constable's other great love was cricket. He became President of Leicestershire County Cricket Club and in 1900 was active in setting up the County's Grace Road site, still of course in use including as a hospitality venue for Leicestershire Law Society.

A parallel career in Freemasonry was similarly mercurial. Initiated in 1883, he rose to be appointed Provincial Grand Master in 1913.

Awarded the OBE in 1925 Edward Holmes died at his home, Portland Lodge, London Road, Leicester, after a short illness on 23<sup>rd</sup> May 1928. He was thus still in office in his 81st year and was one of the oldest Chief Constables in the country. His funeral procession was attended by many people lining its route to the Cathedral, where the Bishop of Leicester, Dr. Cyril Bardsley preached the sermon, saying of Holmes: "His heart's desire was that he should die at his work."

Edward and his wife Elizabeth had a daughter, Ethel, and a son Thomas Edward who went to Cambridge University to read medicine. Holmes senior was laid to rest in Oadby Cemetery in a large and ornate grave sadly now rather sunken due to a badger sett underneath.

His other legacies are the funds he raised for the Cathedral and the Royal Infirmary for example and Holmes Masonic Lodge consecrated by himself as Provincial Grand Master on Friday 24<sup>th</sup> October 1924. Today Holmes Lodge retains the tradition of "Rising to the memory of Edward Holmes".

Muriel Nunney was born in Lytton Road (off Victoria Park) Leicester on 17th February 1906, the third child of Ada and Albert Henry Nunney, a "coach trimmer journey man" born in Liverpool. In the 1911 Census his occupation is similar but the family of 6 plus a domestic servant had moved to West Avenue in Clarendon Park. By 1920 the home was 28 Evington Drive and Albert Nunney managing director and proprietor of Keites coach and car building company. He had "gone up in the world".



The eponymous Green Bicycle

On Saturday July 5<sup>th</sup> 1919 Muriel aged 13, a pupil at Portland House School, went out cycling with her friend Valeria Cavan on the Stretton Road going east out of Leicester. In her statement dated 9th March 1920 and her evidence at the Trial she stated that at about 5.30pm a man riding a green bicycle first went past in the opposite direction but then turned round and began to follow them. Uncertain what to do Muriel and Valeria decided to dismount whereupon the man asked first Muriel and then Valeria if she could take the lead and ride on leaving him alone with the other one. Both declined and instead decided to cycle back to Leicester together. They arrived home safely but the man did trail them for a while. Subsequently at both an Identity Parade and in Court the two girls identified Ronald Light as the man they had seen on the on the Green Bicycle, on Saturday 5<sup>th</sup> July at around 5.30pm. Light was on trial for killing Bella Wright at Stretton later on that evening.



Crime Scene. Little Stretton Leicestershire

But there was an interval of 8 months between the death of Bella and the arrest of Ronald Light (he was traced after the bicycle was dredged from Leicester Canal) and Marshall Hall made much of that in his vigorous cross examination as well as suggesting that the girls' identification was mistaken following massive media coverage of Light's arrest including his photo.

Giving evidence in a murder Trial followed by a grilling from Marshall Hall must have been a very frightening experience for 14 year old Muriel and she and Valeria then had to hear the accused deny ever meeting them and get acquitted.. Hopefully support for child witnesses today is better.

In 1923 Muriel's Mother Ada died and was buried at Welford Road Cemetery. Muriel was 17. By then though she had probably met and fallen in love with Mr Frank Edward Evans, a Hosiery Engineer. On the wedding day 12th October 1929 at Leicester Registry Office Frank and Muriel are already living at the same address 14 Upper Kent St Leicester (but in separate rooms as lodgers surely?). He was 27 she 23. They were married for just over 30 years before very sadly Muriel, who suffered from depression, took her own life in 1960.

So, alone as he approached retiring age, (Muriel was not able to have children) Frank decided to continue working and successfully applied for a job as office boy at Denham Foxon & Watchorn solicitors of 16 New St (now St Martin's Lodge Hotel). His tasks included photocopying, errands and deliveries and last



but not least serving everyone with tea in the afternoons. He bought everyone mince pies at Christmas. He was 82 when I joined the firm in 1984 and if I sent him to deliver a letter he would enquire whether he needed to wait for an immediate response – a strange throwback to before faxing and anticipating modern email. The firm put on a surprise party for him on his 90<sup>th</sup> birthday in 1992.

Frank always believed that Muriel had told the truth and that Light was Guilty - his is the quote in the title of this article - and in August 1993 I was therefore delighted to take him to Dillons bookshop for the launch of Wendy East's excellent book about the murder. Wendy East invites readers to draw their own conclusions but as at May 2019 the outcome of the Cold Case Review by Antony M Brown\* is that Bella Wright was murdered by Ronald Light.

Frank died on 20<sup>th</sup> November 1996 aged 94. He only stopped coming to the office a few weeks beforehand. We missed him.

Christl Hughes

\* see LLS Magazine Issue 10 Autumn 2017



# COUNCIL MEMBER'S REPORT

## JULY 2019

**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: [lindahlee@aol.com](mailto:lindahlee@aol.com)

### PART ONE: WELL-BEING, TOXIC WORK ENVIRONMENTS AND DISHONESTY IN THE SOLICITORS PROFESSION.



**The concept of 'well-being' has risen to prominence in the solicitors profession, following recent high-profile disciplinary cases. Despite the obvious**

**sympathy of the Solicitors Disciplinary Tribunal (SDT), the Court (following appeals by the SRA) overturned the decisions of the SDT and struck off the solicitors concerned.**

In 2010 the coalition government launched the National Wellbeing Programme to "start measuring our progress as a country, not just by how our economy is growing, but by how our lives are improving; not just by our standard of living, but by our quality of life". Between 2010 and 2014 the government published a series of research papers and policy documents. Measuring well-being has long been a component of the United States public health policy. The Center for Disease Control has used the concept of well-being to determine its public health policies and monitor the impact of any such policies. It acknowledges that there is no consensus around a single definition of well-being, but there is general agreement that "at minimum, well-being includes the presence of positive emotions and moods (e.g., contentment, happiness), the absence of negative emotions (e.g., depression, anxiety), satisfaction with life, fulfilment and positive functioning".

The Department of Health considered the link between well-being and work and noted that whilst those in unemployment tended to have lower levels of wellbeing than those in employment, "job quality is also important for wellbeing, jobs which cause high levels of stress can have adverse effects on wellbeing". Data collated by the Health and Safety Executive (HSE) collated over many years showed a cost to society of billions of pounds per annum<sup>vi</sup> as a result of work-related stress.

In 2018, a report by the HSE<sup>vii</sup> reported that 'legal professionals' were third in a list of the top six most stressful professions in the UK, more

than double the prevalence in all industries. Women were more affected than men.

