

Leicestershire Law Society magazine

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the Triumphs of Leicester edition

PLUS, ALEX'S ZIP WIRE CHALLENGE AND MUCH MORE...

PAGE 7





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SUMMER/AUTUMN 2020

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EDITOR'S INTRO



It has been an extraordinary 6 months for everyone and I have been very impressed with the resilience and the adaptability of the Leicester legal community. Sadly we have not had the Annual LLS Awards Ceremony yet, due to the impact of Covid-19. I look forward to showcasing the premier event in our year in a future edition. However, we have had some fantastic events in 2020, as you will see in this edition.

of what a fabulous city Leicester is and why there are so many reasons to be proud to live and work here.

Putting this edition of the magazine together has been a challenge, but I have to thank all the contributors for your time and effort, when your working and/or home life has been turned upside down.

As always, I am keen to hear from our readership with articles they want to write, ideas for future features and any suggestions for making the magazine even better. I look forward to hearing from you.

Daniel O'Keefe,
Editor
dokeeffe@moosaduke.com



MEET THE LLS MANAGER

Our Manager Lucy Miller is an indispensable member of the LLS team.

photos, online editions of the magazine, ticket releases and news updates.

Any membership requests can be sent to Lucy and then circulated to the main committee for approval. Lucy is the lead contact for the LLS patrons and event sponsors.

Lucy is the co-ordinator for Committee and Executive Board meetings, creating the agendas and writing up minutes from each meeting to be circulated.

Lucy is always keen to hear any suggestions for the website, social media platforms, or event/training ideas.

For all LLS queries, please contact Lucy on office@leicestershirelawsociety.org.uk

A phenomenal amount of money was raised by the brave souls who embarked on the Zip Wire Challenge for Alex's Wish (the President's nominated charity). In addition, we have some great photos of The Triumphs of Leicester event. It is a timely reminder

Lucy is responsible for the day to day running of the LLS as our sole employee.

As the presidential term only runs for 12 months, the LLS manager's role is integral in ensuring the continuity of the society from one year to the next.

Working with the President and Events sub board, Lucy co-ordinates and promotes all LLS events and works with the Education & Training sub board to arrange our training courses.

Lucy maintains the LLS website and social media content, keeping everything as up to date as possible, including event



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PRESIDENT'S REPORT

Dear Members,
Since the last edition of the Leicestershire Law Society magazine, the legal world as we know it has become unrecognisable. Little could I have imagined that by the time I was writing my next President's Report for the magazine, we would be facing a world-wide pandemic, and a justice system under such acute strain that it is unlikely to recover for years to come, unless record levels of funding are made available from the government. Since the East Midlands has not even had the benefit of a Nightingale Court being funded to ease some of the backlog in the region, the recovery here is likely to take even longer.

Law firms were forced to close their doors and set up remote working in no more than a week. Although we as law firms will have had disaster planning in place for contemplated emergencies like cyber-attacks or flooding, none of us could have been ready for what hit us with the pandemic, or could have conceived of the possibility of surviving intact after not one, but two, lockdown situations. It is a credit to the Leicestershire legal community that we have been so resilient and have continued to provide high quality services to our clients throughout this awful time. At my last Main Committee meeting, we had the Deputy Vice President of the national Law Society Stephanie Boyce give an address at which she spoke of how impressed she was with the Leicester and Leicestershire legal communities who were dealing so effectively with the second lockdown.

The Leicestershire Law Society have been focussing on providing as much training and support as we can during this period. We have offered training to our members aimed at helping them deal with the impact of the pandemic such as an overview of the different financial schemes and grants available, marketing strategies for law firms post-Covid by our Patrons D G Legal and by Rachel Tombs, compliance education particularly with reference to Covid-related health and safety, SQM remote audits, and other general courses such as Modern Slavery by Olwen Davies and Court of Appeal work, and Behavioural Biases by one of our Patrons Finance Lab. Charnwood Accountants who are also our Patrons offered courses on succession planning and SRA Accounts Rules. We have run courses in Conveyancing with Ian Quayle and the national Law Society conducted a consultation with some of our members on what the national Law Society are doing to support law firms during this time and what is available from them by way of resources. All in all, we have doubled the training on offer to our members the majority of which has been completely free.

I count myself as very fortunate that I was able to run all of my planned events up to and including



GLYNIS WRIGHT WITH SIR JOHN BERNARD GOLDRING

the Triumphs of Leicester prior to the lockdown, as the events brought in a considerable profit for the Leicestershire Law Society which has transpired to be a blessing indeed given what has now occurred, and the fact that the LLS are unable to generate an income during this period. I promised faithfully at the start of the Presidency that I would be a careful steward for the LLS and would look to shore up our financial stability. I have done so, which means that the LLS has a healthy bank balance and are still in a strong position financially notwithstanding the effect of the pandemic. It is a strategy that now seems rather prescient given what was to come – otherwise we may not have had a Law society at all.

As you will all know, the "Classical Extravaganza" Annual Dinner and Legal Award night that Lucy and I had worked so hard to organise was a virtual sell out with just under 400 tickets being sold. That was pulled with great sadness a week before it was due to take place on the 20 March 2020. It was of course absolutely the right thing to do. The event was rebooked for the end of September in the expectation that the country would by then have risen out of the pandemic and that mass gatherings would be possible, but sadly that has not transpired to be the case. The Legal Awards have therefore been moved to May 2021 where the "Classical Extravaganza" will still take place, but where I will be delighted to share the event with the President that will be taking up the seat following the AGM on the 30 September 2020. The candidates shortlisted in 2020 will remain in place for the 2021 event, and a new competition will be run in 2022. I am so pleased that our entertainment in the form of the scintillating electric string quartet "The Sirens" and acclaimed mezzo-soprano Rozanna Madylas and baritone Lancelot Nomura will still be performing on the night

along with the fabulous "Likuid Blu" who will take us all onto the dancefloor after the awards are given out. I am also thrilled that BBC Radio Presenter Jo Hayward will still be our glamorous compere for the evening as planned. I have comforted myself that the event, although postponed, will be twice the celebration because of what we will all have been through. I certainly hope that will transpire to be the case.

Since my last report, and prior to the pandemic, I held two events which will stay with me as the most wonderful memories. The first was the Presidential ZipWire Challenge where I was joined by lawyers and local businesspeople to undertake the fastest zipwire in Europe. It was truly a thrilling and breathtaking experience as we achieved speeds of nearly 100 mph as we hurtled down the zipwire. The best part of the event was the generosity shown by those who pledged to support us as we took up the challenge. We raised over £10,000 for the Alex's Wish Charity which is phenomenal. For those of you who may be interested in more adrenaline activities, I am undertaking a loop de loop in 2021 in a small bi-plane in 2021 and am looking for others to join me for more fundraising! Do contact me if you are interested!

I was immensely proud that the "Triumphs of Leicester" gala dinner was also a sell-out. I had conceived of the theme for this dinner before I became President and it will remain very close to my heart. It was an opportunity to truly celebrate Leicester and Leicestershire. We heard from some of the most significant individuals who have hailed from Leicester including (for Law) Sir John Goldring, and again, you can read more about this event later in the magazine. I was delighted to work with the University of Leicester in producing a film for the

night celebrating extraordinary people who have come out of Leicester, which was shown on the night to general acclaim and has been released by the LLS and the University of Leicester on their social media channels.

As you may well be aware, my Presidential seat should have ended in May 2020 but I was asked to stay on as President until the end of September 2020 to see LLS through the worst of the pandemic. I was happy to do so on the basis that there could not be a worse time for a new President to take up the reins. This will therefore be my final President's Report and I wish to conclude with my

enormous thanks to my Main Committee members and my fellow Executive Committee members for their support and continuing commitment to the Society. Most of all, I wish to thank Lucy Miller, the LLS Manager for her conscientiousness and excellence in discharging her duties. Sadly, Lucy will be moving on shortly to pastures new. I know that all who read this report will want to pass on their best wishes to Lucy who has been outstanding. It would be fair to say that Lucy and I have enjoyed working together immensely, no doubt bonded by the mutual stress of running the events that we have, as well as the excitement and

challenge of those times, and of course, our desire to do our very best for the members of LLS. Lucy will be sorely missed but I am sure you will all be delighted to welcome Kauser Patel back as the LLS Manager who you will recall left following the birth of her second baby. Therefore, I am assured in my mind that Lucy and I will be leaving the LLS in very good hands with Kauser and of course the new President who will be taking over from 30 September 2020!

Glynis Wright
President of the Leicestershire Law Society

LEICESTERSHIRE LAW SOCIETY CAMPAIGNERS RAISES £10,000 FOR CHARITY ALEX'S WISH BY HURTLING DOWN A ZIPWIRE AT SPEEDS OF 98 MPH



Twenty-eight of Leicestershire Law Society's members and supporters joined the President, Glynis Wright, to take part in the fastest zip wire in the world, on Saturday 22nd February. After weeks of fundraising for the President's chosen charity, Alex's Wish, the group travelled to North Wales to hurtle down a mountainside from 222 metres at speeds of 98 mph and facing cross winds of 44 mph. The

President is absolutely thrilled to announce that the group has raised over £10,000 for Alex's Wish. The day was made even more special by having Alex himself and his mum and founder of the charity Emma Hallam, take part in the Zip Wire too.

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 the President is proud that the Leicestershire Law Society has played such a large 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!



FISCHER FUTURE HEAT BECOMES PATRON OF LLLS



Maria and Keith Bastian meeting the Duchess of Cornwall

Fischer Future Heat, the Frog Island-based electric heating specialists has committed its support to the Leicestershire Law Society by announcing its patronage.

The company that manufactures and installs electric heating solutions to homes throughout the UK was founded by **Keith** and **Maria Bastian** and has enjoyed remarkable growth in a little under 10-years.

Maria Bastian said "We're thrilled to become a patron of the Leicestershire Law Society and we hope to provide our support for many years to come".

