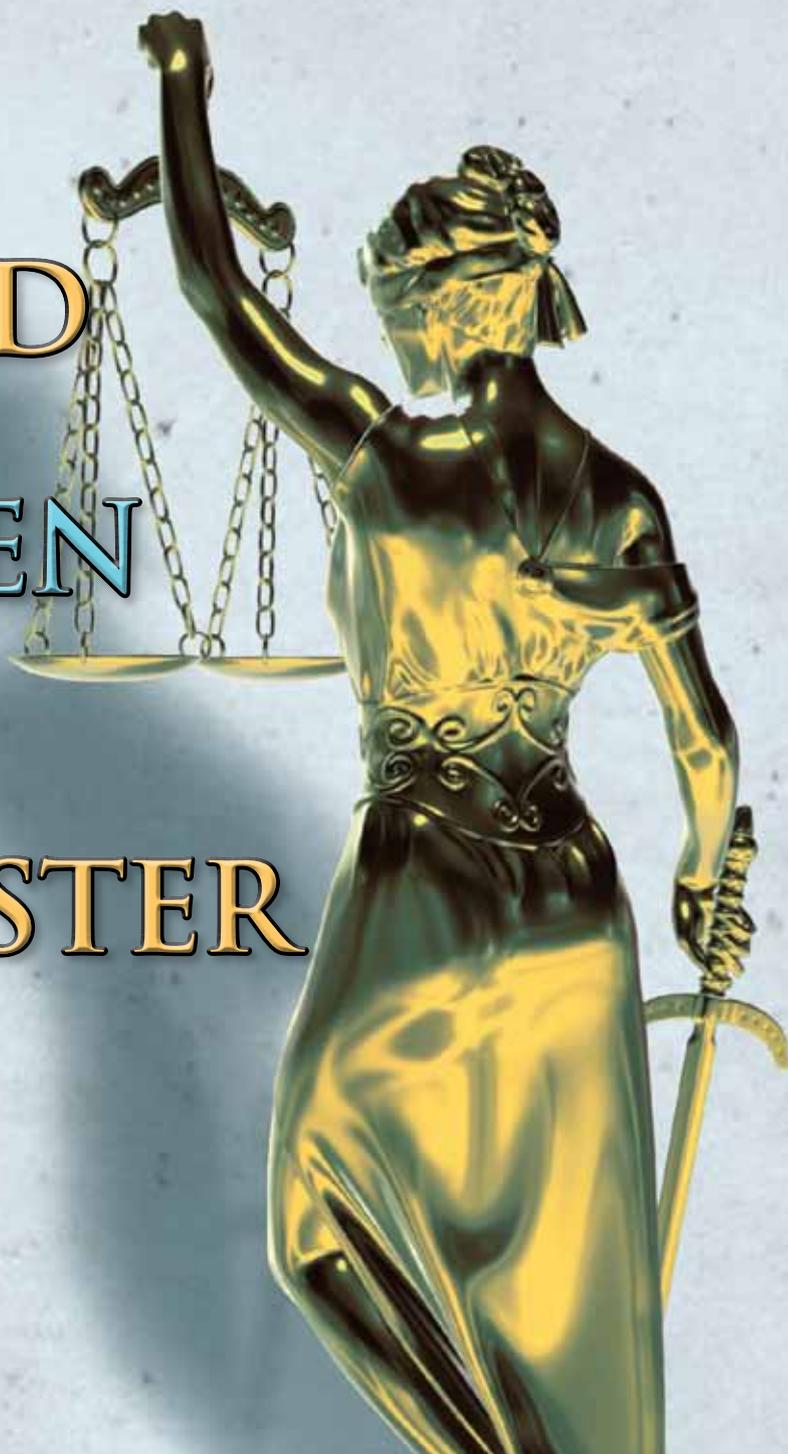


Leicestershire Law Society

magazine



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Mrs Justice Cheema-Grubb DBE

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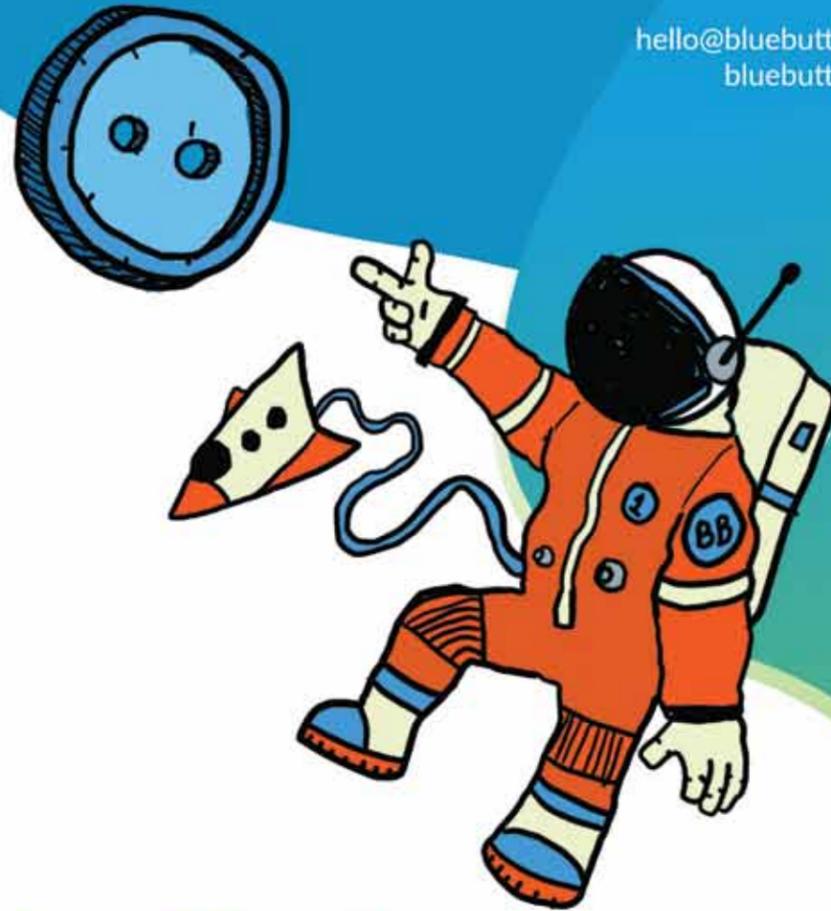


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Leicestershire Law Society President 2019/20

Glynis Wright

PRESIDENT'S REPORT



many incredible people there are to choose from and the extraordinary things that they have done. This particular event is close to my heart since Leicester is my adopted City and has become a home that I am proud of. Leicester is often overlooked by its flanking cities such as Birmingham or Nottingham, but in fact it is a jewel of a City with so much talent, energy and diversity that it needs celebrating.

We will also be holding our Charity Zip Wire Challenge on behalf of Alex's Wish

the exciting and adrenaline charged details of which are set out in this magazine as a separate article. I have volunteered to be the first down the Zip Wire which can travel up to a 100 mph being the fastest in Europe. What a way to raise money for Charity!

Last but not means least is the Annual Dinner and Legal Awards that we all look forward to so much which is taking place on the 20th March 2020 at Athena. I am already in preparation for this event and am

so looking forward to an evening which is guaranteed to be exciting, celebratory and sumptuous and run on a theme of classical elegance that demands dressing up and glamour! I am hoping that this will be a night to remember for all of us and as my final event as President of the Leicestershire Law Society, a proud farewell to an exciting year!

Glynis Wright
President of the Leicestershire Law Society

Dear Members,

Since being elected the 9th female President of the Leicestershire Law Society in May 2019, I have been busily engaged in stewardship of the LLS and the planning of some very exciting events.

Part of a President's role is to encourage new Patrons into the fold whilst ensuring that our existing Patrons are well looked after. Thus far, I have introduced four new fabulous Patrons to LLS who are featured in this magazine. They are Eileen Richards Recruitment, Charnwood Accountants, Air Aesthetics and Great Business Matters. I am in talks with other potential new Patrons and therefore hope to add at least one additional new Patron to our list of supporters in this calendar year. I am also engaging in talks with Solicitor firms who are not currently members of the LLS to encourage them to consider taking up membership as I truly believe that LLS has so much to offer to local law firms.

I have increased the training courses available to our Members in this calendar year as I consider discounted training to be one of the biggest benefits available to LLS Members. The dynamic Olwen Davies delivered two very well received Criminal Law Updates on 13 September and 11 October. On 4th October one of our Patrons Charnwood Accountants delivered an excellent seminar on succession planning and target setting. We were also visited by our National President Simon Davies on 7th October who chaired a roundtable seminar on the impact of Brexit for lawyers and on the 5th November the Marsh JLT Specialty and Legal Eye are delivering an SRA Regulatory Update for our Members. We will post details of next year's training events on the website shortly.

The Main Committee of the LLS was delighted to welcome 8 new members following the May 2019 AGM who are already making a contribution. The LLS Sub Boards such as Civil Litigation, Diversity and Equality, Criminal and Family are the beating pulse of the LLS. The terms of reference and membership of the Sub Boards are currently under review with new members volunteering to join the Sub Boards that reflect their particular interests and expertise. Some Sub Boards are electing new Chairs following the retirement of long-standing Chairs who have given so generously of their time. A fresh look at the role of each of the Sub Boards will ensure they continue to play a significant part in ensuring that LLS stays on top of important current issues across our legal sectors.