Why are lawyers so severely impacted by work-related stress? According to the HSE, the predominant cause of work-related stress<sup>viii</sup>, depression or anxiety was workload, in particular tight deadlines, too much work or too much pressure or responsibility. Other factors identified included a lack of managerial support, organisational changes at work, violence and role uncertainty (lack of clarity about job/uncertain what meant to do.) Demanding clients and Court deadlines are part and parcel of a solicitors job, however, the impact of these can be reduced and the other factors listed by the HSE are, for the most part, avoidable with good management support.

Perhaps the most shocking of the recent SDT cases was that of Sovani James<sup>viii</sup>. James had been admitted as a solicitor at the age of 27. At the time of the misconduct, James was 3 years PQE and working at McMillan Williams, a firm with 27 UK offices in locations including London Bridge and Westminster.

James had been handling a clinical negligence claim and failed to serve proceedings in accordance with an order. She sought to cover up her mistake and to do so, she created false letters to her client, an expert and the defendants. She lied to her firm about progress of case and the mistake was not discovered for several months until after she had left the firm. It should be noted that ultimately the firm were able to put right the mistake she made and presumably there was no claim in negligence.

Ordinarily these facts would elicit little sympathy. The disciplining of professionals is not merely to punish them, "It is important that there should be full understanding of the reasons why the Tribunal makes orders which might otherwise seem harsh. There is, in some of these orders, a punitive element: ... But often the order is not punitive in intention. ... two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence...

*The second purpose is the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.*<sup>viii</sup>

The Solicitors Disciplinary Tribunal (SDT) approach to dishonesty is different to that of many other professional Tribunals in that it does not consider what is the least sanction it can impose to meet its objectives. In cases of dishonesty, the starting point is strike-off other than in 'exceptional circumstances'. Simply concealing a mistake from the Court or the regulator is prima facie dishonesty and the more prolonged the period of dishonesty, the more seriously it is viewed.

James argued that although she had been dishonest for a prolonged period, there were exceptional circumstances in her case. At the time of her misconduct the firm had been in the process of seeking external investors, and as a consequence she and other members of the firm had been set tough targets. Her individual Billing Target for 2012/13 was £193,176.25 and her individual Time Recording Target for 2012/13 was 1515 hours.

Correspondence she received from her firm was set out in full in the decision of the SDT. A letter from the Human Resources department stated that "With regard to time recording, your time recording for the year 2011/12 was 1365 hours and 24 minutes, your target was 1440 hours, and you were 75 hours under target. Your target for the year 2012/13 is 1515 hours." The firm's Managing Partner wrote to her, "the firm expects individuals... irrespective of what other roles may be assigned to them to complete the assigned number of chargeable hours... as deficits roll forward and do not reset to zero, your target will simply increase year on year, until such point as that target becomes unmanageable... as long as you prioritise the chargeable hours, it is possible to hit the target. This may involve working evenings, weekends, Bank Holidays, or simply doing a longer day. I am assuming that

*you will be working each and every weekend and long hours during the week to ensure that the required target is reached.'*

By this stage, James was failing to cope and in evidence she said: "Almost daily I would be in tears due to the pressures I was under... The stress I was under was obvious towards the end of my time with the firm. I was clearly distressed and cried regularly. My hair started to fall out and I put on weight." Something that appeared to go unnoticed by her supervisor.

The SDT received medical evidence that she suffered from Depressive Adjustment Disorder. The effect of this was that her concentration would be impaired as would her ability to meet the demands put upon her by the stressful environment. By the time of the hearing, she had successfully worked at her new firm, without incident, for a period of almost 3 years. The SDT were clearly sympathetic and unusually gave her a suspended 2-year suspension.

The SRA appealed this and the Administrative court heard the case together with that of Peter Naylor, a corporate lawyer at TLT who was 7 years PQE at the time of the misconduct. Naylor sent the misleading emails in an attempt "to buy [himself] some time". He said he felt "broken" by an incessant workload and developed health issues. These cases were heard with the less attractive case of Esteddar Macgregor a managing partner and COLP, 23 years PQE who failed to report another partner's systematic and gross over-claiming from the Legal Aid Agency and dishonestly helped cover it up out of 'personal loyalty' to her colleague.

The Administrative court had no sympathy with the plight of James. Flaux LJ, giving the leading judgment of the court, held, "it is difficult to see how in a case of dishonesty ... the fact that the respondent suffered from stress and depression (whether alone or in combination with extreme pressure from the working environment) could without more amount to exceptional circumstances." He went on to say that "I do not consider that mental health issues, specifically stress and depression suffered by the solicitor as a consequence of work conditions or other matters can, without more, amount to "exceptional circumstances", justifying a lesser sanction than striking off: pressure of work or extreme working conditions whilst ... relevant by way of mitigation to the assessment which the SDT has to make in determining ... sanction, cannot either alone or in conjunction with stress or depression, amount to exceptional circumstances." It is now clear that unless the work stress plus mental health issues lead to a one-off act of dishonesty – a single "moment of madness" – the circumstances will not be exceptional. It ordered that all three should be struck off.

This immediately led to an increased 'toughness' at the SDT. The case of Scott<sup>ix</sup> is an unfortunate example. Scott was an unpaid intern for six months before becoming a paralegal and then a trainee solicitor. She was aged 27 when she qualified and instantly moved to another firm on completion of her training contract. As a trainee under direction of the partners (both later struck-off for dishonesty) she fabricated a file for submission to the Legal Ombudsman. At her new firm, she sought the advice of the Compliance Officer for Legal Practice (COLP). He advised her to notify the SRA immediately, which she did. Unfortunately, in her email, she set out her reasoning for her actions. In addition to describing her actions and those of the partner, she stated, "I knew such practices were wrong and should have been reported immediately" and "I did not feel that I could jeopardise my training and employment". She also said, "I am aware I should have reported the above sooner" but "I was deeply concerned about the repercussions on my myself and my employment if I did report this in the middle of my training contract".

The SDT said it had "very considerable sympathy" with Scott in that "her misconduct would very likely not have occurred" but for the actions of [her principal]. By the time of the hearing she had left the profession and had no intention of working in it again. The SDT decided that the only possible sanction was to strike off Scott.

The Junior Lawyers Division (JLD) expressed concern to the SRA, including a demand that it, "take action against organisations employing junior lawyers and solicitors that permit toxic and unhealthy working environments to subsist". However, the SRA has failed to amend its enforcement policy to reflect these concerns.

The regulator, if it is to maintain any credibility, must amend its enforcement policy but we as a profession should also take responsibility. I have recently chaired roundtable discussions to discuss how in Leicestershire, Northamptonshire and Rutland we can do more. Work is ongoing and I would ask that you consider joining the debate and help formulate an action plan. I am happy to facilitate more discussions if you would like me to assist. The second part of this article will look at what we can be doing now to help and support partners, solicitors, trainees and employees generally.