The Bastian's launched their heating business from their home in 2011. Three years later, they decided to buy Fischer - the German heating manufacturer. Success has followed and Fischer Future Heat has now installed in excess of 250,000 smart electric heaters in homes throughout the UK and employs over 350 staff.

The company continues to grow and invest in renewable heating technologies. From electric boilers, solar panels and battery energy storage to innovative water heating and air-source heat pumps.

Fischer offers customers a wide range of products that are all designed for increased energy efficiency whilst reducing carbon emissions.

In 2016, the couple launched their own domestic energy supply company. Outfox the Market now supplies 100,000 UK homes with gas and 100% renewable UK wind electricity and has helped thousands of customers make significant savings on their energy costs.

Keith Bastian is unashamedly vocal about the need for change when it comes to energy and heating - He said; "It is vital that we move towards cleaner and sustainable heating solutions and stop burning fossil fuels. The road to net-zero carbon has begun and we all need to play our part".

Despite their success, Keith and Maria are determined to achieve further growth for their businesses and have plans to expand and invest in their Leicestershire companies.



Fischer Future Heat
THE FUTURE IS ELECTRIC

You can find out more about Fischer Future Heat via their website - www.fischerfutureheat.com and Outfox the Market at www.outfoxthemarket.co.uk

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HOW TO PROTECT YOUR EMPLOYEES' MENTAL HEALTH WHILE REMOTE WORKING



As the UK continues in lockdown amid the COVID-19 pandemic, employees are facing the reality of working from home for weeks on end. For some employers who are new to operating this way of working, we are sharing some of the findings from our latest whitepaper.

According to our whitepaper, mental health issues could develop more frequently amongst remote workers, as they may find themselves separated from communication channels and support mechanisms.

Nuffield Health's research also shows spending more than 2.5 days a week working away from the office is associated with deterioration in co-worker relationships and job satisfaction.

However, there are plenty of things employers can do to support their staff's wellbeing and ensure business productivity while remote working.

TACKLE CORONAVIRUS HEAD-ON

Make sure, company health protocols are clear and accessible while incidents like the current coronavirus epidemic continues. This means keeping staff informed on the steps you're taking as a company and what to do if they're feeling unwell.

Share the latest updates and health guidelines on the virus to keep employees in the loop, however, be careful about how often you're sharing information. Key daily updates are fine, but employees shouldn't be overwhelmed with distressing news updates, multiple times a day.

<https://www.nhs.uk/conditions/coronavirus-covid-19/>

GET PERSONAL

- Many employees are going to experience symptoms of distress and anxiety over the news of the pandemic. In addition to this, home working can negatively impact resilience, the process of negotiating, managing and adapting to significant sources of stress or trauma
- It's important to provide employees with coping mechanisms and to create a range of personalised interventions to meet the needs of your remote workforce and effectively reduce stress and burnout. <https://www.nuffieldhealth.com/corporate-wellbeing/path>
- Staff who express signs of distress should be guided towards further emotional support. It may be that anxiety around coronavirus is a noticeable sign of pre-existing or wider emotional struggles
- In these cases, highlight existing workplace offerings like employee assistance programmes (EAPs) which offer direct, confidential contact with counsellors and mental health experts
- Consider inviting an expert to give a virtual company talk on general coping mechanisms for anxiety. This may help those who are worried about speaking to managers or employers about their fears.

SET BOUNDARIES

- When it comes to remote working, it can be easier for employees to work longer hours and take less breaks to get more work done
- To prevent this, make sure you keep work communication within employees' official hours and encourage them to work within this timeframe too
- Trust between the manager and the employee is vital for remote working to succeed for both sides. There must be regular communication with the manager and wider

team, with agreements on set, clear times employees will be contactable and ways they can contact their line manager, so they don't feel isolated

- Set hours should be reviewed regularly in this time of uncertainty and shared calendars can help employees feel more structured and know when to 'clock off'
- Remember, your employees are probably worried about a whole host of other issues relating to coronavirus, so taking any worry or fear out of remote working will make their lives considerably easier.

COMMUNICATE CAREFULLY

- Communication needs to be tailored to the correct demographic too. More senior workers may need fewer management catchups, with perhaps weekly phone calls being enough
- Younger employees, with less experience, may need more regular communication to feel supported
- Build out your engagement strategy by assessing how different demographics want to be communicated with. The most obvious answer for many modern employees is mobile. People are on their phones most of the time, so getting company updates on their devices ensures they're receiving your communication on the right platform
- However, you'll need multiple 'touchpoints' when sharing company news and updates and for older remote workers, this might include more traditional communication like formal, company emails.

To find out more about our emotional wellbeing services, visit <https://www.nuffieldhealth.com/emotional-wellbeing> or call our customer support team on 0300 13 11 416 to arrange a virtual appointment.

Nuffield Health Leicester Hospital, Scraftoft Lane, Leicester, LE5 1HY



LEICESTERSHIRE LAW SOCIETY "TRIUMPHS OF LEICESTER" GALA DINNER CELEBRATES THE EXTRAORDINARY PEOPLE OF LEICESTER

On the 28 February, the President of the Leicestershire Law Society welcomed over 150 guests to the "Triumphs of Leicester" gala dinner held at The City Rooms. The President had announced at the start of her term as President that she wanted to hold an event to celebrate the truly extraordinary people that have come out of Leicester as a celebration of Leicester's excellence on an international scale across the sectors of law, space, science, the media, the arts and industry.

The fantastic line-up of speakers included the Lord Lieutenant of Leicestershire, Sir John Goldring (for Law), Jonathan Agnew (for Sport), Dr Turi King (for Science), Professor Emma Bunce (for Space), Dr Emma Parker (for Arts) and Dr Vijay Sharma and Kamlesh Purohit (for Media). The evening also featured the University of Leicester String Quartet who played from the original balcony of the historic ballroom at the City Room.

The event was supported by the University of

Leicester who collaborated with President, Glynis Wright, to make a film about other outstanding individuals from Leicester which was aired for the first time on the night itself. This high-profile event was a fantastic success with many guests saying they were astonished by the contribution that Leicester has made and how proud it made them feel to be residents of this City. The event was sponsored by Paradigm Wills and Legal Services, the University of Leicester, Lawson-West Solicitors and The Beautiful Pubs Collective.



Triumphs of Leicester

This one off gala dinner on 28th February celebrated the wonders that Leicestershire has offered to the world.

We championed extraordinary people who have originated from Leicester (whether by work or career choice) whose contribution has impacted nationally and/or internationally!

This glamorous and prestigious evening had 7 inspirational speakers, plus a short film produced by the University of Leicester featuring Leicester-born stars.

THE KEYNOTE SPEAKERS



Mike Kapur OBE Lord Lieutenant of Leicester
The evening will commence with a key note speech from our Lord Lieutenant of Leicester talking about why "The Triumphs of Leicester" and its theme of celebrating extraordinary people from Leicester is so important.

SPORT



JONATHAN AGNEW MBE DL – was educated at Uppingham School and had a successful career as a fast bowler for Leicestershire from 1979 to 1990, returning briefly in 1992. While still a player, Jonathan began a career in cricket journalism and commentary and has become a leading voice of cricket on radio, as the BBC Radio cricket correspondent and as a commentator on Test Match Specials. "Aggers" will be talking about his career in cricket and will be highlighting other exceptional sporting heroes and heroines who hailed from Leicester.

ARTS



DR EMMA PARKER – is a leading expert and writer on the works of the internationally acclaimed playwright Joe Orton (immediate left). She also regularly lectures on his work and will talk to us

about the extraordinary life and works of Joe Orton who was raised on the Saffron Lane Council Estate in Leicester from the age of two and became, in his short life, one of the most famous playwrights of our time.

LAW



SIR JOHN BERNARD GOLDRING – born in Leicester and educated at the Wyggeston Grammar School for Boys, Sir John became a QC in 1987, was appointed to Queens Bench Division in 1997 and then became the Senior Presiding Judge for England and Wales in 2010. Sir John is renowned for his exceptional talent and unshakeable commitment to justice for all. He was appointed coroner into the fresh inquests into the horrific Hillsborough Disasters in 2014. Sir John is currently the President of the Cayman Islands Court of Appeal and will talk about his roots in Leicester and his exponential legal career.

SCIENCE



DR TURI KING – is best known for her work in "cracking one of the biggest forensic DNA cases in history" during the exhumation and reburial of Richard III of England. Turi talks to us about Leicester's place in history when Sir Alec Jeffreys discovered the DNA code which changed the world overnight, and how

she now applies the science of genetic profiling in local and international historic archaeology projects.

MEDIA



DR VIJAY SHARMA – Vijay has been a resident of Leicester since 1976. She is well known for her work pioneering Asian programming on BBC Leicester, a move that was unprecedented for its time and changed the world of media. She went on to become Head of the multi award-winning first ever National Asian Network.



KAMLESH PUROHIT – was raised in Leicester from a young age and is the Deputy Managing Editor of BBC Radio Leicester, UK's first BBC local radio station. His career in broadcasting covers the BBC News, Asian Network, BBC Sport and Test Match Special, Five Live, and Radio 4. Kamlesh has also been a TV Presenter on BBC East Midlands Today.

Vijay and Kamlesh will talk about how their pioneering work in Asian programming started here in Leicester and went on to change the face of broadcasting for the Asian communities both nationally and internationally.

SPACE



PROFESSOR EMMA J. BUNCE - internationally renowned space physicist and Professor at the University of Leicester who is known for her ground breaking research into the magnetospheres of Saturn and Jupiter and her fascinating public talks on "solar system" topics such as "The Mysterious Moons of

Jupiter" and "The Cassini Mission to Saturn." Emma will be talking about Leicester's pivotal place in space research and her current work as principal investigator on the European Space Agency BepiColombo mission to Mercury. She is the incoming President of the Royal Astronomical Society.