One of the key themes of my Presidency is to bring LLS closer to other sympathetically minded professions or organisations. On 22nd October, the LLS launched MATRIX which is a new professional network of Accountants, Tax Advisors and Lawyers which was held at the glittering Sky Lounge of Mattioli Woods. This event was run in partnership with the ICAEW (Institute of Chartered Accountants for England and Wales), the ACCA (Association of Certified Chartered Accountants) and the CIOT (Chartered Institute of Taxation). This was the first MATRIX partnership event and the plan is to continue to run MATRIX events into subsequent Presidencies.

On 1 November, LLS will be greatly honoured to be joined by Lady Justice Macur DBE who is the Senior Presiding Judge for England and Wales and the Hon. Mrs Justice Cheema-Grubb DBE who is the first Asian woman to serve as a High Court

Judge. Both are our key speakers at the LLS gala dinner celebrating 100 Years of Women in Law. This glittering event is being run in partnership with MALA (Midland Asian Lawyers Association) as a united celebration across both organisations of the significant contribution female lawyers from diverse backgrounds have made since the 1919 Sex Disqualification (Removal) Act allowed women to enter the legal profession. It is an event that I am personally looking forward to so much and is guaranteed to be memorable.

Already we are seeing the shops filling up with Christmas decorations in preparation for the festive season and so we at LLS must also turn our minds to the LLS Christmas drinks party. I am delighted to confirm that it will take place on 12th December at the beautiful King Richard III Centre and that mulled wine and a carol performance is likely to be the order of the evening to get you all in the mood for Christmas!

Shortly thereafter on the 24th January 2020, the gorgeous Grand Hall at St Martins is the chosen venue for next year's Civic Dinner. This is a much looked forward to event where as President and on behalf of the LLS, I invite members of the Leicester, Leicestershire and Rutland legal, business and social communities to come together in a mutual celebration.

February and March are set to be exceptionally busy months with three significant events taking place. On 28th February at the City Rooms, I am holding a gala dinner to celebrate the excellence that has come out of Leicester across the sectors where individuals or organisations from Leicester have had an impact on an international scale. One of the things that I have been most excited about is just how

THANK YOU FOR YOUR SUPPORT!

Alex's Wish is beyond delighted to have been chosen as the LLS President's Charity of the Year and would like to thank Glynis Wright and everyone within the Law Society for their support over the next 12 months.



ALEX's WISH
cure Duchenne

FIND OUT MORE ABOUT ALEX'S WISH – THE PRESIDENT'S CHOSEN CHARITY

Alex is a 13-year-old boy who was diagnosed with Duchenne Muscular Dystrophy when aged just 4 years old. Duchenne is an aggressive, fatal muscle wasting disease that affects 1 in every 3,500 boys. It's the biggest genetic childhood killer condition and the most lethal and common form of Muscular Dystrophy. There is no cure and currently no treatments available that will help all boys, which is why it's Alex's wish to cure Duchenne.

Having spoken to some of the leading experts in the field of Duchenne, it was very apparent that not enough funding was being put into finding new treatments – and not enough clinical support to help run the clinical trials. Alex's mum - Emma Hallam - founded Alex's Wish

and set upon a mission to raise as much money as possible to help conquer Duchenne for all.

Fast forward seven years and for the very first time ever there is likely to be a chance of a major breakthrough meaning that this generation of children could be the ones to survive this condition – but only if action is taken now.

So far, we have invested £600K into 19 projects from early-stage research to drug development including gene therapy and stem cell therapy. We have funded £120K into clinical posts expanding the areas where clinical trials take place so that more children can access clinical trials and helped lobby governments to speed up access to promising drugs.

How your money helps, £50 pays for scientific equipment for a day for crucial testing, £200 pays for a post-doctoral researcher for a day to work on innovative new treatments and £800 pays for essential pre-clinical work per year to prove the effectiveness and safety of new treatments to move them into clinical trial. For more details, please visit www.alexswish.co.uk

Please lend your support to the Zip Wire Challenge and help us conquer Duchenne for all. Thank you.

Emma Hallam
Charity Founder & Alex's mum

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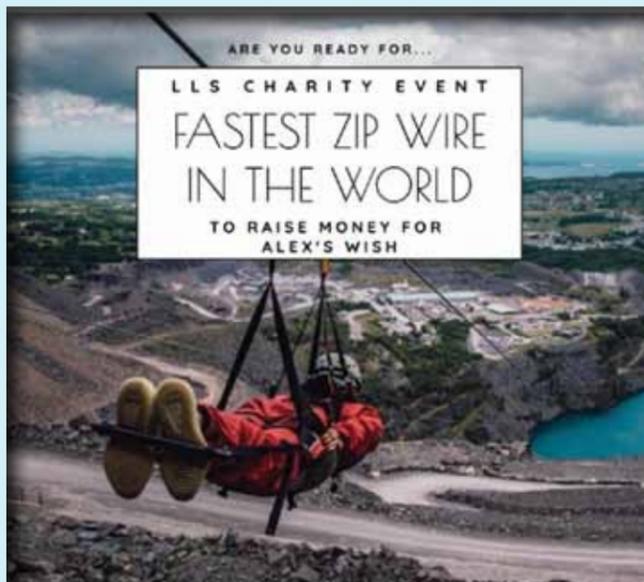
Our clients tell us that we truly understand their challenges and needs, that's because we have local offices run by local people using local knowledge and expertise to provide the level of service that other providers simply cannot.

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

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THE PRESIDENT INVITES YOU TO PARTICIPATE IN OUR NEXT CHARITY EVENT TAKING PLACE IN SPRING 2020.

This exhilarating Zip Wire challenge is an initiative instigated by the LLS President Glynis Wright for members of the Leicestershire Law Society and local businesses to participate in supporting Alex's Wish to exceed £1 million this year!

LLS is looking for thrill-seekers to take part in the fastest Zip Wire in the world! Soar over Penrhyn Quarry (Wales) whilst you admire the breath-taking views and feel the freedom of flight, all whilst raising money for Alex's Wish.

This is an amazing event that you will remember forever and one that you don't have to train for!

The zip wire challenge will take place in North Wales in a disused quarry near Bethesda.

Before you go on the 'Big Zip' you get to practice on the 'Little Zip' to make sure that you are ready to take part in the main event. After the practice you will go on to an old Quarry Lorry complete with tour to get to the top! The Big Zip is 1,555 meters and you can go up to 100 miles per hour.

This will be a whole day event with the day starting by travelling to Wales, lunch, then the amazing Zip Wire experience and all that it entails! Then we'll travel home – feeling exhilarated!

You can find out more by visiting www.zipworld.co.uk/adventure/velocity

The cost for this exciting experience is £100 (including all equipment, activities and transport) and you will be asked to aim for a minimum sponsorship of £200 for Alex's Wish.

The President has vowed to take the lead to be the first down the Zip Wire and BBC Radio Leicester have promised to give air time to this Charity Challenge. Don't miss out! Register now before you lose the chance by emailing office@leicestershirelawsociety.org.uk



PATRONS PAGES – GETTING TO KNOW MORE ABOUT THE BUSINESSES THAT SUPPORT US



Eileen Richards Recruitment



Eileen Richards Recruitment is a Leicester City Centre based recruitment consultancy who specialise across an array of industry sectors. With an outstanding reputation across the East Midlands region, the brand is recognised for their tailored approach and ability to build strong recruitment partnerships with leading organisations.

The leading recruitment team is headed up by MD Eileen Richards MBE and managed by Recruitment Business Manager Maxine Eversfield. The team consist of ambitious Specialists who each possess industry experience within their division alongside a tenacious executive team who support in all other aspects including Marketing & Recruitment Resourcing.

As a newly listed patron of the Leicestershire Law Society, Eileen Richards Recruitment will bring a wealth of recruitment and retention knowledge connecting people to suitable businesses and opportunities. The experienced team will also offer a free consultative business review looking at a firm's succession plan and attraction and retention strategy. New partners will also receive a discounted rate on recruitment fees.

Eileen and the team look forward to meeting Leicestershire Law Society members at upcoming events throughout 2019/2020.

Charnwood Accountancy Services – built with law firms in mind.



When you're managing a legal practice, getting the right tax, accounting and compliance support in place will make a big difference to your firm's profitability.

Charnwood Accountants are one of the region's leading Chartered Accountants and offer a specialist service designed for solicitors. We offer proactive tax, accountancy services and business advice to help you manage your practice with your long-term objectives in mind.

About Charnwood Accountants

We were established in 2004 and have worked closely with solicitors from the outset. Our tax planning services along with profit improvement advice has helped our clients to make significant savings whilst also focusing on achieving their financial goals.

Our legal services team is headed up by partner Chris Hutton and manager Paula Wheatley. They're supported by the rest of the

partnership team, Steve Lathwood and Anna Brocklehurst along with 8 qualified, dedicated client managers. This approach has helped us to build first class relationships with our clients and to help them achieve excellent results.