#### If you need help now

In the meantime, a reminder that if you do need help at any time you can contact the Solicitors Assistance Scheme, a group of expert volunteers who offer free confidential help and advice for all solicitors in England and Wales, their families and employees on

any problem troubling them. It is confidential - you do not even have to give your name. We offer expert free initial advice on the following; Regulatory (Practice issues, COLP/COFA issues, Authorisation Issues), Disciplinary (Practising Certificate issues & conditions, Self-Reports, SRA investigations, SDT referrals, and breaches of the Accounts Rules), Partnership, Employment (including training contracts), Fraud & Crime (including a specialist cybercrime team), Interventions, Voluntary Closures or disposals of practice, Complaints & Negligence, Practice management, Money laundering and Insolvency.

Email: [help@thesas.org.uk](mailto:help@thesas.org.uk) or look us up at <http://www.thesas.org.uk> for the direct telephone numbers of volunteers who can assist. We will help. Ideally, call us when you are faced with the situation/dilemma-and talk it through but remember no matter what has happened, it is never too late to seek help.

I also recommend LawCare who support and promote good mental health and wellbeing in the legal community throughout the UK, Ireland, Isle of Man and Jersey. Their mission is to help the legal community with personal or professional concerns that may be affecting their mental health and wellbeing, and to promote understanding of how and when to seek help, without fear or stigma. LawCare has a free, independent and confidential Helpline on **0800 279 6888** and is available to anyone in the legal community, including families and support staff.

If you have any concerns or queries or would like to discuss any of the issues raised or any other matter, I am always very happy to hear from you.

**Linda Lee**

Council Member  
June 2019

#### Notes

<sup>i</sup> <https://www.gov.uk/government/collections/national-wellbeing>

<sup>ii</sup> <https://www.cdc.gov/hrqol/wellbeing.htm#one>

<sup>iii</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278138/Working\\_well.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278138/Working_well.pdf)

<sup>iv</sup> 'Management Standards' and work-related stress in the UK: Policy background and science 2004 Colin J. Mackay, Rosanna Cousins, Peter J. Kelly, Steve Lee And Ron H. McCaig

<sup>v</sup> Work related stress depression or anxiety statistics in Great Britain, 2018

<sup>vi</sup> HSE Labour Force Survey (2009/10-2011/12)

<sup>vii</sup> SRA v James and others [2018] EWHC 3058 (Admin)

<sup>viii</sup> Bolton v the Law Society [1994] 1 WLR 512

<sup>ix</sup> 11696-2017 - De Vita, Platt & Scott: SDT

LEICESTERSHIRE LAW SOCIETY  
**MEMBERSHIP  
PAGES****WELCOME TO THE LATEST MEMBERS  
SECTION OF THE LLS MAGAZINE.**

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.

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.

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 of specialist clinical negligence firm Moosa-Duke Solicitors. Daniel is ably assisted by his colleagues Navdeep Kainth and Gemma Lewis, also from Moosa-Duke Solicitors.

**She's Back!**

In addition, now that her whirlwind year as President has come to an end, we are delighted to have Bushra Ali rejoin the membership team. Bushra specialises in immigration Law and heads up Bushra Ali Solicitors.

With Bushra's unstoppable drive and energy, we should have great things ahead for our members over the next 12 months.

For any queries or comments in relation to membership, please contact Daniel O'Keeffe: [dokeeffe@moosaduke.com](mailto:dokeeffe@moosaduke.com)

**LLS Annual Ball and Awards Ceremony**

On 26 April 2019 we had the Annual Ball and Awards Ceremony, which brought the curtain down on Bushra Ali's extraordinary year as President.

The LLS held a magnificent event at The Athena with a theme of "Taj Mahal Crown of the Palaces."



Guests were met with wonderful Indian street food which preceded a 3 course meal. The spectacular entertainment included performances from Zack Knight and Lauren Charlotte Violin.

**AGM 30.05.19 - New President Glynis Wright**

At the AGM on 30 May 2019 we had the election of our new President Glynis Wright, bringing Bushra Ali's amazing year as President, to an end.

Glynis will have a very tough act to follow in Bushra Ali.

In addition, we were delighted that we had some new faces joining the committee, including Gina-Samuel-Richards of AGR Law, who had only joined the LLS this year.

**Our Committee now reads as follows:**

**President:** Glynis Wright  
**Vice President:** Christl Hughes  
**Deputy Vice President:** Krishna Kotecha  
**Executive Chair:** Mehmooda Duke  
**Honorary Treasurer:** Matthew Olnier  
**Immediate Past President:** Bushra Ali  
Mukesh Basra, Peter Duffin, Katherine Marshall, Dan O'Keeffe, Gayle Rowley  
Adam Markillie, Angela Titley-Vial  
Imogen Cox, Lisa Marie-Leanders  
Jonathan Foster, Gina Samuel-Richards  
Nanita Kanabar, Jessica Huczmann  
Zainab Zaeem-Sattar, Parvien Akhtar  
Greg Hollingsworth.

**New Membership Category:  
Public Body**

At the AGM we introduced a new category of membership, for public bodies. We are very keen to get public bodies involved with the Society and we are already in talks with several organisations who are keen to become members.



Daniel O'Keeffe

**TYPES OF MEMBERSHIP**

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

**CORPORATE MEMBERSHIP**

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

**ASSOCIATE MEMBERSHIP**

This is for barristers' chambers and covers all barristers at the chambers.

**INDIVIDUAL MEMBERSHIP**

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

**GROUP MEMBERSHIP**

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

**PUBLIC BODY MEMBERSHIP**

This is for public body organisations that are not law firms but employ lawyers.

**SPECIAL MEMBERSHIP BENEFITS**

As always the membership team has been working hard to get new deals and discounts with local businesses for our members.

**FULL LIST OF LLS MEMBERSHIP BENEFITS:****Leicestershire County Cricket Club**

**Discounted T20 match tickets for advanced bookings**

Adult Tickets £10 / Junior Tickets £1 – must be booked in by calling the ticket office to confirm you are an LLS Member.  
**Tel: 0116 283 2128**

**Net Nerd**

**Save 50% off the annual subscription**

**Tel: 0333 222 4080**  
Email: [sales@netnerd.com](mailto:sales@netnerd.com)

**Easy Internet**

**Free initial consultation**

10% off total cost of marketing packages  
**Tel: 0333 332 6396**  
Email: [enquiries@easy-internet.co.uk](mailto:enquiries@easy-internet.co.uk)

**Gayatri Beauty Clinic**

28 Gypsy Lane, Leicester, LE4 6RB

**£50 off Microblading (offer available until April 2019).**

Contact Gayatri Samplay on  
**Tel: 07984888058**  
or [Gayatri\\_patel@hotmail.co.uk](mailto:Gayatri_patel@hotmail.co.uk)

**Beauty Refinery**

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

**15% discount on all treatments from the price list on Monday – Saturday between 10:30am – 2:30pm** (this cannot be used in conjunction with any other offers).