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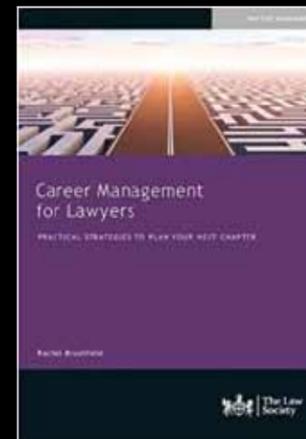
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BOOK REVIEWS



CAREER MANAGEMENT FOR LAWYERS

Rachel Brushfield
The Law Society 2019



Not another book by a Career Coach! Yes but this one is a bit different.

Despite the title the book is mainly aimed at solicitors and in my view more at women than men in that for example the majority of the Role Models featured are female and there is good and realistic coverage of part time/flexible working and returning after a maternity/caring break. That said the three day week is no longer an issue solely for women – it is increasingly embraced by male GP doctors for example.

Image CV preparation, willingness to drive forward and take risks (difficult for all lawyers who are trained to spot snags), resilience after rejection, developing your personal brand are all covered together with Questionnaires and pages on Action Planning.

But the most interesting

chapter is the first one which addresses the sadly very high attrition rate for lawyers particularly but not exclusively female. Chapter 1 entitled “Lawyers and Career Change” actually acknowledges that those who give up legal practice have not failed but have instead discovered that legal professional training imbues transferable skills and strengths that are much in demand outside the law. Yes it may be time to consider eg moving from private practice into in-house or the Government Legal Service for example (although I am not sure that the traditional partnership model has gone completely “mouldy” as the author suggests) but there are other options.

Under “Useful Career Resources” what is available from The Law Society is recited and AWSL gets a mention as one of the recommended organisations for networking, learning from peers, mentoring etc.

Finally for the involuntary job seeker there is a paragraph on the LawCare Helpline which of course offers confidential advice on everything from redundancy to alcoholism. If I have a criticism it is that there is no mention of the Solicitors’ Assistance Scheme* for those affected by regulatory issues or SBA The Solicitors’ Charity** for (financially eligible) solicitors unable to work due to illness or needing assistance seeking a job.

At just 102 pages including Appendix and Index this a very useful, readable book and I highly recommend it.

*<https://www.thesas.org.uk/>

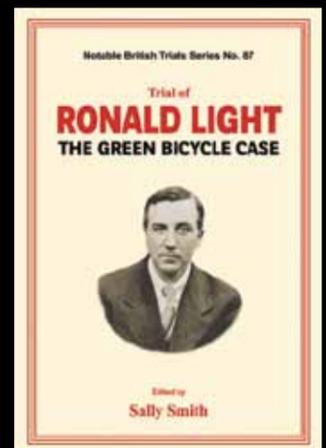
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THE TRIAL OF RONALD LIGHT – THE GREEN BICYCLE CASE

ISBN 978-1- 911273-76-9

This short selection of materials is available in both hardback and e- book format and may be the last word on this case. Edited by Sally Smith QC the items include a full transcript of the Trial at Leicester Castle over the 3 days 9th to 11th June 1920 from entry of the Judge Sir Thomas Gardner Horridge (heralded by trumpets) through the theatrical performance by defence counsel Sir Edward Marshall Hall KC to the Foreman of the Jury announcing “Not Guilty”.

Additional material includes a transcript of the Inquest conducted by the Coroner Mr George E Bouskell 3 days after the crime.



So after 100 years what is the Editor’s final view? It is of course “The jury is still out. And probably always will be.”

Christl Hughes



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COVID-19: THE IMPACT ON A LAW STUDENT'S ACADEMIC EXPERIENCE



As well as halting economic development and restricting societal freedom, the unprecedented outbreak of COVID-19 has also radically changed the way in which

Universities now deliver teaching; although technology may facilitate distance learning as a partial solution to our current circumstances, this does not preclude University students like myself experiencing challenges to our academic journey, as we adapt to a new norm of virtual study.

From the perspective of a penultimate-year law student, completing online examinations that contribute to my degree was demanding for various reasons; the sudden University closure meant that I was unable to access all resources and the inapt environment of studying at home proved challenging in the revision period. I also missed the in-person guidance from faculty staff which I have found

to be very helpful for my exam preparation. Personally, working under these conditions was a significant adjustment, since I am accustomed to having routine access to campus facilities such as the library, being able to focus on my work fully equipped and undisturbed. Overall, I found it quite stressful having to battle the emotional strain of COVID-19 against undertaking assessments, which I believe weakened my ability to showcase my full academic potential.

Despite COVID-19 having disrupted my traditional University experience, the current crisis has paved the way for an evolution of innovative learning methods. The University of Leicester has launched a new programme called 'Ignite', which entails a blended teaching approach for the next academic year; most lectures and tutorials will be delivered online, but I will still have the opportunity to participate in face-to-face classes, which reflects the University's commitment to ensure that

students receive quality education, without compromising their safety.

The consequences of COVID-19 on my future career is another area of concern; research by Monica Langella from LSE's Centre for Economic Performance found that recession, which is likely to follow the pandemic, will have negative effects on future earnings and employment opportunities for students entering the job market. However, the University of Leicester has been immensely supportive in helping students overcome these challenges, by ways of scheduling Virtual Law Fairs and conducting Online Webinars; such events provide students with a platform to interact with potential employers, enhance our legal knowledge and prepare us for the uncertain future, which is a venture I feel slightly anxious about, but ready to embark on nonetheless.

Christie John, Student at Leicester Law School

REFLECTIONS FROM A COVID-19 LAW SCHOOL



Just over four months ago I spoke at the LegalEdCon North 2020 organised by Legal Cheek at The Lowry Media Centre, Salford Quays (<https://www.legalcheek.com/conference-north/>).

The main topic of debate was the SQE. It is a topic which has been top of the legal education agenda since the Legal Education and Training Review reported in 2013 (<http://letr.org.uk/the-report/index.html>). As I waited for the return train at Manchester Piccadilly on 30 January 2020 I believed I had a fairly clear idea of the immediate future for legal education in England and Wales.

As stories about the Pandemic became more grave through early February the comparative certainty of January started to disappear but even in early March the Law School was continuing as normal: lectures, seminars, assessments were all taking place as tutors came to the end of the syllabus and turned their minds to revision. By mid March the university campus had closed and

university life had been transformed. In a matter of days, learning, teaching and assessment was moved online.

There has been much reference to 'unprecedented or extraordinary times'. In one sense there is very little extraordinary about current events and they are not at all without precedent. Previous pandemics have seen massive casualties but they have also led to societal change. In April, Mark A. Cohen wrote in Forbes Magazine:

COVID-19 has cast a harsh light on the outdated way justice is dispensed, law is taught, and legal services are delivered. . . The Corona virus has harnessed the potential of long under-utilised tools and alternative work paradigms long resisted by the legal establishment. <https://www.forbes.com/sites/markcohen/2020/04/14/covid-19-and-the-reformation-of-legal-culture/#249e2bfb171d>

"Outdated" is not the word I would choose but it is perhaps true that the legal establishment is slow to change. That resistance to change results from us living now

in what Ulrich Beck refers to as the risk society: we are reluctant to change because we don't want the blame if things turn out badly.

COVID-19 has provided the imperative to change. In legal education that means we have had to discover fresh new ways of engaging with students and the early signs are that they work. We live in a 'view on demand social media world' and much of our attention has been focussed on adapting our working methods to enable legal education to fulfil that demand. Legal services and the justice system have also been transformed by COVID-19. Things will- eventually -return to normal but it will be a 'new' normal. It will be against a background of suffering and loss where the welfare of others and the greatness of those who care for others have rightly been pushed to the fore. The task for all of us, including academics, will be to retain the good aspects of the old normal but embrace the benefits of the new normal.

Tim Hillier, Associate Head at DMU Law School

2020 VOICE CANCER

Well folks it seems an eternity since the onset of this nasty flu bug commonly referred to as COVID19... and I say flu bug because the strain of this flu symptom-like illness has not yet been identified. More to the point is the simple fact that we do not have a 'SPECIFIC test to determine whether this is actually as named (COVID19) or simply another coronavirus harbouring in our bodies! After all, it could be any one of the other 18 CORONAVIRUSES that can live within us.

Obviously the charity sector has been exceedingly quiet as the country has virtually shut down since March, but, it has made things very easy for the government to turn us into a CASHLESS society, which would be a disaster for all people: you can work out why for yourselves!

Obviously, with this flu bug killing mainly those with underlying illnesses/conditions, this is a very worrying time for all laryngectomees as many of us have a very limited immune system to fight off these bugs etc. so it is a very easy choice for us to stay at home and keep away from any possibly infected people that may be in your area. We have a great

'watchword', and that is POSITIVITY. We must stay positive at all times, which should be easy enough for were we not POSITIVE people in the first place we would have succumbed to massive surgery a long time ago! Always remember that should you feel 'not right' you can always get in touch with your SLT or your ENT department at your local hospital. Ignore all this 'sorry but you can't come in' business: you need medical assistance so go! Show the idiot on the door your stoma and a piece of card with "Can YOU fix this?" written on it-they'll soon let you in! We don't refuse anyone just because of a flu bug! In fact, we've helped many a new lary during this enforced close-down.

Onto more cheerful news folks as we welcome the support of SGL Accountants of Sth Wigston, Leicester who have been watching what we do and are fully supportive of us. Welcome aboard good peoples and don't worry all, there is plenty of room for any other firms that would like to support this worthy cause as we grow & grow.

Now a sadder note folks. In June this year we lost our patron, Mr Willie Thorne, to

Leukaemia. A form of cancer that ripped his body apart in the matter of only a few weeks, his last message to me, only 10 days before his death was "I'm afraid that it is very aggressive Phil"... and indeed it was! Willie's wife Jill has quite happily taken over the mantle of Patron of this charity and we already have Charity Golf days lined up plus a Charity Snooker tournament in the offing, all being set up by those who wish to remember Mr 147/Mr Maximum.