How Charnwood Accountants help LLS members

We offer accountancy, tax and business advice for the kind of owner managed businesses that make up a large part of the LLS membership. We believe that our business advisory service for solicitors is unique within the industry. What's more, our solicitor clients tell us that they get the greatest value from our tax planning and business development advice.

Many of our meetings focus on profit levels, whether the partnership team are generating enough reward per partner as well as identifying areas where the business can improve. That could be anything from fee generation, to time recording to how a business manages WIP. We spend time talking about succession planning with all of our business clients but this is a particular focus for many solicitors' practices.

More recently, we have developed a unique free financial benchmarking report for

solicitors. The report helps you to compare your firm to relevant industry averages and to tell you what is and isn't working. It's free because we wanted to show off what we do for our clients as widely as possible. We even enable non-clients to complete the report for themselves. As a follow up we'll discuss aspects of the report with any non-clients that have completed it so they can understand what the numbers mean.

As a special offer to LLS members, for anyone that completes the report, we'll offer a free 2 hour session to go through the report and work on profit improvement strategies with you.



Left to right – Anna, Steve, Chris

More information can be found at our new dedicated website for solicitors <https://charnwoodforsolicitors.co.uk/>



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When you hear the words 'Business Coach' most people either have never heard of one or they think "...not another one..."



Trusha Lakhani, however, is a new breed of Business Coach. With a proven background in business growth and Board level expertise as a Finance Director, she brings strong professionalism to this new field.

Trusha started her business career very early in her family soft drinks bottling plant.

Over time she has worked up from reception, quality control, production, sales and marketing. She later started her accountancy career having studied ACCA and moved into industry from practice. Her skills shone in this area as she was involved in growth projects due to her natural commercial ability and strong financial skills.

From Finance Director to Business Coach was a natural transition for Trusha. Her business sense, care for people and need to see others succeed is everything that you need in a Business Coach.

With an interest in her community, Trusha volunteered for the ACCA Leicestershire members' network panel and is currently their Chair. She is also a member of the ACCA national Corporate sector panel and has also served on their International Assembly. In addition, Trusha is a Governor of her local college North Warwickshire and South Leicester college.

A busy lady, Trusha always finds time for others and has spoken at several events. One of her passions is the environment and this year

she spoke about the effects of plastics in our oceans at Nottingham university. Trusha has also done webinars on business growth for the ACCA and for Elmhurst Energy Systems Ltd where she is a currently Non-Executive Director.

You'd expect to find a person of tall stature doing all these things. Trusha is a tiny power packed individual. With a child-like humour and powerfully intelligent eyes. You would want this person on your team. Truly a business secret weapon.

Trusha focuses on results. If you have a block in your business, you want to take it up to the next level or your just want to make more money by spending less, she has the strategies to help you. Make no mistakes though, Trusha doesn't do this work for you. She only works with business owners committed to results and that requires effort and commitment. You learn some great new skills along the way though!

We are so pleased that Trusha Lakhani at Great Business Matters Ltd has agreed to become a patron of the Leicestershire Law Society and hope that she continues to support us for many years to come.

LOOKING BACK 65 YEARS TO THE R V BEDDER PROVOCATION CASE AT LEICESTER IN 1954



65 years on, knife crime is still a significant social issue here in Leicester.

Christl Hughes looks back at a local murder case R v Bedder (1954) involving a

fatal stabbing which went as far as the House of Lords.



Derek Bentley – hanged for murder



John Christie –hanged for multiple murders

In the mid 1950's amid post war austerity there arose unease concerning capital punishment. The famous executions of Ruth Ellis in 1955 and James Hanratty in 1962 were yet to happen, but early in 1953 Derek Bentley, aged 19, had been hanged for ordering his accomplice and co-defendant to shoot a policeman. At trial, this was interpreted as an act akin to murder under the legal principle of common purpose and joint enterprise. The trial

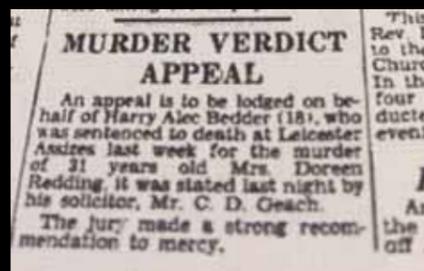
of the infamous Reginald Christie took place in the summer of 1953 where he was found guilty of murdering 8 people including his wife. Into this background entered the trial of Alec Harry Bedder in 1954.

Born at Leicester General Hospital on 21st February 1936, the son of a hotel barman called Harold, and Emma Bedder a resident of Welford Road, Leicester, he appears as a 3 year old boy on the 1939 Register. By March 1954 he was employed as a grocer's assistant at a fruit and vegetable market at Vestry Street and what is now the back entrance of the modern Curve theatre in the Cultural Quarter.

On Friday 12th March 1954, Doreen Mary Redding, a married woman and mother, was fatally stabbed in Corporation Yard at the top end of Vestry Street. She was taken to the Leicester Royal Infirmary but died there the next day. On Monday 15th March, Bedder was arrested, charged with her murder and remanded in custody. His solicitor was Charles David ("Get 'Em Off") Geach trading as CD Geach & Co at Granby Street opposite the then Charles Street Police Station. Born in Yorkshire he was admitted as a Solicitor on 1st March 1950 but by 1954 had moved south to Leicester.

By the date of the trial it had emerged that Mrs Redding, of Braybrooke Road Humberstone, was in fact a prostitute and Bedder one of her clients. There was no doubt that he had killed her. His defence was provocation in that the deceased had ricked, slapped, punched and jeered at him after he had tried unsuccessfully to have sex with her causing him to lose control. Had his defence succeeded he would have been convicted not of murder but of manslaughter which did not carry the death penalty.

Although the jury coupled their verdict with a recommendation for mercy, Bedder was still convicted of murder and on 27th May 1954 Mr. Justice Sellars duly passed sentence of death by hanging. An appeal was lodged at the Court of Criminal Appeal on the grounds of misdirection to the jury as to what was required to determine a plea of provocation. That argument failed however as did a subsequent appeal to the House of Lords. The Supreme Court confirmed that the test to be applied in determining whether there had been provocation sufficient to reduce homicide from murder to



Newspaper Clipping of the Appeal launched for Leicester born murderer Harry Alex Bedder

manslaughter, was the effect of the alleged provocation on the mind of a hypothetical reasonable man and not the actual Defendant. Furthermore, for the purposes of this test, the hypothetical reasonable man should not be invested notionally with physical peculiarities such as that suffered by the accused being his sexual impotency.

Public unease continued unabated. The original jury's recommendation for mercy was backed by 13,500 local signatures on a Petition organised by Bedder's father and supported by one of the city's most prominent MPs. On 29 July 1954 the Home Secretary recommended a reprieve and the sentence was commuted to life imprisonment.

Over the ensuing years the test for provocation gradually evolved with the Homicide Act 1957 and R v Smith in 2000 establishing that the test should be as to the actual Defendant and not in fact the hypothetical reasonable person. By then of course capital punishment had been fully abolished in the UK. The defence of provocation was abolished in 2010 on implementation of section 56(1) of the Coroners and Justice Act 2009 and replaced by a similar defence of loss of control.

CD Geach retired to Manton, Rutland and died on 20th October 2016 aged 93.

Very little is known about what happened to Alec Harry Bedder after he was released from prison on license, but a Harry Alec Bedder also born at Leicester on 21st February 1936 was found dead at 24 Highfield Street Leicester on 14th September 1973. An Inquest found the cause of death to be "barbiturate overdose reinforced by alcohol" and recorded an open verdict.



LEICESTER FIRMS LEAD THE WAY IN NATIONAL EXCELLENCE



Staff at AGR Law winning the Leicestershire Law Society Small Law Firm Award 2019

The National Law Society Excellence Awards are once again upon us and for the second year running one of Leicestershire Law Society's member law firms are finalists for Small Law Firm of the Year!

AGR Law are based in Leicester and Northampton and headed up by Directors Gina Samuel-Richards and Ruth Goward. The firm started with just Gina and Ruth and a part-time administrator. Areas of work concentrated on were family law, immigration law and business support. They quickly grew to include Wills, Power of Attorney, Probate, Landlord and Tenant, Civil Litigation and Employment Law. They appointed a permanent Office Manager in September 2017 and have taken on 4 consultants. They work closely with a Polish Lawyer to reach other niche

markets particularly reaching out to the Polish Community.

Both directors work tirelessly to maintain excellent practices across the firm and with their experience and supportive staff members, the firm attained Lexcel accreditation in June 2018, just a month after its first anniversary. In early 2018, Ruth became an accredited Family Law Specialist with Resolution and was further recognised by Resolution as her papers were deemed to be amongst the top 3 submitted, nationwide.

The firm won the Leicestershire Law Society Small Law Firm of the Year in April 2019 when they were barely 2 years old. Following their success at the LLS Awards, AGR then set their sights on even bigger goals and submitted a nomination for the national Law Society Excellence Awards. When they heard in July that they had been shortlisted, they were ecstatic!

If AGR Law succeed, they will become the second Leicester law firm to have brought home an award from the national Excellence awards. Last year in 2018, the President's own law firm Glynis Wright & Co Family Solicitors won the Small Law Firm of the Year award being the first to have accomplished this in Leicester.