**Civil and Commercial Costs Limited**

**10% discount on first invoice of first instruction (£500 maximum)**

Contact Anil Virji on **Tel: 0207 842 5953** and [Anil.Virji@civilandcommercial.com](mailto:Anil.Virji@civilandcommercial.com)

**Jonstar**

**Free initial energy review to all LLS member firms.**

Plus £10 donation to Prost Aid, for each energy review.

**Tel: 01162704686** or email a recent bill for each meter to [info@jonstarenergybrokers.co.uk](mailto:info@jonstarenergybrokers.co.uk)

**Finance Lab Financial Planning Consultants**

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

**David Lloyd Sports Club Narborough,**

**14 day free trial membership for all LLS members and their family**

Carlton Park, Narborough, Leics, LE19 0LF

Please contact the membership team on **Tel: 0116 272 7820**

**Mumbai Inn**

1 De Montfort Street/73 London Road, Leicester  
**10% off total bill**

**Koyla**

Kapital Building, Charter Street.  
**10% off total bill** (minimum spend £25.00)

**WATCH THIS SPACE!**

We have further great offers from local businesses in the pipeline and we will update you on these in the next edition of the magazine.

# "And the winners are..."

## LEICESTERSHIRE LAW SOCIETY AWARD WINNERS 2019

As well as a spectacular event, the annual Awards Ceremony held on 26/04/2019 was a celebration of Leicestershire Law Society members and the hard work and dedication of the men and women who make up our community. It is also the final showpiece event for the President to celebrate their year as President and for the Society to recognise its members that have gone above and beyond what is expected of them and have reached the final stage of the Awards process.

The theme for this year's Awards Dinner was "Taj Mahal, Crown of Palaces" and everyone was encouraged to attend the Awards Ceremony dressed as a Maharaja or Maharani.

On arrival at the venue guests were treated to a reception of street food of India and

Pakistan, to tantalise their taste buds and to give a real feel to the themed event.

The venue was also decorated to match the theme for the event.

To add further to the flavour of the evening, there was even a tuk-tuk!



An auto rickshaw (also known as a tuk-tuk) is a motorized development of the traditional

pulled rickshaw or cycle rickshaw. Most have three wheels and do not tilt. The auto rickshaw is a common form of urban transport, both as a vehicle for hire and for private use, in many countries around the world, especially those with tropical or subtropical climates, including many developing countries.

On entering the main auditorium, guests were greeted to a lavishly decorated dining room for the event.

As guest reporter for this evening, I had the opportunity to speak with the winners of this year's awards and it was really interesting to hear about what winning the award meant to them and their experience with the Leicestershire Law Society. I have included some of their comments below.

The 2019 Award Winners Were...

### President's Choice- Adam Markillie (Cartwright King)



"Never in my wildest dreams did I ever expect to receive an Award, when I agreed to become Editor of the LLS Magazine. It would be fair to say, that I was lost for words when I heard about the Award and I was gutted not to have been at the Awards dinner to receive the it. However, not being at the ceremony saved the embarrassment of the tears of joy, which I would have undoubtedly shed.

The Magazine was originally the work of Manbir Thandi, from Weightmans Solicitors, who worked tirelessly to get the project off the ground and was Editor for the first 4 issues. I cannot accept this Award without mentioning

the work that goes on in the background and in particular David Coffey, Designer from East Park Studio, who takes my crazy ideas for each edition and then works his magic to produce the top quality magazine that we as members of the LLS receive as part of our membership benefits. I would also like to take this opportunity to thank Simon Markillie-Mallinson, my partner of some 27 years, who has supported me in everything I do and mops the brow and wipes the tears when things get a little tough. Trust me when I say, without him, none of this would have been possible."

### Senior Solicitor of the Year- Isabel Wilson (Emery Johnson Astills)



"I am absolutely delighted and honoured to be named Leicestershire Law Society's Senior

Solicitor of the year 2019. I am extremely grateful to the Law Society, the Judges, the Sponsors and to my colleagues at Emery Johnson Astills. I'm particularly proud of and grateful to all of the strong women lawyers who I've had the pleasure to meet and work with and who have supported me throughout my career."

### Trainee Solicitor of the Year- Rishii Chowdhury (Crystal Law)



"It is an honour to have been named Trainee Solicitor of the Year 2019 by the Leicestershire Law Society. I will always cherish the moment when my name was announced at Athena because my parents were also at the Awards event. It was emotional for all of us because my parents have witnessed and supported me throughout my legal journey with Crystal Law Solicitors.

The Award is a testament to the exceptional training I have received from Crystal Law since I first joined as a volunteer in 2015."

### Junior Solicitor of the Year - Emma Bush (Affinity Law)



"It has been a privilege to be a member of such a friendly and inclusive law society since moving to Leicestershire 16 months ago. Being awarded Junior Solicitor of the Year at the 2019 Awards by such a fantastic law society is an honour and I certainly cannot thank my firm enough for how supportive they have been over the last 16 months."

### Chambers of the Year- 2 New Street Chambers



Sally Barnett, Head of Chambers "All of us at New Street Chambers are humbled, honoured and overjoyed to have received such an important Award. New Street prides itself on the service that it offers and we are so grateful for the recognition we have received for our work. I'm extremely proud of everyone."



### Barrister of the Year- Hannah Fountain



"I am delighted to have been awarded Barrister of the Year, it is a huge honour. I am overwhelmed and genuinely touched by the response that I have received from my colleagues and peers. I feel very privileged to be a part of the legal profession in Leicester, amongst many esteemed practitioners. Thank you to Leicestershire Law Society for the Award and many congratulations to all of the other winners and finalists"

### Small law firm of the Year-AGR Law



Gina Samuel-Richards of AGR Law- "We are delighted to have won the LLS Small Firm of the Year Award.

We have worked so hard in a first 2 years of the firm and feel honoured that our efforts have been recognised by our peers.

Now that I am a member of the LLS committee, I am looking forward to learning from existing members and contributing to the ongoing success of the LLS."

Since our firm became members of LLS in 2017 we have enjoyed attending a range of events and training that they have hosted. The events always provide a great opportunity to

meet and network in a relaxed manner with colleagues within and outside of the profession. We feel very much a part of LLS" -

### Large law firm of the Year- Nelsons



Matthew Oliner of Nelsons - "It's a real honour and privilege to have won Large Firm of the Year 2019. We take great pride in being part of the vibrant and progressive legal community in Leicestershire. It means a huge amount to us to have won this coveted Award in 2019.

### Support Staff of the Year- Ben Leuty (2 New Street Chambers)



"I feel truly honoured to have been presented with the Support Staff of the Year Award. It's great to have recognition for all the hard work, but I have to thank those who have also supported me without whom it would not have been possible to achieve what we have."