For me it is a death too soon for WT knew plenty of celebrities who would willingly take part in Charity Events and he was a brilliant host/auctioneer but I know that Jill Saxby (Miss GB 1985) will be equally [if not better] at getting this charity into the limelight - where it should be folks! Incidentally, would you kindly display our magnetic adverts on your vehicle? (We will happily provide them if you are agreeable).

Until next time folks, stay well & stay safe!

Phil Johnson

Supported by SGL Accountants, Sth Wigston, Leicester. LE18 4PA

2020 Voice Cancer

...the cancer no-one talks about

20-20

VOICE CANCER

www: <http://www.2020voicecancer.org/>
e: admin@2020voicecancer.org

Charity No: 1156733

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

Mukesh Basra now heads up membership and he is joined by his team members; Bushra Ali; the Immediate Past President of the Leicestershire Law Society and Zainab Zaeem-Sattar of Summerfield Browne Solicitors.

If you have any queries or comments in relation to membership, please contact any of the Membership Team; mukeshbasra@hotmail.com; Bushra@bushraalisolicitors.co.uk; zainab.zaeem-sattar@outlook.com

Mukesh Basra (Chair)



Mukesh has been elected to be the chair of the membership sub board. Mukesh has been a dispute resolution solicitor and accredited mediator for a number of years and is now a self-employed consultant. He has been on the main LLS committee since 2013 and was until last year the chair of the education and training sub board.



Bushra Ali

Bushra Ali was elected onto the Main Committee in 2015. From 2015 she served the Membership sub-board. Upon being

elected as President, she served her time in office from May 2018 to May 2019. Bushra was the youngest President of the Society in its 158 years history and was the 8th female President. Bushra is also two-time Winner of Leicestershire Law Society Solicitor of the Year (2012 and 2016). Bushra describes being delighted to be back on the membership sub-board. Bushra was also recently elected onto The National Law Society, Chancery Lane Committee for Immigration Law and Policy. She specialises in Immigration law and is the Head of Practice at Bushra Ali Solicitors.



Zainab Zaeem-Sattar

Zainab qualified as a lawyer in April 2019 and recently joined Summerfield Browne Solicitors in their litigation department. She joined the

LLS in 2018 as a sub board member and became a main committee member in May 2019. Zainab sits on the education & training sub board as well as membership.

RECENT LLS EVENTS

Glynis Wright continued her presidential Year with a whole host of successful events and courses, as you will see throughout this magazine.

We have had Criminal Law courses, a Brexit Roundtable discussion and an SRA Regulatory Update. We had a fantastic inaugural Matrix Professional Network evening, a spectacular 100 Years of Women in Law event at the Empire, Leicestershire Carols for the Courts as well as the annual Civic Dinner.

MATRIX NETWORKING EVENT



100 Years Women in Law



Leicestershire Carols for the Courts



LLS are preparing for the biggest event of the year... The Annual Dinner and Legal Awards 2020!

This year, LLS President, Glynis Wright, has announced her theme: A Classical Extravaganza! On Friday 20th March, the evening will follow a 'night at the opera' style to be held at the Athena, with red carpets, opera gloves, masquerades and elegance.

At the Awards Shortlisting, the President announced the evening's entertainment which includes opera singers Rozanna Madylas and Lancelot Nomura and headline act: The Siren Electric String Quartet.

The prestigious evening will house up to 400 guests who eagerly wait for the winners of each award category to be announced. This year there are 7 categories in which Leicester's finest Legal professionals will be battling for the top spot. After the winners have taken their bows, it's time to party and get on the dance floor with the fantastic five-member band: LikuidBlu!

Reserve your table now at www.leicestershirelawsociety.org.uk/awards2020/ you will not want to miss out!

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 MEMBERS 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:



Air Aesthetics

www.airaesthetics.co.uk
3D Skin Imaging Consultation and Anti-ageing HydraFacial for £80
10% reduction off CoolSculpting treatment (available until 31.12.19). Please advise you are an LLS member at the time of booking
Tel: **10845 519 5377** to book a consultation

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.

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 on and 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

Easy Internet

Free initial consultation
10% off total cost of marketing packages
Tel: **0333 332 6396**
Email: enquiries@easy-internet.co.uk

George's Hairdressing and London Rd Hair

50% off first cut & finish with 10% off further services. Please remember to advise the salon you wish to use the LLS discount at the time of booking.

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

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

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

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

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 Rd, Leicester
10% off total bill

Koyla

Kapital Building
Charter Street, Leicester
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.

COUNCIL MEMBER'S REPORT

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

New Handbook, importance of the enforcement code, new practice models, digital badge, new standard of proof at the Solicitors Disciplinary Tribunal.



All change! From 25 November new Handbook and new responsibilities (and consequences) for all solicitors.

STANDARDS AND

REGULATIONS (STAR)

In contrast to the introduction of the last Handbook in 2006, reaction by the profession to the introduction of a new Code, the 131-page 'Standards and Regulations' (StaR) has been relatively muted. Perhaps this is a consequence of it being somewhat similar to the old Code, in that it is again an outcome focussed or principle based code, and it is reassuringly shorter than the old handbook-the old Indicative Behaviours have been removed and the Principles² have been reduced from 7 to 10.

There are in fact two new Codes -one for individuals and one for firms. This is a reaction to an increasing understanding (supported by academic research) that removal of the pre-2006 Rulebook had led to a disconnect by employed solicitors, particularly those employed in private practice, from their regulatory responsibilities. Many saw their responsibilities as purely to report any problems to a compliance officer.

The new Code rather confusingly suggests that individual solicitors can place reliance on a report made to a Compliance Officer for Legal Practice (COLP) and for Finance and Administration (COFA) but at the same time there is an individual responsibility on each solicitor (including those who are in-house) to make reports to the Solicitors Regulation Authority (SRA) where they have 'serious concerns'. They should make such reports promptly. This suggests that in circumstances where either the Compliance Officer has refused to make a report of any 'serious concern' or the individual suspects that a report will not be made, they should be prepared to make a direct report to the SRA themselves, 'promptly' or they may well face disciplinary action.

The new Code is more focussed on the quality of the service provided, placing obligations on individual solicitors to ensure that they provide a proper standard of service

and are competent. There are also more detailed requirements in relation to interaction with courts, tribunals and inquiries and supervision of work delegated to others. It also makes explicit the responsibility of individual solicitors, including those who are employees, in relation to referral fees.

For firms, owners and compliance officers, perhaps the biggest change is that relating to accounts rules, with more decisions being required as to how to operate the client account. A whole raft of guidance to support the new Accounts Rules has been promised but not all the information has yet been published.

The new Code for firms places greater emphasis on ensuring that the firm and compliance officers are responsible for supervision and ensuring that employees comply with regulatory requirements and for the quality of client work produced. Although not expressly referred to, it seems likely that there will be an increase in prosecutions of compliance officers and firms where junior employees have committed serious breaches of the Code as a result of toxic work environments.

Reporting requirements no longer refer to breaches as material or non-material but as serious. There is no definition of serious but the enforcement policy and other guidance give examples of conduct that would be regarded as serious.

All solicitors should study the new principles and the Code but they must also look further afield to the enforcement policy³. The SRA state that this 'underpins' the 'rules' and will give guidance as to how seriously the SRA will view 'different behaviours'. Solicitors will be required to understand the enforcement strategy to enable them to make decisions as to how they should act in order to be compliant with the Code.

There are currently five guides contained within the enforcement policy: competence and standard of service, criminal offences outside of practice, driving with excess alcohol convictions, use of social media and offensive communications and SRA transparency Rules. In addition, there are a number of other guides the SRA have published or intend to publish to support the new Code and there are other

documents such as Warning Notices and other guidance which solicitors should have regard to. Some of these relate to specific areas of practice, such as holiday sickness claims, the conduct of litigation etc others relate to matters such as anti-money laundering and cybercrime.

The SRA have set up a web page specifically to assist solicitors in understanding the new Code: Standards and Regulations resources⁴ but as yet not all of the other guidance such as Warning Notices are linked to this page.

It would also be prudent for all solicitors to reflect and consider their training requirements in relation to the new Code and to document this in their continuing competence documents.

NEW PRACTICE MODELS

Solicitors are now permitted from date of qualification, to work in unregulated firms offering legal services direct to the public, provided that they do not carry out any reserved work. The firms will not be required to have professional indemnity insurance and their clients will not be able to make claims on the Compensation Fund. However, individual solicitors within such firms will be bound by the new Code.

Solicitors are now permitted to offer both reserved and unreserved work direct to the public outside of a regulated structure. Such solicitors will be known as freelancers. This should not be confused with locums who work within regulated entities but on a temporary basis. Freelance solicitors must be three years post qualification, if offering reserved work or they can offer unreserved work from qualification. They will not be permitted to operate as freelancers from a limited company as they must retain personal liability. They will not be permitted to hold client money, although for freelancers the definition of client money will not include monies paid on account for costs or disbursements.

Freelancers offering reserved activities will not be permitted to have employees, although it is not clear whether those offering unreserved services will be similarly constrained. They will be required to have adequate and appropriate insurance but they will not be able to access Professional Indemnity Insurance on Minimum Terms and Conditions.

It had been intended that those practising Immigration Law could do so as a freelance solicitor but a late intervention from the Office of the Immigration Services Commissioner (OISC) has meant that this plan has been suspended until OISC's concerns are addressed.

DIGITAL BADGE

It is now a requirement for all regulated firms to display the new digital badge. The SRA have suspended the use of tracking software to allay concerns over potential data protection breaches. Such concerns are not in any event regarded by the SRA as a defence to a failure to display the digital badge.

The SRA has a team dedicated to ensuring that this requirement is enforced and they will be spot checking firm's websites.

NEW STANDARD OF PROOF AT THE SOLICITORS DISCIPLINARY TRIBUNAL (SDT)

To avoid confusion, the SDT also made the change to its rules to permit cases to be decided on the civil standard (more likely than not) abolishing the need to meet the criminal standard (beyond reasonable doubt). The current level of successful prosecutions brought by the SRA stands at 98%, it will be interesting to see if more cases are brought to the SDT under the new rules.