It is truly something to celebrate that local Leicester firms are now taking centre stage on a national level! We all wish Gina and Ruth

and all at AGR Law the very best of luck at the Excellence Awards and hope that other members will follow suit in subsequent years and fly the flag for legal excellence in Leicester!



Staff at Glynis Wright & Co winning the national Small Law Firm Award at the National Excellence awards in 2018.

LLS SUMMER Garden Party 2019



Glynis Wright commenced her presidential Year with a wonderful Garden party in the beautiful surroundings of Trinity House and Gardens at De Montfort University on 25 June.

We had a great turn out of over 100 attendees including dignitaries and some of our local Judges along with members, patrons and the business community. Canapes and fizz were served and the event provided an excellent networking opportunity for all members. Glynis delivered her inaugural speech with eloquence and style, and talked about her determination to act as a careful steward of the LLS but with added sparkle in the form of some exciting events!

Those in attendance also heard about Glynis Wright's Charity of the year, Alex's Wish, a fantastic charity who plough every penny of their donations into finding treatment for Duchenne Muscular Dystrophy, which causes progressive muscle wasting in boys and girls and is a heart breaking disease for which currently there is no cure.

For more information regarding future events being organised by our President for the rest of her presidential year, see President's Report at the front of the magazine.



COUNCIL MEMBER'S REPORT

SEPTEMBER 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 Radcliffes-Brasseur where she specialises in solicitors' disciplinary, compliance and regulatory work. She can be contacted by email at: lindakhlee@aol.com

Complaints handling data, new pilot at LeO, hard PII market, post 6 year run off cover. LSB update-changes to the standard of proof and new internal governance rules.



Analysis of firms' complaints handling processes.

Complaints made by dissatisfied clients directly to the firm who provided their legal services are classed as First Tier Complaints (FTCs).

Firms have eight weeks after receiving an FTC to provide their final written response. If clients remain dissatisfied, they can then make a complaint direct to the Legal Ombudsman (LeO).

A complaint made to LeO increases the cost to the firm of handling the complaint and the firm concerned may have to pay a case fee to LeO and face the prospect of the complaint being published.

This year, the Solicitors Regulation Authority (SRA) conducted a review of the handling of FTCs.

The number of complaints has risen, and clients are now more likely to complain if they are unhappy.

The number of FTCs received increased from 26,570 in 2012 to 28,113 in 2018. In addition, monitoring by LeO suggests that the number of clients known as 'silent sufferers' – dissatisfied clients who do not make a complaint- has fallen from 49% in 2017 to 35% in 2018.

The most common complaints received are about: delay, failure to advise and excessive costs.

The good news is that the percentage of claims resolved by firms has increased from 72% of all complaints received in 2012, to 81% in 2018 saving the individual firms and the profession as a whole money.

LeO Update

As from 1 April 2019, complaints relating to Claims Management Companies will now be dealt with by the newly established

Claims Management Ombudsman, part of the Financial Ombudsman Service.

Around 15 % of complaints received by LeO relate to costs.¹ LeO have now published updated guidance on costs. This takes into account the new transparency rules. LeO advises firms to ensure that they keep a record of the information displayed on their websites, and when and how it changes. The guidance states that if a client makes a complaint in the future about the initial costs information this record will assist in demonstrating what the client would have seen at the time. The SRA have indicated that whilst figures on the website will not be binding, it should be made clear that process may vary and for what reason and in what circumstances. It would seem sensible for firms to keep screenshots of the price transparency pages at regular intervals in addition to a log of changes.

LeO have also launched a series of 5-minute videos on YouTube covering the top five areas of law where it receives the most complaints: residential conveyancing, personal injury, family law, litigation and wills and probate. The videos look at the common types of complaints; how LeO investigate and resolve such complaints; case studies and practical tips on avoiding complaints.

September 2nd saw the launch of LeO's new mediation pilot. This is closely following the scheme operated by the Scottish Legal Complaints Commission. Both parties will be asked if they agree to take part in the mediation. As there is no investigation, if the mediation is successful the complaint would be dismissed and therefore there would be no publication of an ombudsman's decision or payment of a case fee. It should be swifter and it is hoped that clients whose cases are settled by mediation will be more satisfied with the outcome of the process.

The parties taking part in the mediation, will not meet but will be contacted by a mediator, by telephone. Full details of the

process will be given to the parties prior to making a decision to take part in the pilot.

Any information that LeO is given about the mediation process on a given complaint will come from the firm and be sent to a dedicated inbox. Calls will also be recorded to allow for verification if necessary.

I will be meeting the new Chief Ombudsman and Chief Executive of LeO, Rebecca Marsh in October. Please contact me if there are any particular points you would like me to raise with her, although I will not be able to discuss individual cases with her.

Post 6-year run-off.

A reminder that the SRA's decision to close the Solicitors Indemnity Fund Ltd from September 2020 will impact on those whose firms closed after professional indemnity insurance moved to the open market on 1 September 2000.

Solicitors' Professional Indemnity Insurance is on a claims-made basis. That means the insurance covers claims that are made and reported during the policy period only and not once the policy period is over. When a firm closed, the partners/owners were obliged to pay for 6 years run off cover, to meet any claims made in the first 6 years after closure. Cover after that time was provided free by utilising monies still held by the Solicitors Indemnity Fund.

There has been a misconception that claims do not arise after a firm has been closed a few years. However, data produced by the SRA in 2016 revealed that 24% of claims were brought between three and six years after the work was completed, and 10% took place between six and 15 years after the work was completed, with 1% of claims brought more than 25 or after the work was completed.

Lobbying by the Law Society and others failed to persuade the SRA to continue to

offer free indemnity cover post 6 years or to permit the Law Society to use the monies remaining in SIF as seed capital for a new scheme. There has been very little interest by insurers in offering a product to cover post 6 year run off cover. Those who were partners in firms that are closing or have closed (and possibly fee-earners who were contractually obliged to personally cover any uninsured losses) need to be alert to the changes.

There are concerns as to the availability of premiums or availability at a reasonable price. It is particularly unfortunate that the SRA changes will take place at the time the PII market generally is hardening, with premium rises estimated at between 10 to 25% this year. The reasons for the hardening market are complex but follow the Lloyds review of the market which identified solicitors indemnity insurance as unprofitable and as a result, several underwriters left the market, particularly those offering first layer of top up after the primary layer (£2 to £3 million on Minimum Terms and Conditions) and the exit of the unrated insurers.

The Law Society continues to attempt to find solutions to these problems. I will be

attending a roundtable with insurers and brokers looking at this and other PII related matters in November. If you have any matter you would like me to raise or would like to tell me of your experiences or concerns on an anonymous basis, please do contact me.

Legal Services Board (LSB) Update

On 28 July 2019, the LSB announced that it had approved rule changes to permit the standard of proof at the Solicitors Disciplinary Tribunal to move from the criminal to the civil standard. This will be effective for all cases brought on 25 November 2019 onwards.

The latest review by the LSB of the regulator revealed three areas where the LSB indicated the SRA was behind schedule: publishing of disciplinary outcomes on the Roll, reviewing the quality standards of solicitor advocates and transparency of its own decision-making, following its decision not to publish minutes of its Board meetings. The SRA has now published details of its research into the standard of criminal advocacy which, despite comments by the judiciary, is found to be generally competent.

The SRA will be producing further details of its proposals for advocacy standards in due course.

The LSB has published new Internal governance rules on 24 July 2019.² This determine the way in which the SRA and the Law Society interact to satisfy the requirements of the Legal Services Act. These have been amended year on year to enforce greater separation and reduce any oversight by the Law Society. These now appear to prevent the Law Society Council approving the SRA budget which it has done each year since the SRA was formed. It will be interesting to see what impact this will have on budget setting by the SRA.

Linda Lee

Council Member
June 2019

Notes

¹ www.legalombudsman.org.uk/wp-content/uploads/2019/05/190509-An-Ombudsman-view-of-good-costs-service-1.pdf

² <https://www.legalservicesboard.org.uk/wp-content/uploads/2019/07/IGR-2019.pdf>

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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. 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:
ALL CHANGE**

The membership team has been headed up by Daniel O'Keeffe of specialist clinical negligence firm Moosa-Duke Solicitors for the last 4 years. Daniel was ably assisted by his colleagues Navdeep Kainth and Gemma Lewis, also from Moosa-Duke Solicitors.

Bushra Ali, the Immediate Past President of the Leicestershire Law Society has recently re-joined the team and she will be heading up membership going forward. You will meet the brand new membership team in the next LLS Magazine. Watch this space. In the mean time, for any queries or comments in relation to membership, please contact Bushra Ali on Bushra@bushraalisolicitors.co.uk

TYPES OF MEMBERSHIP

There are various 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 barrister's 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.

SPECIAL MEMBERSHIP BENEFITS

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

We are delighted to confirm 2 preferential offers for LLS members from one of our new patrons Air Aesthetics, who specialise in non surgical cosmetic treatments.



Air Aesthetics are offering LLS members a **3D Skin Imaging Consultation** followed by a **Anti-ageing HydraFacial for £80**. In addition, they are offering a **10% reduction off Cool Sculpting treatment** (available until 31.12.19).