Reporter Daniel O'Keefe



Leicestershire Law Society presents the Annual Legal Awards Dinner 2019

# TAJ MAHAL

## Crown of the Palaces

Friday 26 April 2019  
at Athena, Queen Street, Leicester

Tickets available now

Doors open 6pm to a reception of street food of India and Pakistan

To book please visit [www.leicestershirelawsociety.org.uk](http://www.leicestershirelawsociety.org.uk)

# PHOTO GALLERY





# CONSUMER TRACKING INDICATES **SHIFT IN ATTITUDES** TO GIFTS IN WILLS

- 40% of over 40s say they are happy to leave a gift to charity in their Will
- 65% say it's acceptable to leave all your estate to charity
- 70% think that people should tell their children if they intend to leave a 'reasonable' gift to charity

Friday 24 May 2019 LONDON, UK – Public attitudes towards gifts in Wills have become more positive over the past decade, according to the latest UK consumer tracking poll commissioned by Remember A Charity.

The OnePoll survey (March-April 2019) found that 40% of people aged 40+ would be happy to give a small percentage of their estate to charity, up from 35% in 2008. Almost two thirds (65%) said that it was acceptable to leave your entire estate to charity if you wish.

The large majority (70%) of respondents felt that people should tell their children if they intended to leave a 'reasonable sum of money' to charity in their Will. Only one in

four (26%) thought their family would object to them making such a gift, down from 31% in 2008.

Rob Cope, director of Remember A Charity, says: "We've seen a real shift in attitudes in recent years with the public indicating that they are more open to the concept of legacy giving and this is a positive sign for the years ahead."

"While legacy income will inevitably fluctuate to reflect wider economic trends, the public's propensity to give is the key driving factor for market growth. This poll suggests not only that the public is more willing to leave a gift, but that they have a clearer understanding of legacy giving and think people should be free to do what they want with their estates."

"People still do worry about how their family might feel if they leave a charitable gift in their Will and this underlines the importance of encouraging potential legators to discuss

their wishes with their family, reducing the risk of dispute."

In 2008, the majority of respondents said that it was better to give money when you are alive than through a legacy (63%) and that close relatives have a right to the majority of an estate (72%). Today, according to the latest survey findings, those views are held by a minority, at 47% and 41% respectively.

Cope adds: "This new level of understanding of legacies undoubtedly reflects how hard charities and the legal sector have been working to communicate positively and collaboratively about the impact of gifts in Wills, handling the topic with sensitivity. The challenge now for Remember A Charity – and a key pillar of our new three-year strategy – is to review what can be done to shift the emphasis on from building awareness to inspiring supporters into taking action and writing charitable gifts into their Wills."

For more information, see: [www.rememberacharity.org.uk](http://www.rememberacharity.org.uk)

## CONSUMER TRACKING POLLS

A OnePoll survey of 2,000 UK respondents aged 40+ was carried out in March-April 2019, with responses gathered online. Questions replicated those carried out through a TNS poll in May-June 2008. Both surveys were commissioned by Remember A Charity to help inform the campaign's future strategy.

## SUMMARY RESPONSE TABLE

Statement	Agree / Disagree	2019 Aggregate	2008 Aggregate
I am happy to give a small percentage of my Will as a gift to a charity after I have included my family	Agree Disagree	40% 30%	35% 43%
I think it is acceptable to leave all your money to a charity of your choice if you wish	Agree Disagree	65% 12%	64% 22%
Children have a right to their parents' estate	Agree Disagree	41% 29%	62% 22%
I think your closest family have a right to the majority of the estate	Agree Disagree	41% 26%	72% 14%
My family would object to me leaving a reasonable sum of money to a charity	Agree Disagree	26% 33%	31% 47%
I think that you should tell your children if you plan to leave a reasonable sum of money to a charity	Agree Disagree	70% 8%	69% 14%
It is better to leave a gift in your will to a charity that donate small sums of money as you will not miss the money when you die	Agree Disagree	24% 19%	25% 45%
It is better to give money while you are alive - that way you know what happens to money	Agree Disagree	47% 9%	63% 14%
Charities depend on legacies to continue the work they do	Agree Disagree	58% 7%	66% 14%
Legacies to charities generally tend to be for large amounts	Agree Disagree	31% 16%	35% 33%

NB This summary table shows only the aggregate agree / disagree scores, excluding those that selected 'neither agree/disagree'.

FOSTERING MAY BREAK YOUR HEART WHEN THEY ARE ADOPTED... BUT FOSTERING KEEPS THEIR HEART BEATING.

Hope Animal Rescue Centre  
Tel: 0115 808 4327, M: 07856942119, Email: [hopeanimalrescue@sky.com](mailto:hopeanimalrescue@sky.com)  
BNI  
Leicestershire Chamber

Help make a difference

Transform the lives of children who are blind or vision impaired:

- Fundraise for us
- Leave a legacy
- Make a donation

For more information about NCW and to find out how you or your organisation can help, see [www.ncw.co.uk](http://www.ncw.co.uk)

Or contact our fundraising team on 01905 763933 or email [fundraising@ncw.co.uk](mailto:fundraising@ncw.co.uk)

ncw  
New College Worcester  
National residential school for children who are blind or vision impaired

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## How Do You Find Out About Care Services for Older People?

Older people, single, having no children, having children, it makes no difference. When a crisis occurs and knowledge about the care sector is needed, the amount of information that people of all ages have is sadly lacking. The result being that when an older member needs care support, the usual situation is that no one knows much about the subject or the practical realities of accessing an appropriate service.

Where and who do you go to for help and information? Social Services both in Social Care and Health are the natural link to information. Many social workers are part time, many have large caseloads and with an increasing number of older people needing care, more social workers are needed. It is a fact that many people seeking information from social services are not given comprehensive information.

The local GP Surgery may offer some local care information but are not usually a resource centre. The emergence of Hubs which contain a range of health professionals and related staff are more likely to be able to offer help and guidance, but these are not nationwide service bases. Depending on where you live, urban or rural, will mean there may or may not be local voluntary organisations that can help and give out helpful information.

Access to the internet can provide a wealth of information. However, knowing where to look, what to look for is not necessarily straightforward. Some telephone helplines are good sources of information, but you have to know who they are and what the number is!

The common phrase 'You don't know what you don't know' is particularly relevant when seeking practical solutions to a care situation. Why is this?

Unlike trying to persuade people to give up smoking, to exercise, to reduce weight, etc there are no public funded advertisements giving guidance and direction when it comes to the aspects of care for older people. There are no comprehensive, roadmap leaflets in libraries, pharmacies, health centres or resource centres.