In conclusion, regulatory change continues to be rapid and to present new challenges to individual solicitors and firms alike. Plans will need to be put in place not only to ensure that everyone understands and is compliant with the rules, but that firms are ready to meet the challenge of new competitors and new working practices. Thought

will need to be given to interaction with other firms who may work to different standards and drivers; and who may not have professional indemnity insurance, particularly in non-contentious work.

Linda Lee

Notes

¹ <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors>

² <https://www.sra.org.uk/solicitors/standards-regulations/principles>

³ <https://www.sra.org.uk/sra/strategy-2017-2020/sub-strategies/sra-enforcement-strategy>

⁴ <https://www.sra.org.uk/solicitors/standards-regulations-resources>

HARDENING PROFESSIONAL INDEMNITY INSURANCE MARKET (PII)

The Solicitors Regulation Authority (SRA) Board met on 22 June 2020 and received a report on the hardening PII market¹

The SRA's research indicates that the market has hardened and contracted for the following reasons:

a). A changing claims profile including a rise in claims and a rise in higher value claims

b). Increased claims in other areas of the insurer's business impacting on their capacity to offer PII

c). Poor investment returns from money received from premiums

d). Some features of solicitors' insurance requirements are unattractive to insurers, in particular the requirement that insurers must cover closing firms for six years run off even when they do not pay the premium

Although some of the features of the solicitors' PII market are unique to the legal sector, the hardening and contracting of the PII market is cross-sector.

Some insurers have pulled out of the PII market completely, including two in the last year, leaving 180 firms looking for a new insurer.

The insurers and brokers that remain in the market have indicated that they have less capacity and a reduced risk appetite, as a result, they are more cautious about who they choose to insure and on what terms. Insurers are generally demanding a higher level of due diligence about the risks a firm presents and how they are managing those risks, including in relation to cyber-security, before they will consider renewing existing policies or offering new business.

It was reported that premiums have generally increased in the October 2019 and April 2020 renewal rounds. There are no definitive figures available yet, but some insurers and brokers are reporting average increases of around 15 – 20% for the minimum level of cover required by the SRA minimum terms and conditions (MTCs)². There are also

higher rate rises for any additional cover beyond that required by the MTC.

However, this is not a uniform position and may depend to some degree on the perception and actuarial modelling of risk, as well as on the quality of application submitted. This emphasizes the need for firms to approach specialist brokers and to ensure that their application is well prepared and attuned to the needs of the insurers in assessing the risk they might pose. Advice is available in a Law Society practice note on obtaining PII.³

It was reported that some firms did manage to maintain cover at a similar cost in the October and April renewal rounds, but some firms struggled to find insurance at all. This may have included higher risk firms and firms whose previous insurer has left the market.

It is reported that as there is now reduced capacity, some insurers are concentrating on existing clients. It can be more difficult for insurers to get complete risk information when the previous insurer is no longer in the market, and this provides a further disincentive to look at new clients. Ultimately, only around 20 firms notified the SRA that they were unable to secure insurance in the April 2020 renewal round, the second biggest renewal point in the year.

What has yet to be assessed is the impact of the Covid-19 pandemic on what was already a difficult market. Insurers are expecting that they will receive increased claims across their business resulting from Covid-19, such as for business interruption. This may further reduce capacity within the insurers' books, including for PII.

The historical pattern is an increase in professional liability claims after every economic downturn. This is beginning to feed into insurers' risk appetite and pricing. Insurers are also concerned about new risks arising, for example from increased remote working on IT security and the supervision of work. Some insurers are beginning to include additional

questions on applications about how firms are managing Covid-19 related risks.

Insurers have also reported that they are concerned too about the financial viability of firms in the current economic environment. This includes the ability of firms to pay their premiums, and also, any excess on their policies. Given that insurers must provide offer run-off cover even when a firm does not pay the premium, this is of particular concern to insurers and will undoubtedly impact on the risk profiles for certain firms.

The SRA report indicates that there have been specific practical issues from Covid-19 preventing some firms from renewing their insurance in good time e.g. delay in processing a government loan or if a partner is ill and unable to access the necessary information to make an application. The SRA have taken steps to help in the short-term by introducing greater flexibility for insurers and firms to agree a temporary extension, than has traditionally been allowed.

THE SRA Board will receive a further analysis of the impact of Covid-19 at its next Board meeting.

POST 6 YEAR RUN OFF

One good piece of news was that the SRA board announced that it would extend the use of the Solicitors Indemnity Fund (SIF) to provide post six-year run off cover for firms for another 12 months until 30 September 2021. However, the SRA rejected the Law Society's request that post 6-year run-off cover be extended for a period of three years.

The solicitors' PII market operates on a claims made basis which means that former partners of firms that have closed must have cover in place on the date the claim was made, not the date the work was carried out.

Firms can only purchase run off cover for six years after the date they close, and the threat of the removal of post 6 year run off cover has been of increasing concern for the former

partners (and in some cases former employees) of firms that closed without a successor practice.

The SRA Board publish minutes of the public parts of their meetings⁴ and the paper entitled, 'Professional Indemnity Insurance – post six-year run-off cover'⁵ was also in the public domain.

The rationale for the original decision to close the scheme made in 2012 and again reviewed in 2016 was based on the following, that an extension did not align with the SRA's policy position that the appropriate level of mandatory run off cover should be six years and there was uncertainty at that time about whether there would be sufficient surplus in the SIF to finance an extension.

The original assumptions were that some, but not all firms would be able to obtain additional cover on the open market and the regulator seemingly felt comfortable with the view that some retired solicitors could face bankruptcy over claims made, for which they could not get insurance and some consumers would be denied settlement for a claim because the retired solicitors' funds had been exhausted. Similarly, although the SRA could at any time call on the profession for monies to top up the fund, it seemed disinclined to do so but has not explained why.

As indicated above, the PII market has hardened and contracted significantly since the Board made its decision in 2016, particularly so in the last 18 months. Covid-19 is currently having a further negative impact on the insurance market generally, the full extent of which is not yet known. The SRA Board concluded that it was too early to estimate what impact Covid-19 might have on the types of post six-year run off claims that might come through or on the ability of solicitors / former partners within firms to cover civil liabilities themselves in the absence of insurance.

At the time that the Board decided not to extend SIF's post six year run off cover, in 2016, it was considered likely that a range of products would be available to provide cover when SIF closed, although it was acknowledged that this would not be available to all partners in closed

firms. At the time, the Board had understood that ninety per cent of all claims relating to work done by closed firms were made within the first six years. Given the facts before it, the SRA accepted that its decision would not offer 100% protection. It had not anticipated that at this point there would be no policy available whatsoever although some insurers had expressed an interest in offering a policy they had yet to do so.

It was agreed at a previous meeting that the Solicitors Indemnity Fund Limited (SIFL) should commission some actuarial analysis of the potential exposure to the SIF arising from post six year run off claims for a one, two and three-year period from 30 September 2020 and whether or not Covid-19 and the subsequent economic fall-out would likely impact on claims and liabilities. The documentation setting out the cost of extending the scheme for three years was not in the public domain. The Board decided that the cost of extending for 3 years was too great but that an extension of one year would provide a proportionate balance of guaranteed consumer protection and cost.

This would allow the SRA time to gather data and consult the insurers directly on the potential impacts of Covid-19 and any related potential unforeseen impacts on consumers in relation to post six-year run-off claims. The Board also considered participating in a joint SRA and Law Society working group to engage with the insurance market to drive momentum for developing a more generally accessible post six-year run off product.

Although the extension has been more limited than hoped, it does seem the Board is now seized of the issues and should the same state of affairs remain this time next year, it is possible that a further extension would be considered although the SRA have not yet committed to this.

WILLS AND PROBATE

The government have been in discussions with the Law Society to try to find proportionate solutions to the difficulties of meeting sections 9 and 15 of the Wills Act 1837 (Wills Act) which

requires two witnesses signatures for a will to be valid in England and Wales.

The Law Society is lobbying to ensure that adequate safeguards are in place to guard against abuse, but recommend that legislation be introduced to give judges dispensing powers to give effect to a testator's intentions where the formalities of the Wills Act are not met.

The government are reported to be considering introducing reforms, including through the Electronic Communications Act 2000, to allow remote witnessing, but this could be some time away. Although restrictions are gradually being eased, there will be both solicitors and clients for whom it may be some time before any such easing impacts on them.

For those of you who have not seen it, there is a helpful article on Wills in a time of social distancing and self-isolation by Lesley King and Roman Kubiak⁶ setting out possible solutions to the current difficulties.

Linda Lee
Council Member

Notes

¹<https://www.sra.org.uk/globalassets/documents/sra/board-meetings/2020/annex-1---pii-market.pdf?version=49f286>

² Lockton's renewal report: <https://www.legalfutures.co.uk/blog/reflectingon-the-spring-pii-renewal-season>

³<https://www.lawsociety.org.uk/support-services/risk-compliance/pii/?ctype=practice+note>

⁴<https://www.sra.org.uk/globalassets/documents/sra/board-meetings/2020/minutes-of-sra-board-meeting---22-june-2020.pdf?version=49f59e>

⁵<https://www.sra.org.uk/globalassets/documents/sra/board-meetings/2020/sra-board-item---pii-run-off-cover.pdf?version=49f286>

⁶<https://communities.lawsociety.org.uk/private-client-section-commentary/wills-in-a-time-of-social-distancing-and-self-isolation/6000898.article>



rainbows
hospice for children and young people

Did you know...

...the care of one in six of our children and young people is funded by gifts in wills?



THE EDUCATION & TRAINING SUB BOARD TEAM ARE REACHING OUT TO YOU – ITS MEMBERS!

- Are you a member of Leicestershire Law Society or would like to join as an individual member?
- Ever wondered what we do behind the scenes?
- Want to represent the profession in a meaningful way and grow your skill set?