Please advise that you are an LLS member at the time of booking. For more information and to book a consultation call: **0845 519 5377**.



In addition, we have a new offer from **Coffee Maison**, 121a Evington Road Leicester LE2 1QH **10% discount off bill** (not applicable during happy hour 9am - 11am; Monday to Friday). Please state you are an LLS member at the time of purchase

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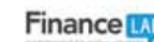
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We hope to have more deals and discounts with local businesses every month. Please look out for the membership page in every edition of the magazine, where we will show you all the latest membership benefits

USING DNA TESTING TO AID THE TRANSGENDER COMMUNITY



The increasing societal commitment to the well being of those wishing to express different gender identity and gender expression together with

the legal recognition of same, is important for the protection of individuals, their dignity and their health. Recent instances however, concern the ability of transgender people to amend the birth certificate of a child to reflect their own changed gender, which in one 2015 case was rejected by the Registrar and also by the High Court'. This has obvious implications for DNA testing in terms of checking for Parental Responsibility and in carrying out the work, whereby intimate details may be revealed.

There are two cases (one ongoing) which highlight the need for fresh consideration of how we might integrate transgender rights into legal parlance and process.

In the aforementioned case (the first of its kind) a person male at birth who was undergoing transition to female requested that the Registrar of Births amend her child's birth certificate to reflect her new name. This was refused and resulted in proceedings under Article 8 (respect for private life) and Article 14 (discrimination on the basis of transgender identity²) of the European Convention of Human Rights (ECHR). This was rejected on the basis that the interference with the Article 8 right was justified but not material, since it would only be under rare situations (we expect paternity testing to be one of them) that the transgender female would be required to produce the child's full birth certificate. A changed certificate might record the sensitive information or require disclosure, but of course, it would only need to be revealed to those with an obligation of confidentiality, despite the fact that in this case she had identified herself as transgender on social media.

Furthermore, a birth certificate can only be altered to correct minor errors

or when parents marry or enter into a civil partnership following the birth³. The Registrar of Births does not have discretion concerning the categories that are recorded on the birth certificate, which are "child", "father", "mother" and "informant". Indeed, the Registrar successfully argued that point in terms of the legitimate aims of the Births and Deaths Registration Act 1953. There was justified interference with the claimants rights under the ECHR because there was a need for; a) an administratively coherent system for the registration of births and b) a need to respect the rights of others such as those of the partner and child of the transgender person and, of particular relevance, the fundamental right of a child to know the identity of his or her biological father.

In a subsequent case⁴, a person female at birth and living as a male (TT) had a child (YY), biologically theirs, by artificial insemination. At the point at which the child was born, a valid Gender Recognition Certificate was in place, so the biological mother was male. The Registrar has decided that the birth mother must be registered as "mother" on the birth certificate. This is against the wishes of TT who asserts that as a matter of domestic law, he should be regarded as the father or secondarily, in a gender neutral manner as "parent". Failing that and assuming he has to register the birth as "mother", then he considered that this would be a contravention of Article 8 of the ECHR. If upheld on the other hand, YY will be the first person born in the UK without a mother on their birth certificate, since other transgender males have accepted the "mother" annotation. Those acting for YY have issued an application for TT to be declared YY's father under the Family Law Act 1986, s55A.

We await the final judgement on this case, but in any event the outcome will have profound implications. Society is in the process of normalising its institutions

to accept the status of transgender persons but of course in this case must also take into account the separate needs of the child; their Article 8 rights should not be compromised by the decisions of a parent. If the status quo is not upheld, then as a DNA testing company we will inevitably at some point detect a biological female registered as the father, maybe with another registered father or father unknown or a biological male registered as the mother. The biological facts of course, cannot be denied⁵.

In 1953 social motherhood and fatherhood were presumed to reflect biological motherhood and biological fatherhood. The increasing complexity of social relationships since that time have been recognised by the law and provide interesting points regarding the registration of the birth of a child in situations of surrogacy, adoption and assisted reproduction, which may provide precedent and guidance as to how the parentage may be best recorded when one of the parents is transgender. In any event, in all three cases, once the child has attained the age of 18, the respective legislation allows for the child to obtain information on their biological parentage. We will discuss these points in the next article and by then, we will hopefully have the judgement on TT vs YY.

About the author:

Neil Sullivan, BSc, MBA (DIC), LLM, PhD is General Manager, of Complement Genomics Ltd (trading as dadcheck®gold).

The latter is a company accredited by the Ministry of Justice as a body that may carry out parentage tests directed by the civil courts in England and Wales under section 20 of the Family Law Reform Act 1969.

Please see: <http://www.dadcheckgold.com>.
Tel: 0191 543 6334,
e-mail: sales@dadcheckgold.com

Sex and gender - some definitions

There has been a neo-logistic expansion of terminology concerning sex and gender... here are explanations for a few of them !

The difference between Sex and Gender "Sex" relates purely to biology and refers to the genetic make up, which is either male (an X and a Y chromosome), female (two X chromosomes) or intersex. Gender on the other hand, is largely a social construct relating to behavioural, social and psychological characteristics; it may take many forms⁶. Sex and gender may overlap, but should never be confused. Biologically, humans are most often classified as binary, i.e. either male or female.

Transgender⁷

Transgender (often applied to non-binary gender identities) is an umbrella term that describes a diverse group of people whose internal sense of gender is different than that which they were assigned at birth. It refers to a gender identity which does not align with the gender assigned at birth. Gender dysphoria applies when the individual

has a sense of dissatisfaction with their gender. To attain transgender status in the law, an individual must be diagnosed with gender dysphoria by a professional and then apply for a gender recognition certificate⁸ under the Gender Recognition Act, 2004. Whilst this piece of legislation allows transgender persons to obtain a new birth certificate for themselves, it expressly precludes the fact of gender reassignment as a means to alter the status of the transgender person as the mother or father of the child and thus ensures the continuity of parental rights and responsibilities⁹.

Intersex

It has long been recognised (since ancient times) and in different cultures that some people are neither male nor female (in whole or in part) or, are a combination of male and female. This is driven by genetic, hormonal or physical features, that is, by their intrinsic biology. For example, some intersex people may have XXY as their chromosome set. Presently in the UK, intersex people may not change their sex classification unless they declare that they are transgender - then they would

have to seek a professional diagnosis of gender dysphoria. Equating intersex with transgender is not appropriate.

Notes

¹JK, R (on the application of) v The Secretary of State for the Home Department & Anor [2015] EWHC 990 (Admin) (20 April 2015)

²Goodwin v United Kingdom (2002) 35 EHRR 18 and PV v Spain (11 April 2011) (Application No 35159/09)

³Births and Deaths Registration Act 1953, sections 29,14 and 14A

⁴Administrative Court and Family Division in the Matter of TT and YY [2019] EWHC 1823 (Fam)

⁵As Lord Simon noted in the Ampthill Peerage Case [1977] AC 547, page 577:

"Motherhood, although also a legal relationship, is based on a fact, being proved demonstrably by parturition".

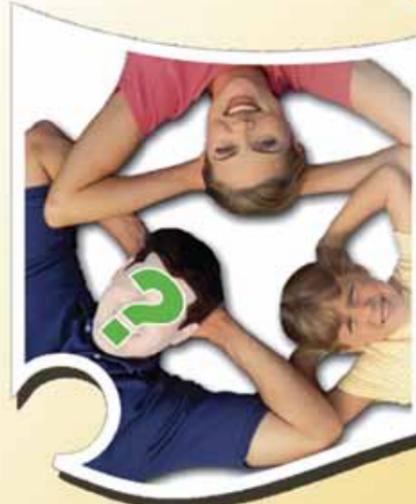
⁶<https://genderfluidsupport.tumblr.com/gender>

⁷Trans - Exploring gender identity and gender dysphoria - by Dr Az Hakeem, 2018, Trigger Press ISBN 978-1-911246-49-7

⁸<https://www.gov.uk/apply-gender-recognition-certificate>.

⁹<https://www.legislation.gov.uk/ukpga/2004/7/notes/division/4/12>





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EWI CONFERENCE 2019 REVIEW



When it comes to supporting the rule of law...

EXPERTS MATTER ...

As Lord Neuberger delivers the keynote address at the annual conference of the Expert Witness Institute in October 2019 Elizabeth Robson Taylor of Richmond Green Chambers went along to observe....

Looking back on autumn, lawyers will recall that it isn't just a season of mists and mellow fruitfulness (although most do enjoy these). With predictable regularity, the falling leaves of autumn not only herald in the new legal year, they also create a really quite inspiring backdrop for fruitful new opportunities to meet, greet, network, contemplate and confer.

Yes, the season of conferences kicks off in autumn, usually commencing — as far as the legal profession is concerned — with the annual conference of the Expert Witness Institute at Church House, Westminster — an event of particular interest to lawyers.

The testimony of the highly qualified, rigorously trained expert witness can be crucial in court across a range of cases and circumstances, as Lord Neuberger emphasized in his keynote address — and it is the primary aim of the EWI to foster and nurture this role. As EWI Chair, Martin Spencer has insisted — 'It has never been more important to have a credible voice for expert witnesses highlighting the critical role they play in our justice system.'