Care must be paid for, who pays and who does not, what are the eligibility criteria? Where do you look to find the appropriate care needed? A person needs care, what are their legal rights and who protects them? What questions should you ask a care provider? What should you look for and ask about when visiting a potential care home? What, if any, disability equipment might be needed; what is available and how do I make contact to enquire?

There have been in the past 'One Stop Shops' or similar which were information points, but with reducing funding in the sector, these usually had short lives.

What is needed is for a Minister of Aging (akin to the Scottish Minister for Older People and Equalities) to be appointed with specific directions to tackle the problem of an increasing number of older people. Older people and families do have the ability to arrange, procure, ask questions, make decisions about care services but they do need the tools to enable them to do so. This should be a priority, would be cost effective and practical.

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## BOOK REVIEW

**McGREGOR ON DAMAGES**  
**Twentieth Edition**

By James Edelman

ISBN: 978 0 41406 415 7

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### 'THE CANONICAL AUTHORITY ON DAMAGES' -- NOW IN A NEW TWENTIETH EDITION

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

**There are more than a few legal texts out there with lengthy publishing pedigrees, some dating back to the nineteenth century, yet forever current thanks to regular updating over the decades. Few though, are as venerable as this one. Yes, it is 'McGregor on Damages'.**

As the classic work in this area of law, it continues to maintain its authority and clout in this new edition from Sweet & Maxwell's Common Law Library. In the words of Lord Hoffman, who writes with touching candour, the foreword from Brick Court Chambers, it remains 'the canonical authority on the subject.'

A formidable and eminently readable work, which now numbers almost 2,000 pages, it traces its lineage back to 1856 under the authorship on one John D. Mayne, who co-authored all but two of the next seven editions with Lumley Smith. By 1946, as Lennie Hoffman recalls, at least one reviewer remarked that 'at any rate in living memory' Mayne 'had the reputation of being a horrible book.'

Presumably things must have improved a bit under the authors who followed -- all the more so from 1961 onward, when Harvey McGregor -- a QC by 1980 -- became the book's sole author and continued as such until the nineteenth edition of 2014, which sadly preceded his death a year later.

It was he, whose first love was the law -- and elected Warden at New College Oxford -- whose scholarship and verve elevated the book's reputation as he proudly remained its sole author (not editor!) over the next eight editions. Now, says Hoffman, 'the book passes into the hands, not of a team, but of a single editor, chosen by Harvey himself.'

The said new editor is James Edelman, a Justice of the High Court of Australia who, assisted by two expert contributors, presides over the updating of this volume. In the Preface he mentions Harvey's wish that his life's work would remain as a single person's work rather than becoming the product of a team. 'For him and for me,' says Edelman, 'coherence in the law is a paramount value... one of the core principles that I aim to maintain'. Referring to 'Harvey's greatest academic legacy,'

Edelman pays tribute to the book's coherence, its astonishingly comprehensive coverage and its incisive commentary.

In a final word, James Edelman apologizes, oddly enough, for the book's not having been written in gender-neutral language, 'although all revisions and re-written parts have been.' 'The style of centuries past will be reduced or removed in future editions,' he adds, 'as the book is modernised and rationalized further.'

'For cryin' out loud, guys!' is all one can say to that. 'Spare us yet another dose of the pernicious PC. We just wanna read about the law -- and use this brilliant book as a defensive weapon in the event of being...or getting...sued!' According to Hoffman, Harvey McGregor certainly weaponized his book you might say, as he lay ill in hospital in Edinburgh following a stroke. He placed 'The Book' on the table next to his bed "so that the medical staff can see I know about suing for negligence".

But we digress. Suffice to say, this book makes for compelling and even compulsive reading for many a practitioner and for that matter, any lay reader with a need-to-know mission to understand in detail the intricacies of damages, defined initially in the book's introduction as 'an award in money for a civil wrong.' Also, and as you would expect, the book, being bang up to date, contains a wealth of references for further research.

The date of publication is cited as at 13th December 2017.



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# THE WORST EXPERT WITNESS: AND THE WINNER IS...



A couple of years ago, I had the doubtful privilege of giving a blatant example of the "expert" who failed in every respect. The case was *Van Oord Ltd & Anr -v- Allseas UK Ltd* [2015] EWHC 3074 (TCC), where Mr Justice Coulson took pains to explain the twelve – yes, twelve! – respects in which an expert had failed in his duty. They included:

- not even considering or formulating the costs as incurred by the claimant;
- admitting in cross-examination that he did not even agree with his own report (this is amazing!) and
- admitting that the views he had expressed in his report were merely the assertions of his clients, who themselves had resiled from such assertions in their own cross-examination.

So with experts of such low calibre, where is the litigation lawyer to find reliable experts?

Well, it seems that the Crown Prosecution Service needs help in this respect.

In May 2019, Steven Sulley and seven others were accused of fraud in selling voluntary carbon credits (and diamonds) to more than 70 victims, many of them vulnerable pensioners. Those investors lost £3.5million. The crux of the fraud charges was that there was no market in voluntary carbon credits, so the victims had been sold "investments" which could not be realised.

The expert witness for the prosecution was one Andrew Ager, who it emerged had attempted to dissuade the defence expert, Dr Marius Cristion Frunza (who holds a PhD from the Sorbonne) from giving evidence. This is serious, but Mr Ager's other failings included:

1. Having no academic qualifications. When asked about A-levels, he replied that he thought he had sat three subjects, but he couldn't remember whether he had passed any.
2. He said he kept abreast of the carbon credits market, but said he had not read any of the books written by Dr Frunza although they were widely available. He had though once watched a documentary on carbon credits!
3. He admitted that several assertions he had made to Dr Frunza during a meeting of experts were untrue.
4. He asserted – despite it being his clear duty under CPR – that it was not part of his duty to bring facts helpful to the defence to the attention of the court.
5. He had no record of any of the material supplied to him by the police, or of any of his workings.

[chris@chrismakin.co.uk](mailto:chris@chrismakin.co.uk)

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Biog: Chris Makin is one of only 100 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness – [www.icaew.com/forensicaccreditation/register](http://www.icaew.com/forensicaccreditation/register). 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 28 years. For CV, war stories and much more, go to [www.chrismakin.co.uk](http://www.chrismakin.co.uk).

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# ASSESSING YOUR CLIENTS' FLOOD RISK



**In recent years, we have witnessed countless unseasonal weather events, which have resulted in devastation for many communities across the country.**

Twelve years ago saw the destructive summer floods, which saw thousands of homes and businesses hit by unseasonal flooding and even though more than a decade has since passed, the memories are never far away for those that were left to deal with the consequences.

In June 2012 flash flooding hit Coalville, Loughborough, Newbold Verdon and hailstones the size of golf balls fell in Hinckley. Reports estimate that the storms of June 2012 caused up to £150 million of damage to cars, properties and businesses within Leicestershire alone.