If yes, then join the **Education & Training sub board team** now where you can make a difference to your profession.

Contact either Parvien Akhtar (Chair) or Zainab Zaeem-Sattar now for more information.

parvien@brightlegal.co.uk
zainab.zaeem-sattar@outlook.com

www.leicestershirelawsociety.org.uk

Whilst various organisations and firms find innovative ways to adapt to the current situation, it is more important than ever for your local law society to ensure members training and knowledge is up to date in this fast-paced industry.

This is your opportunity to tell us what courses you would like us to arrange. So please contact either Parvien Akhtar (Chair) or Zainab Zaeem-Sattar now to give your thoughts.



Find out how you can make a difference:
rainbows.co.uk/giftsinwills

Registered Charity Number: 1014051

REMEMBER A CHARITY WELCOMES NEW LAW ON VIDEO WITNESSING OF WILLS

Virtual witnessing of wills could be a 'major step forward' for Legacy Giving providing safeguards are met

Remember A Charity has welcomed the Ministry of Justice's announcement that Wills witnessed by video will be legally accepted in what could be a 'major step forward' for legacy giving. The new law applies to Wills made from 31 January 2020 – the first recognised case of Covid-19 in the UK – and is expected to remain in place until January 2022.

The announcement reflects the increase in the number of people seeking to make Wills during the Covid 19 pandemic and the challenges for those who are shielding or self-isolating to follow the normal legalities of making a Will – namely it being witnessed by two people.

Rob Cope, director of Remember A Charity, says:

"Modernisation of UK Will-making is long overdue and, although the changes announced today are temporary measures, this could be a major step forward for legacy giving, making it easier for people to set out their final wishes. Ultimately, the more people that write a Will, the greater the potential for including a charitable donation. Even a small increase in the proportion of people leaving a gift in their Will could generate millions for good causes each year."

"But, as is so often the case, the devil is in the detail. The Will-making environment needs to have rigour, with sufficient

safeguards in place to protect the public, particularly those who may be vulnerable. Video is a great option when witnesses can't be physically present, but it does need to be treated cautiously, with care and consideration. And the role of legal and financial advisers will be critical in helping the public finalise their wishes legally, minimising the likelihood of dispute."

Since the pandemic took hold in the UK in mid-March, demand for Will-writing and charitable bequests has risen considerably, with Remember A Charity receiving twice as much traffic to the 'Making a Will' section of its website.

Cope adds:

"The pandemic has helped people see the importance of getting their affairs in order and encouraged us all to reflect on those things we truly care about. This includes the charities that so many of us rely upon and the causes we are passionate about in our lifetimes."

**REMEMBER A CHARITY
IN YOUR WILL**
Help the work live on...



LEAVING A LEGACY

LEICESTER ANIMAL AID is a dog and cat rescue and rehoming centre based in Huncote, Leicestershire.

Since 1956 we have been caring for animals that have been lost, abandoned, unwanted or whose owners can no longer care for them.

A large part of our charitable income each year is from those who have given gifts in their Wills, and those who have made donations in memory of loved human and animal companions.

Every year we are asked to help cats and dogs who have nowhere else to go. We do not receive government funding to cover the cost of providing them with good food, veterinary treatment and a warm and safe place to stay. Instead we rely on kind donations from animal lovers to help those who can't help themselves.

Leicester Animal Aid exists because of the vision and kindness of our founder, Dorothea Farndon. You can help to secure the future of our work and our Centre by leaving a legacy.

www.leicesteranimalaid.org.uk
info@leicesteranimalaid.org.uk

LEICESTER ANIMAL AID
L.A.A.
Registered Charity No. 242560

ADCH

FR Registered with FUNDRAISING REGULATOR

Tel: 01455 888257
Leicester & Leicestershire Animal Aid Association, Elmwood Farm, Forest Road, Huncote, Leicestershire, LE9 3LE



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



HEADWAY
LEICESTERSHIRE, LEICESTER & RUTLAND
SUPPORT • ACHIEVE • PROGRESS

BRAIN INJURY can affect anyone. Every 90 seconds in the UK someone is admitted to hospital with a head injury causing potentially devastating and lifelong disabilities.

We provide support and services to people with acquired and traumatic brain injury, including Stroke. We assist them to adjust to their changed lives, rebuild their confidence and self-esteem, as they overcome their individual challenges to regain as much of their independence as possible. Not only do our services support those directly in need but also their families and carers as we provide information advice and guidance to help them navigate through an often frightening and difficult time.

Philanthropy plays an important role in helping us to continue to provide this specialist service to better meet the needs of those affected.

You can donate a legacy gift directly to Leicestershire Leicester and Rutland Headway in memory of a loved one or as part of your will. A legacy gift will enable us to continue to offer this lifeline to affected individuals living in our local community.

For further information about how to support Headway Leicestershire, Leicester & Rutland, please email us at:
headway@headwayleicester.org.uk
or call us on **0116 273 9763**

[f](https://www.facebook.com/headwayleicester) [i](https://www.instagram.com/headwayleicester) [in](https://www.linkedin.com/company/headway-leicester) [yt](https://www.youtube.com/channel/UC...)



Don't leave the future to chance. Wildlife needs Will power.

Include a gift in your Will for wildlife and help protect the future of the natural world.

Leicestershire and Rutland has a wonderful array of wildlife and wild places on our doorstep: from marvellous meadows to ancient woodlands to wonderful wetlands. Sadly, wildlife in the UK is declining at an alarming rate: water voles, barn owls, bees and toads are just some of the species in trouble.

Leaving a gift in your Will to Leicestershire and Rutland Wildlife Trust will help protect the threatened species and fragile places we all love. Any gift, no matter how small, will help us safeguard and nurture wild places across Leicestershire and Rutland so that local wildlife can thrive for generations to come.

You can talk to us about your Will at any time, no matter where on your journey you are. To request a free legacy booklet or find out more information please contact Harriet on hicking@lrwt.org.uk or 0116 248 7358.

Creating a landscape rich in wildlife, valued and enjoyed by all.

The Old Mill, 9 Soar Lane, Leicester, LE3 4DE
Tel: 0116 262 9968
www.lrwt.org.uk
Registered charity number 210531

Leicestershire & Rutland Wildlife Trust

LIVING LEGENDS WANTED

Gifts left to us in Wills fund 1 in 7 of our lifesaving missions



Give the gift of a lifetime, and save lives, by including a donation in your Will.



Call 0300 3045 999

Email legacies@theairambulance.org.uk



CREATING A STANDOUT HOMEPAGE FOR YOUR LEGAL WEBSITE



The homepage for a law firm or barristers' chambers website is a chance to showcase your legal business and explain to people who you are and what you do.

As a gateway to the rest of your site and the first step to attracting new clients, it is essential to capture the right tone and provide exactly the right information. However, not everything needs to be crammed onto the homepage. It is just as important to keep it free of clutter and make it easy to navigate.

Too much information and too many distracting options will lower client engagement and reduce the likelihood that people will stay on the site and click through to other pages. Try and work out what is important and give that prominence.

Below are the elements that are usually included.

WHAT YOU DO

This is usually summed up in a clear headline followed by a sub-heading giving a bit more detail. A following paragraph can explain who you are, what you offer and who your clients are, giving a brief overview of your firm or chambers. Try and briefly explain why the reader should use you and not someone else by referring to any particular strengths that your law firm or barristers chambers has.

You can include some information about each of your services but bear in mind that you are aiming for a sleek feel to the page. It may be better to leave these details to separate pages devoted to each service and just make sure they are easy to locate.

A GREAT IMAGE

A good website must be visually attractive, with a clean, uncluttered design and at least one great quality image. The majority of decisions about whether a site is credible are made on the basis of its appearance and design, so it is worth getting this right.

Try and tie it in with your branding and services, such as family, property or business images to help the reader feel that they are in the right place.

EASY NAVIGATION

Visitors to the site need to be able to find exactly what they want quickly and easily. A menu icon or a bar across the top of the site are the most common places to navigate from. Anything else risks potential clients having to hunt around and simply giving up.

It is also important to ensure that your site is responsive and easy to use on mobile and other devices, as clients are increasingly searching in this way.

SOCIAL PROOF/TESTIMONIALS

Testimonials are incredibly persuasive. People like to hear that you have successfully solved a problem similar to theirs and a client's own words are the best way of showing that.

Don't overwhelm the homepage with too many; one or two glowing references should be enough, with a clear link to your testimonials page.

BLOG OR NEWS HIGHLIGHTS

Again, be careful not to swamp the page with too much information, but a row of maybe three links to your recent or top posts, together with enticing images, helps show your expertise and reassures the visitor that your site is being kept up to date.

A WAY TO CONTACT YOU

Potential clients should be able to see easily where to contact you, with an obvious 'Contact Us' button displayed in a prominent colour such as red. Make any contact form as easy as possible to complete by asking for minimum information and avoiding Captcha verification and other requests. Ideally, the client should only need to add their name, email and a line of text asking you to call or giving brief details of their problem.

AWARDS, MEMBERSHIPS OF ASSOCIATIONS AND CERTIFICATIONS

Including the logos of the awards or achievements you have obtained is good for building credibility. It isn't necessary to

include any text beyond the basics of what it is and the year of any award.

A CLEAR CALL TO ACTION

The whole homepage should build towards what you want the client to do next, such as fill in a contact form or sign up for a newsletter. Make sure they reach this point on the homepage by displaying it obviously and leading them to it, then ask them clearly to take the action you want.

SOCIAL MEDIA LINKS

Finally, include links to your active social media pages. These are usually found at the bottom of the page or at the top-right, depending on your design. For a professional legal business, this is usually LinkedIn and can also be Facebook and Twitter and even Instagram.

IN SUMMARY

When you have completed your homepage, try and look at it with fresh eyes and ask yourself if it answers all the obvious questions. If it clearly shows what you do, is attractive and well-designed and steers the client towards their next step with you then you have the best possible chance of engagement from this initial contact.