If anything, the Conference held up a mirror to the uncertainties of 2019, with its stated theme expressed as: 'Nothing stays the same; is everything changing?' Well, yes,

actually — the implication being that as moving with the times is an imperative, mental agility and a willingness to adapt to change are what you need in any profession when 'nothing stays the same.' As Conference Chair and EWI Governor Amanda Stevens reminded the delegates in her opening address, 'change is the only constant.'

At the same time, impartiality on the part of the expert witness is also key, a point emphasized by Lord Neuberger, retired President of the Supreme Court. 'Experts,' he said, occupied a 'very difficult position' in balancing their duty to the paying party with their duty to the court. While conceding that there is 'no perfect answer' here, he pointed out the necessity for everyone to bear in mind their responsibilities.

The judge needs help

'When it comes to expert witnesses,' Neuberger said, 'the whole point is that the judge needs help, because he or she does not know about the topic. It is almost more dangerous for a judge trying a case when they know about the topic than when they don't.'

Neuberger then addressed a number of other topical issues, covering a number of key points. He referred, for example, to the then recent historic decision of the Supreme Court that Parliament could not be prorogued. Also, under scrutiny in his speech were the differences between 'negligence' 'recklessness' and 'dishonesty.'

Primarily, 'negligence' stems from carelessness. 'Recklessness' means you don't care whether you're wrong or not, 'Dishonesty?' Basically, a deliberate lie when the liar who's lying

knows he's lying but lies anyway. The Attorney General's advice relating to the above-mentioned case was therefore not 'negligent', merely 'wrong'. (A controversial view if there ever was one). Referring to a specific case, Neuberger stressed the importance judges assign to honesty, warning that in the event of dishonesty, 'the law will come down on your head.'

Other issues, such as over-long documentation and contingency fees were also brought up. The former is disapproved of due to time constraints and the destruction of paper. The latter 'make judges uneasy' in view of the expert's obvious financial incentives. 'If you are charging on this basis, make sure the court knows,' is Lord Neuberger's advice.

Generally, the relentlessly increasing pressures on time and costs, is exacerbated by what Lord Neuberger termed the 'tsunami of documentation' a problem which might, he added, be dealt with in the future by AI — Artificial Intelligence.

Losing our jobs to robots?

Obviously, there are 'no magic answers' to this question as, like Brexit and its long-term effects, so much is unknowable. So, the image of a row of robots perching in a future Supreme Court is definitely in the realm of fantasy.

In the here and now, however, the future of the EWI hinges on training. Many useful courses are available for EWI members and certainly training is one of the benefits of EWI membership. Experts may be expert in their own respective fields (from architecture and accountancy to a range of medical specialisms),

but all need further instruction on such matters as court procedure and writing expert reports. Also useful are the opportunities for networking that conferences provide. 'People who don't come to these conferences,' observed Lord Neuberger, 'are the very people who should.'

'Boris the Spider' ... and the Lady and the Brooch

Certainly, if you were one of those experts who for whatever reason, had decided not to attend the Conference you'd have missed having a laugh at Martin Spencer's reference — in his Chair's address to the delegates — to Lady Hale's now famous sparkling arachnid brooch which sparked no small amount of comment.

Could this item of jewellery have been an oblique reference to the classic 'Who' song, 'Boris the Spider?' ('Look who's crawling up my wall' etc, etc.) Considering that anything to do with Brexit has been monumentally somber and serious, this bit of lightheartedness was to be welcomed.

In all, however, Spencer's speech was very much on the same or similar page as Lord Neuberger's. Focusing on the changing context for expert witnesses, he stressed that the 'critical role the expert witness plays in the justice system necessitates their compliance with the relevant legislation and regulations.'

Quite rightly he has taken the view that experts appointed by instructing parties have the qualifications they say they have. A leading clinical negligence barrister from Hailsham Chambers, Spencer had some pithy things to say about experts who may be experts in their own area, but not expert in understanding their duty to the Courts. 'The time has come,' Spencer insisted, 'when experts are accepted only when their credentials as experts are verified.' Discussions and speakers.

Following a subsequent panel discussion chaired by barrister and professor of law science, Penny Cooper in which Martin Spencer participated, the conference featured a range of topics presented by distinguished speaker after distinguished speaker.

'I have no doubt,' said Martin Spencer in his welcome note to the delegates, 'that you will leave here at the end of the day a better and in particular, a more confident expert'. It is unlikely that any delegate would have disagreed with that.

Elizabeth Robson Taylor

Mr Sameer Singh MBBS BSc FRCS Consultant Orthopaedic Surgeon

Mr Sameer Singh is an experienced expert witness in personal injury and medical negligence cases relating to his specialist areas of expertise. These include:

- All aspects of trauma - soft tissue and bone injuries
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THE WORST EXPERT WITNESS: AND THE WINNER IS...

Apology: Due to a clerical error, last issue's article by Chris Makin was cut short. We are pleased to present the full and unexpurgated version below.



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.

6. He did admit that he had been supplied with some sensitive material by the police, but it had been damaged by a leak. But not to worry; he asserted that matters were now in order, since he now kept sensitive material in a locked box on his balcony.

The City of London police, similarly, had no notes of meetings with Mr Ager and no record of the material they had passed to him. This is particularly worrying after the repeated difficulties of the CPR under Angela Saunders of failure to disclose evidence, helpful or not. The watchword of any professional, including prosecuting authorities and their experts, is:

- Record
- Retain
- Reveal any evidence, helpful or not.

This is very basic stuff, and both the police and Mr Ager had fallen far short of the standard required.

So what happened?

At Southwark Crown Court Mr Justice Nicholas Loraine-Smith directed the jury to return not guilty verdicts, and the eight accused walked free. And the CPS said they had removed Andrew Ager from their list of approved experts.

Was this a victimless crime? Of course not; many of the victims had invested their life savings in a scam. Did it end there? Certainly not. It emerges that the same expert, Andrew Ager, had been the prosecution's expert witness in some 20 previous trials, so all of those where convictions had been achieved would now have to be reviewed. And that means that far more than the 70 victims in the current case may find that those who have taken away their savings will not be punished.

The moral is clear, and the CPS failed miserably in following it: **choose your expert with care.** This is an extreme example, but an inadequate expert can destroy the good work of the lawyer. I recognise that the world may not be over-endowed with experts in voluntary carbon credits, and some other esoteric subjects may cause difficulties; but for many subjects experts are readily available, and there can be no excuse for instructing professionals who may be good at their job, but who do not know how to write an expert report, hold a meeting of experts, advise on Part 36 offers, and conduct themselves correctly at court.

May I be permitted to provide a few hints?

For forensic accountants who have been vetted by ICAEW, go to <https://www.icaew.com/about-icaew/find-a-chartered-accountant/find-an-accredited-forensic-expert>. There are only about 100 of us, out of 140,000 chartered accountants, who have reached this high standard.

For experts in many fields, use the "ExpertSearch" service at The Academy of Experts: <http://www.academyofexperts.org/find-an-expert>.

And for some light relief and some interesting war stories, have a look at my website – with videos!

chris@chrismakin.co.uk

www.chrismakin.co.uk

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. 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.

Chris Makin

Chartered Accountant
Accredited Civil Mediator
Accredited Expert Determiner

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

Mediated disputes in: <ul style="list-style-type: none">• Partnerships• Share Valuations• Company Sale & Purchase• Professional Fees• Rights of Way & Boundaries• Construction• Intellectual Property• Professional Negligence• Business Interruption• Defamation• Housing Disrepair• Very Expensive Motor Cars• Employment• Contractual Failings• Inheritance Act and ToLATAs	Civil and criminal experience as expert for over 20 years in: <ul style="list-style-type: none">• Loss of Profit and Consequential Loss• Business & Share Valuations• Matrimonial Valuations• Partnership & Director Disputes• Professional Negligence• Criminal & Commercial Fraud Investigations• Personal Injury & Fatal Accident• Drug Trafficking etc. Asset Tracing & Confiscation• Section 994 Disputes• Director Disqualification• Expert Determinations
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The Psychiatry Research Trust

The Institute of Psychiatry, Psychology & Neuroscience (IoPPN)



The Psychiatry Research Trust (PRT) was set up by a Trust Deed dated 20th January 1982. It raises funds for research into all aspects of mental illness and brain disorder undertaken at the Institute of Psychiatry, Psychology & Neuroscience and its associated Bethlem Royal and Maudsley Hospitals, and has a special interest in developing the researchers of tomorrow. The Trustees have been selected to provide a broad background of expertise in the fields of financial management, academic, psychiatric and neurological research and fundraising.

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GOVERNMENT U-TURN ON PROBATE FEES WELCOMED BY CHARITY BODIES



MONDAY 14 OCTOBER 2019, LONDON: After lobbying Government to abandon plans for a new probate fee regime that could threaten legacy giving, Remember A Charity and the Institute of Fundraising are pleased to welcome this weekend's announcement that the proposed changes are to be scrapped.

Dubbed a 'stealth tax', the proposed probate system would have seen thousands of bereaved families a year facing sliding charges of up to £6,000, as opposed to the current flat rate fee of £215. The Ministry of Justice expected to generate around £185 million from the increased fees by 2022-23. However, charity sector bodies had raised concerns with HMCTS and the Ministry of Justice that the planned fee increases could

severely disrupt legacy giving; a 'lifeline' for charitable causes.