More recently in June this year, multiple yellow weather warnings were in place across the county as torrential rain brought more havoc, with flood alerts issued for the River Wreake among other areas – all at a time when we should all be basking in summer sunshine!

As such, the issue of flooding is fairly prominent on people's radars – or so you would think:

The findings from a YouGov survey in 2017 looked at how perceptions have changed over the last decade into flood risk and I was astonished to see that the UK population is still failing to take adequate steps to understand whether their homes are at risk of flooding.

In fact, more than half (53%) of respondents said that they have never checked whether their home is in an area officially considered to be 'at risk' of flooding.

This increased further to 63% when specifically asking people in Scotland and higher still, to 75%, when questioning those in Northern Ireland.

With the Environment Agency suggested that one in every six homes considered to be at risk from flooding, it is important to educate home buyers of the importance of checking a property's risk and to advise them that such checks are available as part of the conveyancing process.

Interestingly, when the online YouGov survey questioned consumers' knowledge of how to check whether a property is considered at risk from flooding, at any time, there was a mixed response with an internet search online being the most popular option (39%), or asking the Environment Agency was second most popular (25%). 13% stated that they would not know where to turn for this information at all.

From a homebuyers' perspectives, this is where the due diligence and guidance provided by their trusted legal professional is of paramount importance.

For all involved, the good news is that flood reports have evolved over the years and today present risk data in an extremely easy to understand, visual format that make them far more consumer-friendly than ever before.

The reports make it very clear what the results mean for the property in question, with many now including access to a mapped visualisation that shows exactly where any risks are present, and in some cases, even include a professional interpretation from a qualified environmental consultant where further guidance is required.

For conveyancers, this should make for a reassuring read, after all, you are not expected to have to explain the findings of a technical risk model but instead can offer a simple report that clearly explains the risks – you are a legal professional not an environmental expert! And, to top it off, such reports give you the PI assurances a busy legal practice today requires.

Looking at the Homecheck Flood report

as an example, this combines information from a number of expert sources to deliver a hugely comprehensive and dependable report. It automatically includes a manual risk assessment from a specialist environmental consultant, should significant flood risk be identified within close proximity of the property, delivering extra peace of mind.

This means that far more reports will be passed first time as any 'at risk' sites will be manually assessed by a team of expert environmental consultants.

On top of this, it also provides access to an innovative online viewer that displays risks on an interactive digital map. Such innovations are being widely embraced by today's digital-savvy clients who are very comfortable with using online mapping tools. By adding a mapped viewer into conveyancing flood reports, clients can explore the map to see what the data is telling them.

Of course, a wealth of environmental reports are today available that offer insights on many potential hazards – from flooding and subsidence risk through to land contamination. Researching risks for clients is becoming easier than ever before.

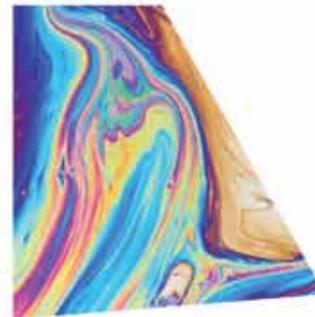
And, with unseasonal and often extreme weather conditions continuing to take place, I would urge everyone to seriously do their homework before a property transaction is complete: don't leave flooding to chance – even if the property isn't near a river or sea as groundwater or surface water flood risks may well be present; instead access the wealth of data insights that are available at your fingertips and fully assess any potential risks upfront.

After all, forewarned is forearmed.

**Tony Rollason,**  
Regional Manager, Landmark Information  
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# NAVIGATING THE CHALLENGES AHEAD

**It has been widely reported that the insurance market place is challenging, and practices preparing for renewal may find a toughening stance from insurers. A number of factors are influencing the prevailing market conditions, but the two most impactful are:**

## MARKET CONDITIONS

Lloyd's of London financial performance showed that between 2016 and 2018 60% of syndicates were unprofitable and underperforming. This identified non US PII as the second worst performing class of insurance within Lloyd's and corrective measures are taking place. Many syndicates have reduced capacity, along with having an expectation to carry rate increases into 2019; when you combine these two factors it results in many of the syndicates having a limited new business appetite or ability for growth.

## CLAIMS

**An increase in claims severity** - with multiple losses breaching the compulsory primary layer of insurance. The most sizeable claims emanating from the following areas of practice:

- Commercial Work
- Depositor Funded developments
- Escalating Ground Rent provisions
- Litigation
- Wills and Probate
- Cyber Crime

A number of these practice areas have generated losses that have impacted both primary and the first excess layer insurers which could have a bearing on some insurers' rates. It has already led to significant reduction in willing insurers to provide coverage for the first excess layer above the compulsory primary layer, often described as the working layer so premiums for this layer of insurance are guaranteed to rise.

Despite the challenges highlighted above, practices can still navigate through any potential insurance market turbulence ahead, proving that they present a detailed presentation and they are supported by some expert broking. Ultimately those active insurers will wish to align themselves with good businesses. It is therefore important that you take a

proactive approach to demonstrate this to insurers. You can do this by following these steps:

**Step 1: Act early** - begin the process early, capacity may diminish closer to the renewal date so it's imperative not to close off potential avenues due to poor timing.

**Step 2: Completion of your proposal form** - do so with utmost care and attention, ensuring that your work split adds up to 100% and that you answer all the applicable questions. If any question specifically requests additional or supporting information, please make sure that you provide this. If a yes or no answer does not quite work for your practice and the way that you do things, please make clear reference and provide further explanation. Wherever possible complete the proposal form on a computer to ensure that it is legible and easy for an underwriter to understand.

**Step 3: Claims information** - Provide updated claim summaries even if you have had no claims as insurers will require this information to satisfy their underwriting file. Your representative should be able to obtain these for you with your writing permission.

If you have had claims or there are open reserves then an overview of what happened, and what lessons have been learned to prevent these from occurring in the future. If you have notifications open with no reserves, provide your view on both merit and quantum.

**Step 4. Distinguish yourself from the crowd** - As a proposal form generally provides the numeric data that an insurer can use to load up their pricing tool. It is the softer facts about your practice along with some expert broking that provide them with the necessary ingredients to deviate away from their technical pricing with this in mind, it would be prudent to provide a foreword about your practice.

This may include, a brief history how you have got to where you are today, the management and structure of the practice, your client base, along with your approach to quality control and risk management it is however important to be proud of the accomplishments of your practice.

It is likely you will be vying for the attention of underwriters with hundreds of

your peers. With this in mind, it is important to provide a quality presentation that provides the underwriters with a good insight and understanding of your practice but do so succinctly and do not drip feed information as this will put underwriters off.

## SELECT THE RIGHT REPRESENTATIVE FOR YOUR FIRM

### Direct access to leading insurers

It is incredibly important to prevent unnecessary links in the chain. Ignoring the delays that this may create in the event of a claim materialising, the immediate issue could well be in the forthcoming negotiation.