Rachel Tombs

At Orion Legal Marketing, we are experts in writing and designing web pages that connect with people and demonstrate lawyers' proficiency. If you would like to request bespoke content, tailored to your audience and written by experts in both law and marketing, ring us on **0118 380 5980**, email us at enquiries@orionlegalmarketing.co.uk or fill in our CONTACT FORM. (<https://orionlegalmarketing.co.uk/contact-us/>). We'll be happy to offer you an initial free consultation to discuss your needs and the strategy that would best suit your law firm or barristers chambers.



LEICESTER GRAMMAR SCHOOL TRUST

Open Morning

Saturday 10th October 9.30-12.30



Ages 3-11



Ages 10-18



Ages 4-16

All prospective parents please register on the Trust website:

www.leicestergrammar.org.uk/open-morning-2020

RESTART YOUR BUSINESS WITH SUPPORT FROM THE BUSINESS GATEWAY

Bit by bit lockdown measures have eased in recent weeks with more businesses reopening and employees returning to their working environments – although not quite as before!

Excitement (for the extra freedom) is mixed with anxiety as different ways of working are introduced and everyone tries to adapt to the new normal including social distancing in the workplace, venturing out of the 'home' offices and for some managing furloughed workers.

During the last few months, the Business Gateway Growth Hub has seen a surge in enquiries from local businesses covering a huge variety of topics. From the initial panic and distress at the beginning of lockdown, to the requests for guidance on new Covid-19 government schemes, our teams have been on hand to help.

For those unfamiliar with the Business Gateway, we are a hub for businesses in Leicester and Leicestershire that are looking for support, advice or access to finance but not sure where to turn.

There's a team of 11 business advisers providing one-to-one, tailored support and

guidance usually starting with a frank, open and honest discussion with the business owner or manager. We also run a number of free business webinars on topics such as finance, marketing, sales, business strategy, HR and employment contracts designed to help owners and their teams plug the holes in their knowledge and enhance skills for the benefit of the business.

Although lockdown measures have been reduced it's certainly not business as usual. There are still risks to health, but it's encouraging to see that many business owners are talking to us about recovery and restarting their businesses.

The Growth Hub offers a Business Growth Grant for capital funding from £2,000 to £25,000 providing 35% of project costs. This grant can be used for premises improvement or expansion related to developing the business as well as technology products to improve performance. Advisers will support you throughout the application and can also signpost companies to other finance options from local and national providers.

The Business Gateway service is part-funded by the European Regional Development Fund (ERDF) and, as part of a national network of Growth Hubs, the service is also funded by the government. It is run in partnership with Leicester City Council, Leicestershire County Council, East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire) and the Leicester and Leicestershire Enterprise Partnership Limited (LLEP). In basic terms, this means you can trust it is not a 'here today, gone tomorrow' kind of service and you should be confident the information you get is of a high standard, unbiased and commercially focussed.

The Growth Hub makes it easy to find out about and access the latest support and advice to develop your business. Visit the website to see what support is available or book yourself onto one of our free webinars.

You can keep up-to-date by subscribing to our business support news and webinar updates via www.bizgateway.org.uk/subscribe

Looking to develop your business?

lep growth hub
business gateway
supporting business growth

Call us now to see if we can help you or your client's business grow:
free expert advice, access to finance, support programmes and webinars.

0116 366 8487 (Quote ref: LawSoc)
bizgateway.org.uk
growthhub@bizgateway.org.uk

@bizgateway
Business Gateway Growth Hub

Delivered in partnership with:



'NO FAULT' DIVORCE TO BE ENSHRINED IN LAW



Legislation, now awaiting Royal Assent, for "no fault" divorce has recently been backed by the Commons with a significant majority. The Bill, which when passed will be known as the Divorce, Dissolution and Separation Act 2020¹ removes the need to find fault in the marriage and allows a statement of "irretrievable breakdown" to suffice.

Dr Neil Sullivan,
General Manager
www.dadcheckgold.com

To discuss DNA testing to establish paternity or other biological relationship, please call 0191 543 6334 or e-mail: sales@dadcheckgold.com.

Complement Genomics Ltd, the provider of the dadcheckgold service, is accredited by the Ministry of Justice as a body that may carry out parentage tests as directed by the civil courts of England and Wales under section 20 of the Family Law Reform Act 1969

¹ <https://publications.parliament.uk/pa/bills/cbill/58-01/0125/20125.pdf>
² <https://services.parliament.uk/Bills/2019-21/divorcedissolutionandseparation/documents.html> and the Impact statement from the Ministry of Justice <https://publications.parliament.uk/pa/bills/cbill/58-01/0125/Impact%20Assessment%20-%20Divorce%20Bill.pdf> paragraphs 67-69 inclusive.
³ <https://acamh.onlinelibrary.wiley.com/doi/epdf/10.1111/jcpp.12893>
⁴ <https://www.theyworkforyou.com/lords/?id=2020-03-17a.1390.2>

The latter requires currently establishment of one or more of five "facts" – three relate to conduct (adultery, unreasonable behaviour or desertion and two relate to the period of separation; two years if both spouses consent, five years if not) in order to start divorce proceedings. This legislation follows a long campaign by Resolution and other groups, to reform outdated laws (inter alia the Matrimonial Causes Act 1953 and the Civil Partnership Act 2004), which although hotly debated and eruditely analysed² will help to reduce conflict between separating couples.

The current process incentivises one of the spouses to make allegations about the other to avoid waiting for the mandatory two-year period of separation. This can result in unnecessary conflict, discord and acrimony, which may involve the children of the marriage and damage their chances in life³. The new legislation removes the needs to provide supporting evidence of one or more of the above conduct or separation facts with a statement of irretrievable breakdown. This legislation also removes the ability to contest the divorce. There are many genuine circumstances and reasons for an irretrievable breakdown to occur between two people and this may on occasion relate to the biological identity of a child with respect to paternity. On occasion of course, fabricated accusations of adultery may weaponise the biological identity of the children, and under current law, this might be used as a tactic to accelerate the divorce process. For example, there may be the accusation that the man is not the father of the child or that he has been unfaithful and fathered a child outside of the marriage.

Both of course relate to the matter of trust, which can easily be assumed or earned, but when lost, is impossible to regain – once the spectre of paternity has been raised, it is impossible to reverse and constantly raises its head at a time when the best interests of the child should be foremost. The debate in the Lords⁴ was fascinating.

Fortunately, the availability of DNA testing for paternity (or other biological relationship such as siblingship) is one of the few areas in divorce proceedings where unequivocal evidence can be obtained to support the case. If the parentage of a child is at issue, then a DNA test becomes a vital piece of information to help alleviate either genuine or vexatious claims and minimise any harm to children from the break-up, whether this is under either the current or the new legislation. Indeed, a DNA test can only be to the benefit of children, who have a fundamental right to be sure of the identity of their biological father, irrespective of circumstances.

Any DNA test should be conducted by a Ministry of Justice accredited provider (such as ourselves) and if you have such a case, please contact us, we are highly experienced and would be happy to help!

www.listening-books.org.uk/Legacies
12 Lant Street, London SE1 1QH

***By virtue of having ISO 17025 accredited UK-based laboratories, we have also been accredited by the Ministry of Justice as a body that may carry out parentage tests directed by the civil courts of England and Wales under section 20 of the Family Law Reform Act, 1969.**

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w: www.devassist.co.uk

Will adoption of **technology** in the **conveyancing sector** speed up following the **lockdown?**



Although the conveyancing industry has been steadily evolving in terms of technology, it is still viewed by many as being “behind the curve” and not in step with the increasingly digital demands of today’s society. Earlier this year the Council for Licensed Conveyancers released a paper suggesting the conveyancing process will be completely digital by 2030, but it’s fair to say that the current homebuyer perception is of a slow and manual process with multiple stakeholders all requiring separate management, rather than of one integrated process.

Right now with many staff having been on furlough and the necessity of working from our homes, conveyancers have had to rely more on more on technology to fill the gaps. Can we expect this to continue as business begins to get back to normal?

The benefits of technology

New technology offers many advantages to the conveyancer. Benefits include the completion of manual tasks within a fraction of the time usually required, greater accuracy and elimination of the need to repeatedly supply the same information, improved transparency and a compliant audit trail. Technology can be used to automate the more routine tasks providing a greater level of accuracy.

For example, over recent years we have seen the automation of a number of conveyancing processes. It’s very easy to complete a digital AML check and the stamp duty (SDLT) process has been fully-automated. These online services provide a speedy alternative to conveyancing teams, reducing error and providing a full audit trail. This allows conveyancers more time to focus on the more complex and specialist areas of the conveyancing process.

Has anything changed during the lockdown?

There are a few positive examples of how further progress has been made in recent months. The Land Registry now accepts (temporarily) virtual signing on deeds and has brought in more flexible procedures for identity verification, estate agents are offering virtual viewings and many of the search providers are offering services to support conveyancers during this lockdown.

There are also other technologies being explored such as live chat and chatbot options to provide great customer service at a distance. What can we expect next?

Other developments supporting distanced (and more efficient) working are already in the pipeline ... for example, the Land Registry (along with the Law Society, Council for Licensed Conveyancers and Chartered Institute of Legal Executives) is working hard to improve cryptographic and biometric checking of identity.

Only time will tell, but having got to grips with online documents and checking, it could be an ideal time for the conveyancing industry to embrace the next steps to moving online. Recent technical developments to support traditional conveyancing processes may be more-readily adopted in an industry that’s already changed its working practices in light of our current circumstances.



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For over 20 years, Geodesys has been perfecting its comprehensive suite of conveyancing search solutions to clients throughout the UK.

Today our bespoke service – including impartial advice, EU-compliant due diligence, secure file management and dedicated support – provides total peace of mind and total compliance every time.

Geodesys. All you need to know.