Remember A Charity warned that such a hefty price tag for wealthy individuals – many of whom leave sizable gifts to charity – could discourage legacy giving and estate planning altogether.

Speaking to The Daily Mail, Justice Secretary **Robert Buckland** confirmed the new fee structure had been abolished, saying: "I have listened very carefully to the strong views aired on proposed new probate fees."

"While fees are necessary to properly fund our world-leading courts system, they must be fair and proportionate. We will withdraw these proposals, and keep the current system while we take a closer look at these court fees as part of our annual wider review."

Rob Cope, Director of Remember A Charity, says: "We're hugely relieved to hear that there will be no major increase to probate fees and that the current structure will be retained, at least for the time-being. Charities large and small rely heavily on gifts in Wills. Worth around £3 billion a year, we simply can't afford to risk jeopardising such an important income stream or to reverse the trend for growth in legacy giving."

"We'll continue to work closely with Government to ensure the sector's views are heard and that the legacy environment is protected. This includes ensuring that concerns about the prolonged delays to probate are addressed and the sector kept informed."



Redgate Farm Animal Sanctuary



Redgate Farm Animal Sanctuary was founded in August 1986 at Shaw Lane, Markfield, Leicestershire by the Redmile family.

All the Animals in the care of the Sanctuary need support, we have many cats, rabbits as well as some rodents who are all looking for their new forever homes. We also have ducks and chickens looking for kind new homes too. For our permanent, elderly and sick animals at the sanctuary, there are many ways in which you can help them. You can do this by becoming a **Friend of Redgate**, or **Sponsoring an animal**. If you feel you can help more, please contact the Sanctuary.

Why not CALL US TODAY to discuss leaving a gift in your will? A legacy could make a huge and lasting difference to the many animals in our sanctuary.

Tel: 01530 243 925
www.redgatefarmanimalsanctuary.co.uk



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By making a donation or leaving a gift in a Will ensures that Menphys can continue to support disabled children, young people and their families.



For further information, please contact 01455 323020 info@menphys.org.uk or visit our website: www.menphys.org.uk



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2020 VOICE CANCER

Quite simply we ARE the only charity set up to provide Laryngectomies (and some impoverished hospitals) with the equipment they need to regain as normal a life as possible after such a traumatic surgery which has removed the voice-box. Without voice, without communication, there is very little quality of life, only isolation & loneliness.



2020voicecancer.org spends all funds on the betterment for any/all throat cancer sufferers, whether it be a simple Oximeter,

nebulizer or 'steamer' to aid breathing. We are also finding that hospitals are no longer providing the sufferer with a 'voice-machine', which is a **Tru-Tone Electro**



Larynx. Now this little device is held under the chin and picks up the vibrations from the vocal chords and transfer those vibrations into speech – coherent speech. OK, so it takes a

bit of practice but once you have mastered speech you have joined the elite 'Dalek Club' so named because that is what we now sound like! I am now adept at speaking

at any function with my 'EL' in one hand and the mic in the other.

No one takes a wage from this charity, unlike many of the bigger charities. The Chairman, nor the Trustees take no payment whatsoever and are always thinking up new ways to raise funds. Of course, the simplest way to raise funds is to have a legal firm supporting us, stretching its many tentacles far & wide. I mention the 'tentacles' because AWARENESS is key to any charity, none more so than a charity dealing with people who can be extraordinarily quiet for long periods of time whilst the body heals. This quiet phase is where the loneliness sets in as the new 'lary' mainly sees only his/her partner & immediate family. This is one area where we can help, more than a little bit, as we produce a free monthly newsletter detailing what this charity is up to and encouraging more larys (& families/friends) to join our growing newsletter list.

In the past decade there has been a 600% increase in throat cancers, mainly due to the Human Papilloma Virus (63%) and that number is growing all the time hence we are on the path to 'ED' (Early Diagnosis). Throat cancers have a fantastic post-surgery survival rate, so with 'ED' that survival rate will markedly increase, meaning that we will

be busier than ever as more and more larys come through the medical system.

Signs? There are plenty of them starting with your basic sore/dry throat but getting more complicated along the line. Basically, should you feel any strange lumps/bumps around the neck/throat area, go and get checked out immediately. Any strange reddish blotches appear, go and get checked out for the sooner you know what is going on the sooner you will be treated properly.

There is absolutely no point 'running away' from cancer, especially this one! This cancer can be treated quickly & proficiently once diagnosed. OK, so the treatment is severe but quite often it is only a matter of a few weeks before you can talk again! You sound different I'll grant you that, but so what! You can still communicate vocally, you can still take part in discussions AND you can still socialize when you feel up to it.

Our website is full of information for those unfortunate enough to be diagnosed with throat/laryngeal cancers and all newsletters are stored on there so that you can refer back at any time.

What would **YOU** do without **YOUR** voice?
WE need **YOUR** help

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20-20 Voice Cancer.org

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the charity that does what it says on the tin!

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What would YOU do if you lost YOUR voice-box?



HOW DIGITISATION IS CHANGING THE FUTURE OF HOME-BUYING

By **Jonny Davey**, Product Manager at Geodesys



Data in the 21st century has been described as the oil of the 18th century – an incredibly valuable resource with potential for immense rewards for those who learn how to extract and use it! Living in a connected, digital economy means that we are increasingly reliant

on data in order to function and evolve, so businesses and consumers alike have a part to play in shaping the role of digital information in our society.

The commercial value of data has already been recognised by the automotive industry, where mobile phone signals and GPS positioning have been used to reveal important information about driver behaviours. Monitoring of parking locations, destinations, mileage and speed, even the frequency of sudden braking feeds huge back-end systems that collate that data and package it to be resold.

While that data can ostensibly help by keeping costs down for careful drivers, it remains to be seen whether it's good news for all from a financial perspective. Where it should benefit everyone is in speeding up the insurance claims process for those involved in a road incident.

Similarly, house-buying is ripe with data and there is always appetite to streamline the process. Current estimates indicate that half of all UK house sales fall through before completion², so there is a clear need to improve the home-buying process and make the data that we have work for rather than against us.

Information collected along the way includes personal data about buyers and sellers as well as surveyor reports, significant property improvements and environmental data. While these records are useful, managing the sheer volume of repetitive data associated with the house-buying process is often cited as a major cause of delay in transactions going through and even leading to ultimate failure.

Stakeholders from all quarters are keen to improve the process, and HM Land Registry is leading the charge with a wholesale review launched in 2017 to make home-buying simpler, faster and cheaper.

Local Authority data is often considered as one of the most troublesome areas, with searches into planning permissions, conservation areas, TPOs, smoke control zone conditions or light obstruction notice conditions taking weeks if not months to be returned. It has therefore been prioritised for digitisation with a pilot scheme being launched across five Local Authorities as a first wave in 2018. The plan is that this will be rolled out across all Local Authorities in time.

The digital Local Land Charges Registry scheme aims to provide 24/7 access to data, which is free to view or access for reference. As with the automotive industry, there is scope for monetisation, such as the £15 fee already in place for official copies that can be saved, printed, and re-run for six months, a service that is particularly useful when checking whether any information has changed following a delayed or drawn-out transaction.

The scheme has been universally acclaimed by those that are already participating and is due to roll out across a further 18 Local Authorities over the next 18 months. It's hoped that all 326 Local Authorities within England will be offering digital LLC within 5 - 7 years.

The Land Registry's initiative is a great showcase for the power of data and how it can be used to streamline processes, so how can we expand this across other areas of the market?

Could we imagine a future when holders of flood data, contaminated land data, or drainage and water information make these details accessible through an online portal, attributed to every registered address and summarised instantly for potential buyers (and their legal representatives) at the touch of a button and for a set fee?

In other words, each property would come complete with its own set of data at the point of being offered for sale. Sound familiar? It's not entirely different to the abandoned Home Information Packs of the mid-noughties, in fact. With the advances in digital technology and data management since then, perhaps it's time to revisit the concept.

¹<https://www.wired.com/insights/2014/07/data-new-oil-digital-economy/>

²<https://www.estateagenttoday.co.uk/breaking-news/2019/1/shock-fall-through-figures-show-almost-50-of-sales-collapsing>



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BROWNFIELD PROPERTY DEVELOPMENTS: WHAT SHOULD YOU CONSIDER IN THE CONVEYANCING PROCESS?



As the sustainability agenda becomes more deep-rooted in our political, regulatory, social and environmental consciousness, brownfield land development continues

to take a more prominent role in the UK's redevelopment plans.

With the Housing Minister recently welcoming more brownfield land development as a way of meeting the Government's housing pledge, the opportunity is huge if the estimates published by the Campaign to Protect Rural England (CPRE) are taken into account.

It has been suggested that more than 1.8 million new homes are viable on approximately 35,000 hectares of brownfield land across England and Wales. Two-thirds of these homes are considered deliverable within five years.

Given the Government's commitment to deliver 300,000 new homes per year, and the challenges identified in doing so raised by the Letwin Review of 2018, it appears that brownfield redevelopment is here to stay – this is of course good news for the nation's greenbelt.