Additional and unnecessary links in the chain distance your practice from the underwriter and insurer. It can create unnecessary delays in the process and could result in your message to insurers being diluted too. The more people in the process can mean increased premiums or that you don't get appropriate service.

### Experience and expertise

Work with a broker, who has an understanding of the legal and the ability to appropriately articulate your practice to insurers. Choose a broker who can guide your practice and provide appropriate advice to you on policy and issues that may affect you. Furthermore, whilst no practice wishes to experience claims, you may wish to select a representative that has the appropriate resources and expertise to help you, when you will need it most should the need arise.

## STRATEGY AND TIMING

We recommend approaching the market in good time, but it is equally important to present your practice well, so do take time over this. An underwriter will put their company's capital at risk when they insure a practice so it is important that you help them make a positive decision about your practice.

If you provide your chosen representatives your detailed presentation 6 weeks prior to your renewal date this should be enough time to explore the market and present terms to you. The later you leave matters, there is more risk of encountering reduced capacity and less choice for your practice.

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# SOLVING THE BACK OFFICE PUZZLE

By Julian Bryan, Managing Director, Quill



True professional 'cradle to grave' solutions are difficult to find. It's rare that suppliers to the legal sector offer

everything needed in a modern-day law firm's back office – that's software to manage accounts, matters and documents, and outsourced services to take over core administration functions. At Quill, however, that's exactly what we do – provide a single platform that combines the applications and outsourced support required to operate a high-performing legal business.

You only have to look at our website's home page to meet the entire series of software and services available from Quill. Users can pick and choose from: Interactive – case management, legal accounts and document management software with in-built risk management functionality; Pinpoint – outsourced legal cashing service using Interactive; Payroll – outsourced payroll and pension management service; Type – outsourced typing service delivered in association with Document Direct; Precision – outsourced legal cashing service on any software; and Bookkeeping – outsourced bookkeeping service for all sectors.

But before diving into more detail about our software and services, we'd like you to join us on a mini history tour of Quill in order to show you how this full service provision has come about. You see, we actually first started out in business way back in 1978 – over 40 years ago. Right from these early days, our systems were being designed to help practices avoid unnecessary repetitive paperwork tasks for which the law is renowned.

In the intervening 40-plus years, the legal industry remains our absolute focus, our technology has developed to the current complete cloud-based practice management system it is today, and our offerings have been extended to also include outsourced cashing, payroll and typing services. 1978 to 2019 has been a truly remarkable journey.

To quote some statistics from the present day: our Interactive software has earned over 7,000 current users; our Pinpoint division posts over 2 million transactions every year; our Payroll team processes over 100,000 payslips annually and last year transferred over £54 million in salaries as an accredited BACS bureau; every other department just keeps growing.

Going back to why Quill's so unique, our lengthy heritage, privately owned status and one-stop-shop portfolio really set us apart from our competitors. Few of our contemporaries can boast a comparable expansive background. Fewer still can make claims about independent ownership. And even fewer can proffer a total back office product range.

Moving on to our clients, many of our users have been with us from the very beginning. Their continued loyalty speaks volumes about the close relationships we've formed together over a period of four decades and the quality of our various solutions which they use on a day-to-day basis.

Browse through our multiplying number of case studies online and you'll see how our clients wax lyrical about our personable, long-serving employees who are ambassadors for Quill; ethical stance evidenced by multiple accreditations and charitable giving; technologically advanced software that's won awards; and catalogue of outsourced services which allow them to concentrate on their business-critical responsibilities without distraction.

Clients repeatedly tell us that, simply by choosing Quill as their principal business partner, they're able to become "digital by default", "compliant to the letter of the CLC Accounts Code", "free to do what I do", "a successful, profit-making firm", "focused on matter management and business development", "revolutionised", "100% assured of regulatory compliance", "more economical and productive [with] use of resources – both human and material", "able to work flexibly when out of the office", "committed

to the cloud concept" (note: their words, not ours!) and much more besides.

**Nick Timmings**, Partner at Petersfields LLP, perfectly sums up what clients think about Quill: "By relying on Quill for all our main software and service needs, we have one monthly payment, one point of contact and one primary store of our electronic files. It's so convenient and so much easier to run our business in this totally integrated way".

**Allan Hunt**, Senior Partner at MPP Solicitors, expresses similar sentiments: "[With] Quill we have trusted relationships. [We use] Payroll as a bolt on to Quill's Pinpoint service and Interactive software which we already subscribe to. With Quill firmly behind us, our back office operates smoothly and integrates seamlessly."

By utilising our extensive time-saving, efficiency-enhancing, cost-reducing, security-boosting, compliance-assured products, an ever-growing list of benefits are achieved. Through heavy investment in R&D, we ensure this is the case. Our ongoing software and service development is a future-proofing promise that, whatever changes and challenges are faced by the legal profession, Quill's got every client's back.

We know that not all firms are the same. Each has differing demands which are best overcome with a differing mixture of software and services. It's our role to ascertain what this is, thereby providing the proper tools to take control of processes and optimise performance, both now and into the future. We find nothing more satisfying than empowering law firms to do just that.

To discover more about Quill, please visit [www.quill.co.uk](http://www.quill.co.uk), email [info@quill.co.uk](mailto:info@quill.co.uk) or call 0161 236 2910.

**Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashing services, to the legal professional for over 40 years.**

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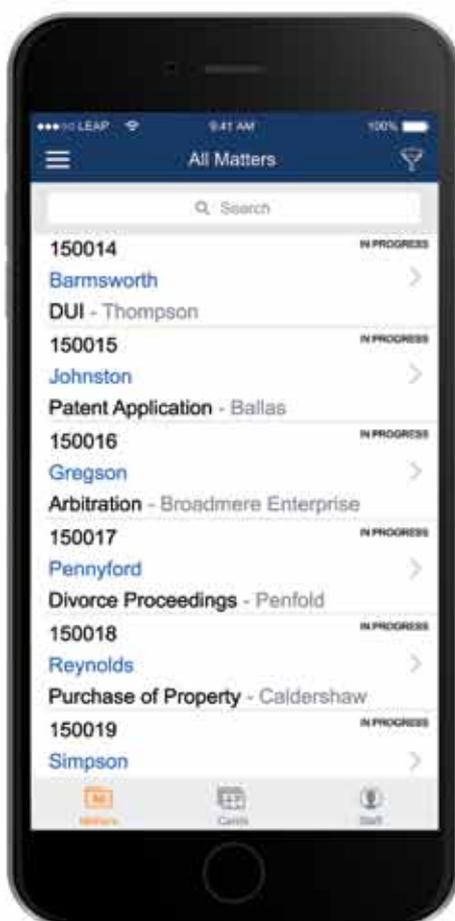
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