NAVIGATING THE **EVOLVING LANDSCAPE** OF PROFESSIONAL INDEMNITY INSURANCE

To navigate the challenges of a hardening insurance market, law firms should now start prioritising the preparation of a high-quality Professional Indemnity Insurance (PII) submission ahead of the coming renewal period.

The insurance market has been awash with capital, leading to increased competition for business and a subsequent suppression of the rates insurers could charge. This has resulted in unsustainably low premiums compared to the claim payments being made by insurers, but sadly times are changing.

Claims activity has been the main catalyst for the significantly changing market conditions that we are experiencing. While frequency of claims has remained fairly consistent, severity of claims (the total value of losses experienced) has reached unprecedented levels.

We believe that the recent spring renewal period showed us what to expect going into August and September. Analysis of insight and trends from Lockton's portfolio indicates increased premiums within all layers but especially the working layer (the excess layer above your compulsory Insurance limit) where there is a lack of insurer options. With many primary insurers reluctant to offer long-term policy periods and those that did offer extended policies tended to apply an increase for the additional periods.

It is important to highlight, that the Insurance market conditions were hardening well before the Covid-19 outbreak. We believe this process is now likely to accelerate due to the pandemic, leading to a further hardening market.

While the sourcing of coverage may become more difficult for law firms, the legal profession in England and Wales is fortunately not experiencing reduced coverage as practices are protected by the Solicitors Regulation Authority's Minimum Terms and Conditions wording.

What to expect in the coming months

We expect underwriters to adopt an even greater level of caution when they review enquiries in the forthcoming renewal season. Peer reviews will be conducted as standard,

www.leicestershirelawssociety.org.uk

certainly when insurers are assessing new enquiries and regardless of the size of a practice and the proposed premium to be charged. More questions, including those related to Covid-19, will be posed and responses will therefore need to be reviewed by at least one other underwriter. This means the process of obtaining terms may take longer, especially considering most insurers will be working remotely.

Some insurers have already released early question sets relating to Covid-19, while others are developing supplementary questionnaires. We expect all of these to focus on three key areas: People, Finances and Risk, some of which will naturally interlink.

Navigating the challenges

Although the insurance market has adapted well to the 'new normal', some things are naturally taking a little longer than they would have done previously. As mentioned, a combination of the hardening market, increased peer reviews and greater caution from underwriters has made it more difficult to obtain insurance terms. This means those firms that are traditionally 'last minute shoppers' and which provide minimum information to insurers should not be surprised if they fall into the Extended Policy Period.

The insurance market is still active, but it is becoming much more selective. Underwriters cannot return a profit for their organisation if they do not write any business, but they will need greater convincing and will want to align their company's capital with well-run firms. At Lockton, it is our job to provide them with the reasons to do so, but legal practices cannot be blasé and we encourage them to approach renewal in the right way.

We believe taking these three key steps will help practices navigate the challenges ahead:

1. Start early – While we would expect insurers to prioritise their existing clients, it is still important that you prepare your presentation earlier than in previous years. We recommend

having your presentation prepared at least two months in advance of your renewal date as the process will generally take longer.

2. Prepare a quality presentation for insurers' consideration – this will help you stand out from the crowd. Make sure all the questions in the proposal form are sufficiently answered. Time will be limited so expect insurers to make a quick decision and potentially not offer any terms if your presentation is missing key information or if it is poorly presented.

3. Select your representative carefully and do not approach multiple agents as you will actually be doing your professional peers – and yourself – a disservice.

You may wish to consider the following key elements when selecting your representative:

- What is their market reach - which insurers can the broker access DIRECTLY for you? Speaking directly to an insurer will help speed up the process and means your key message does not get diluted or misinterpreted.
- What is the experience and size of their team?
- What is the extent of their service proposition?
- What is their claims infrastructure? While no one wants to have claims, you should know if your representative has the resources to support you when needed.

Once you have selected your representative, ensure you establish an action plan with your broker which covers who they will be approaching directly and the anticipated timeline for responses.

To find out how Lockton can assist you with your forthcoming renewal, please do contact me or one of the Lockton Solicitors team. We would be delighted to hear from you.

Brian Boehmer

Partner

Tel: 0781 401 4655

E brian.boehmer@uk.lockton.com

www.locktonsolicitors.co.uk



Brassed off with your broker?

Why not seek a second opinion.

We provide:

- **More choice** - Through our extensive and direct access to leading Solicitors Market Insurers. Plus options that are not available through any other representative
- **An honest approach** - We will advise if change is not right for your practice
- **Swift and efficient process** - We will not keep you waiting
- **More than a transactional service** - Our team are dedicated to servicing the Legal Profession, and will look to provide support and guidance to your practice throughout all year round

Get in touch with a member of the Lockton Solicitors team, to explore your options for your PII Renewal.

T: 0330 123 3870

E: Solicitors@uk.lockton.com
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UNCOMMONLY INDEPENDENT

SOFTWARE SWAP GUIDE: FOUR TIPS TO PROTECTING YOUR DATA

The COVID-19 lockdown has forced all of us to be more reliant on technology and embrace working from home. But many legacy IT infrastructures are ill-suited or too outdated to handle all the demands of remote working. Cloud-based software is the solution, but where to start?

Read on for four important considerations before making the software switch:

1. GETTING YOUR DATA BACK – IT'S YOUR RIGHT

Lots of variables should be considered before you commit to upgrading or swapping software. Not least your data; of which you store vast quantities. Your law practice stores a plethora of important documentation, such as contact, identity, matter and financial – all of which must be handled carefully.

Unfortunately, some providers make it as difficult as possible for clients to migrate their data. And yet, this data is not theirs to hold – it belongs to you. This is unethical as well as being the worst type of client retention strategy there is!

You don't want this to happen to you, especially if you discover the truth about locked data at the time you wish to leave. You shouldn't be denied access to your own property and your supplier has a duty to act as the custodian, not owner, of your data. Enquire about assistance with data extraction upfront.

It's not unreasonable to pay a fee for the service of delivering your data but it should be timely.

Additionally, once the migration has taken place, your supplier should delete your data from their stores otherwise both parties (you and your supplier) will fall foul of data protection rules; the Data Protection Act 2018 and GDPR amongst them.

2. RIGOROUSLY SAFEGUARD YOUR DATA

With the onset of stricter data protection rules and existing regulatory obligations comes more onerous duties. Heavier too

are the fines imposed for non-compliance – both parties could be blamed for any data breach. Glance at legal news headlines and you'll see that leaked data can and does happen.

Your software supplier must follow the right procedures in safeguarding your valuable data. Check for accreditations which evidence sufficient cyber security standards; primarily ISO and Cyber Essentials certification.

Reputable organisations undergo rigorous annual re-certification processes in order to gain these quality marks, so make sure your new supplier carries these endorsements.

As standard, your supplier's security protocol should include at least the following measures:

- password access
- SSL encryption
- firewalls
- penetration testing
- system monitoring
- replication
- physical security measures
- other industrial-strength security protocols
- robust BCDR plans for further reinforcement

3. NEGOTIATE THE BEST POSSIBLE CONTRACT TERMS

We've already covered data export but what about your overall exit strategy?

Don't be rushed into signing contracts without poring over this legally binding agreement. It's the small print that often causes problems. If your supplier is forcefully requesting your signature and you feel pressured to commit against your will, alarm bells should be ringing.

4. ENSURE LEGAL SOFTWARE SUPPLIERS ASSOCIATION (LSSA) MEMBERSHIP

The LSSA is the UK body for legal software developers and vendors whose aim is to set and maintain professional standards within the sector.

The LSSA's sets out recommendations relating to data

conversion such as extracting data in an industry-standard format within a reasonable timeframe, exporting associated case-related documents, generating reports on current data, supporting trial conversions through mutual supplier cooperation, transforming data to accommodate subtle differences between databases and checking data integrity once converted with any requisite correctional activity.

LSSA membership is confirmation that you'll be well looked after at all stages of the customer lifecycle from acquisition to termination. Suppliers not adhering to the LSSA's standards stand to lose their LSSA accreditation completely. You should apply extreme caution when dealing with companies whose reputation is questionable.

SUMMARY:

Hopefully our tips will help you easily and painlessly switch to another supplier. Remember that you are responsible for safeguarding your data and the best way to do this is to find a reputable and trustworthy software vendor right at the



outset. Use this guide as a starting point, supplement with other pressing questions of your own and you should be well on your way to putting into place your optimal IT set up to cope with COVID challenges and into the future.

Julian Bryan is the Managing Director of Quill, which helps law firms streamline and run their practice better by providing simple and easy to use legal accounting and case management software, as well as outsourced legal cashing services. Julian has been an advocate for quality software standards and served as the Chair of the Legal Software Suppliers Association from 2016 to 2019. He can be reached at j.bryan@quill.co.uk.

8 things to consider before signing a contract

Before making the switch to another software provider, it's always important to read the terms and conditions. Consult this handy checklist of key clauses before putting pen to paper.

- Service level agreements (SLA)**
• What can you expect in terms of quality of service from the vendor?
• What remedies are you entitled to if that service level is not maintained?
- Server uptime guarantees**
• How often does your money go down your front office a near-to-24/7 server uptime guarantee? You want to make sure the service is reliable.
- Technical helpdesk support**
• Will you be locked after by this new vendor, with first and second-line support backup to solve any technical issues that may arise?
- Annual price increases**
• Is your software house building hidden price increases into complex licensing models?
- Escrow agreement and insurance cover**
• What if the worst was to happen to your software provider? Would you still have access to the software or would a new vendor hold you ransom? An escrow agreement between you, the escrow agent and your chosen software supplier helps to mitigate this risk.
- Training options**
• How easy is the software to use?
• Are there helpful user guides, instructor-led e-learning and training courses available?
- Hidden charges**
• Is there a minimum price point and what fees will be added over and above the basics?
• Can you reduce user numbers without penalty?
- Contract commencement and renewal dates**
• What is your notice period and when can it be given to your contract cycle?

For more information, contact us at hello@quill.co.uk.

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