With all the positive associations around brownfield redevelopment, it is often overlooked that there are inherent risks, which need careful and well considered management.

The regulatory and health risks associated with contaminated land are a critical consideration for any brownfield project of the future, and also for those existing residential properties that find themselves located on land associated with our vast industrial heritage.

Some of the largest and most recent brownfield redevelopment projects attest to the magnitude of these risks, with the Avenue Coking Works in Chesterfield providing a compelling example. This facility operated from the 1950s to the early 1990s, producing at its peak three million pounds of coke and 27 million cubic feet of gas per day. This benefited the economy, however the impact on the underlying ground was a legacy of contamination.

Remediation and clean up began in the late 1990s and is estimated to have cost Homes England £179m to complete the work. To look at this another way, that equates to around £366,000 per property for a 489-home scheme.

The current UK planning and regulatory regime underlying the redevelopment market ensures that, in most cases, these risks are captured, quantified and resolved on residential developments now and into the future. Parts of the existing UK housing stock could however be unknowingly subject to similar risks. For example, properties built before 1990, when the enactment of Part 2A of the Environmental Protection Act 1990 and the Town and Country Planning Act 1990 came into force, wouldn't have been subject to such stringent and comprehensive checks.

This is where legal due diligence comes into its own for anyone buying a new property. Home-owners are protected from risks associated with contaminated land as part of the legal process that supports property transactions. Conveyancers are able to access a multitude of reports that provide the insights, guidance and analysis required on any potential risks related to land contamination, along with many other

potential environmental hazards.

However for properties built prior to 1990, there is no guarantee that any residual or unknown risk won't result in exposure to significant remediation costs, should the Local Authority decide to take regulatory action as part of its jurisdiction, under Part 2A. Such cases are complex and, while they are reducing in quantity, the risk always remains.

That is why Landmark has taken the step to increase remediation contributions in support of its entire suite of residential environmental reports. For example, the upgraded Contaminated Land remediation contributions for RiskView Residential reports have increased from £100,000 to £250,000. In doing so, those who access the reports as part of the conveyancing process benefit from increased peace of mind that, in the event of a large remediation claim, a method of recourse is available.

For people embarking on the purchase of a new property, the last thing on their mind will be whether the location was once home to an industrial or brownfield past, and any related ramifications that could be an issue in the future.

For property lawyers and conveyancers, if we can demonstrate that not only has due diligence taken place into risks upfront, but an insurance policy is in place to provide additional peace of mind relating to future remediation claims, it can only be a good thing for all involved.

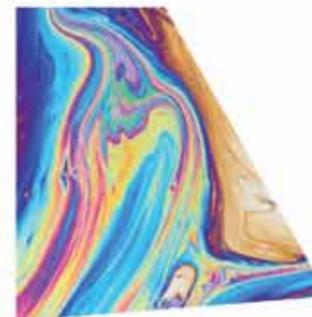
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WHY **QUILL** TICKS ALL THE BOXES

By **Julian Bryan**, Managing Director, Quill



Our recently acquired Cyber Essentials accreditation is yet another tick in the growing list of reasons to use Quill's software and outsourced support.

Carrying the National Cyber Security Centre's seal of approval with Cyber Essentials certification means our infrastructure is recognised as robust and we're committed to raising the security bar even higher. Clients now have more incentive to choose their trusted full-service supplier.

But the rationale for designating Quill preferential provider status doesn't end there. No other legal sector software and outsourcing house can boast the unique combination of Cyber Essentials endorsement along with:

Continually enhancing software

Our Interactive [Cloud case management](#), [document management](#) and [legal accounts](#) application is subject to an extensive development roadmap which is responsive to end users' demands and agile enough to flex as marketplace priorities change. Functionality is added constantly and communicated to clients through our monthly e-newsletters. Law firms using Interactive are assured of having the optimum toolkit for complete practice management from accounting and AML checking to matter management and time recording.

With an absolute focus on compliance, all new and enhanced features are designed with regulatory guidelines at their core. Essentially, we see our role as software provider to lighten the load where compliance is concerned. We liaise intently with regulators, keep abreast of ever-changing rules and develop our systems accordingly way ahead of deadline.

Take the refined SRA Accounts Rules 2019. Although the rules themselves are simplified, being less prescriptive actually makes them more open to interpretation with accompanying higher risk of error. And the penalties for mistakes are no less severe than previously. We've been introducing important changes to Interactive in line with the new rules, for example warning messages about

transferring unbilled disbursements (rule 4.3) and narrative-only transactions (rule 2.2) to record monies paid directly from practice to third parties.

LSSA founder member

We've been in close alliance with the UK industry body from day one of its formation. We live and breathe its code of conduct, uphold high quality professional standards always and take our accountability to safeguard clients' best interests extremely seriously. In fact, we assign accountability such gravity that it's literally in our brand.

Best Companies status

If anything demonstrates what a great company Quill is to work for and do business with, it's Best Companies official recognition. Being a 1-star organisation indicates workplace engagement as an integral component of our success and growth. In other words, we look after our employees and they, in turn, look after our clients. It's a win-win situation for everyone involved.

Living Wage Employer

Having voluntarily signed up to the Living Wage Foundation's scheme, we promise to calculate salaries for permanent, temporary, apprenticeship and contracted staff on the higher hourly Living Wage rate rather than the lower Minimum Wage. Our responsible leadership stance is a way of actively closing the gap between what people need to earn in order to live in society and the Minimum Wage as defined by government.

ILFM membership

By fortifying our partnership with the Institute of Legal Finance & Management, we've credited all of our cashiers, support team and trainers with paid-for-by-Quill membership as well as diploma studies for those at the early stage of their career progressing towards recognised legal cashiers qualifications. As the leading education authority and membership body for the sector, the ILFM is perfectly aligned with Quill, being industry specialists too.

Cashiering service provider

We're not exclusively a software house. We have a team of 60 experienced cashiers who

offer outsourced legal accounting support in compliance with the stringent SRA Accounts Rules, CLC Accounts Code or Scottish Accounts Rules. Clients can choose from [Pinpoint](#) – complete with deep integration to Interactive – or [Precision](#) – remain using an existing accounts application whilst reaping the benefits of the same rigour and knowledge applied to Pinpoint.

Payroll and typing outsourcing service provider

With an extended range of outsourced services in the form of payroll processing and pension management, and typing assistance, there really is no better logic for selecting Quill as the primary supplier for all back-office requirements.

The former – [outsourced payroll](#) – is delivered by our in-house specialist payroll clerks who are fully conversant in the latest payroll and pension legislation, PAYE, RTI, AE, SSP, SMP, SPP and attachment of earnings amongst them. The latter – [outsourced typing](#) – is powered by the renowned Document Direct team, enabling clients to dictate from anywhere and receive expertly typed-up documents within agreed timescales.

We're setting out our stall like this because lawyers are sometimes surprised to learn the full extent of what we do at Quill. The fact of the matter is we're the one-and-only company who can make bold claims about supplying the complete behind-the-scenes framework to thrive in today's challenging legal environment. We're different and proud of it.

Why not take a closer look at our accreditations, awards, portfolio and history? Then get in touch with our friendly team to chat about the best blend of tools to optimise the performance of your practice. Please visit www.quill.co.uk, email info@quill.co.uk or call **0161 236 2910**.

Julian Bryan joined Quill as Managing Director in 2012 and was also the Chair of the Legal Software Suppliers Association from 2016 to 2019. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashiering services to the legal profession for over 40 years.

 **INTERACTIVE**

Practice management & accounts software

 **PINPOINT**

Outsourced cashiering using Interactive

 **PRECISION**

Outsourced cashiering on any software

 **PAYROLL**

Outsourced payroll service

 **BOOKKEEPING**

Outsourced bookkeeping service

 **TYPE**

Outsourced typing service

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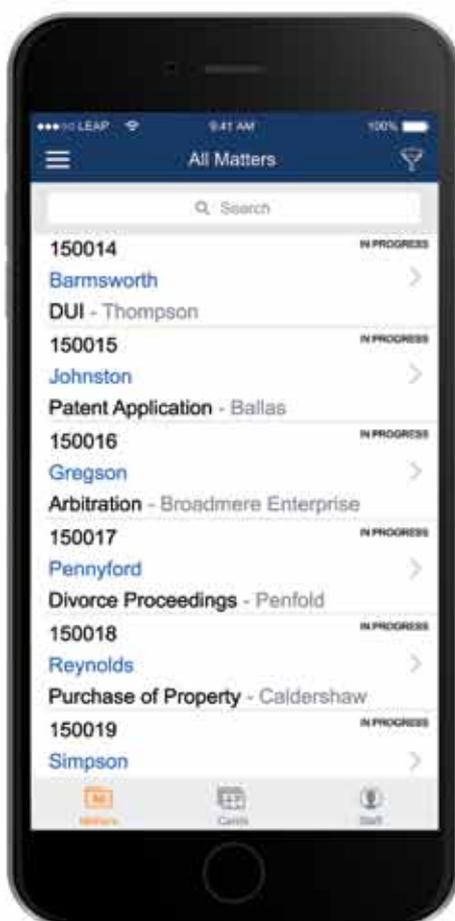
Court



Visiting clients



Coffee shop



The freedom to work when and where it suits you

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