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vital research projects at universities across Yorkshire. The charity is delighted to be involved in this year’s
Yorkshire Lawyer Awards.
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Leeds & Yorkshire Lawyer
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Striving for ‘Adequate’

The UK Bribery Act has focused minds on developing ‘adequate procedures’ to mitigate bribery risk for organisations. We have developed BRisk™, a web-based diagnostic tool offering a quick, collaborative approach to helping you sense check your bribery risk and anti-bribery programme.

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So, here we are. The newly appointed president of Leeds Law Society and a column to write. What to say? How to say it? Seeking guidance, I am advised by the Editor that he needs 700 words or so and he suggests that I discuss “a current legal topic”.

Friends and colleagues urge me to “write about something that you feel passionate about or, at the very least, you are interested in.” Helpful? Not really. There seems to be no shortage of words at the moment regarding the current legal topics of Alternative Business Structures (ABS) and Outcomes-Focused Regulation and many a roadshow has trundled into Leeds and onwards to spread the word from Chancery Lane.

As for the alternative, I very much doubt that the readership of this journal would welcome my views on the current state of rugby (both codes), boxing and all things Italian!

Passionate about the law?
Well I am and always have been exceedingly proud of being a solicitor but by no stretch of the imagination could I label my interest in my profession as being “passionate”.

Interested in the law?
For sure. More than an interest. The study of and application of the law is interesting to us all. We are, after all, lawyers; but for most of us a quick glance once a week at the Law Society Gazette, The Lawyer, and, of course, an avid read once a month of Leeds and Yorkshire Lawyer, sates the thirst for further knowledge and information regarding recent developments and our curiosity as to what is happening with the profession.

“What about compulsory Continuing Professional Development (CPD)?” I hear you cry. Notwithstanding the strict requirement to acquire CPD hours each year that has been with us for decades, who among us has not been gripped with panic come October when realising that to date only three hours CPD has been earned? What follows is a mad scramble for qualifying hours, attending law courses that are often neither appropriate nor informative. In times past when simple self-certification of attainment of CPD hours came via one’s application for the renewal of a practising certificate, there were many who had not been near a law seminar for years and who just continued year after year in practice.

It comes as no surprise, therefore, that the Solicitors Regulation Authority has revealed plans to undertake the first review into CPD for over 25 years. I for one welcome it. The more we can make our continued training, skills and interest in the law relevant, the better the profession.

Lack of passion?
Does this lack of passion, this lack of interest, amount to apathy? Perhaps so. It seems as lawyers we all have strong opinions and lots to say about almost anything (and here I include the legal profession) as that comes as part of the territory of being a lawyer, but few are minded to actively take part in the legal debate or to question or challenge the decisions made and actions taken by the Government which affect us all. It’s a bit like shouting at the television really. It might well make you feel better but no-one actually hears you other than those within immediate earshot.

The Legal Services Act, the introduction of ABS, changes to civil legal aid and more regularly arrive and will affect our professional lives in one way or another. And do we take the time to challenge, to oppose or even engage? Very few of us do.

The President of the Law Society only last month appealed to us all, regardless of whether a legal aid solicitor or not, to “show your MP the strength of opposition to Government proposals”. I believe the opposition is there but will we voice our views in a way that the same will be heard by the Government? I hope so. If apathy reigns we shall all be the poorer for it.

After almost 30 years as a member of the Law Society, I took the decision 18 months ago to stop complaining about the Society and, instead, to actively take part. To see if my voice could be heard and to see if I could make a difference, regardless of how small. I was elected to the Committee of the Society and have enjoyed every minute since. I would encourage you all to do the same.

Take a real interest in ‘your’ society. Join Leeds Law Society and take part!
INTRODUCTION

The focus is on growth

You’ve read the new President’s first column, now find out about Philip Jordan's aims and ambitions at the start of his tenure.

What is your day job?
I'm an equity partner and a company/commercial lawyer at Ward Hadaway, which has its Leeds office on Wellington Street.

Have you always practised here?
No, not at all. Ward Hadaway has only been in Leeds for three years and myself just two. I come from Hull and after attending Hull University I studied law at Chester. My first job was in my home city but I worked in Newcastle for 12 years.

So what persuaded you to move to Leeds?
From a professional point of view Leeds has always been regarded as a genuine powerhouse. It is one of the main areas for finance and corporate work in the UK and it’s a very active and vibrant market.

Why did you become involved with Leeds Law Society (LLS)?
We lawyers tend to be an apathetic bunch that hold private views but don’t often come together to share ideas. In recent years it had occurred to me that it was time I made myself heard, so the first step was to become a Committee member.

Presumably it was a huge honour to be named President?
Yes, without a doubt. I’ve had a huge smile on my face since the AGM in mid-May and I’m truly relishing this opportunity.

What qualities do you think you bring to the table?
I would describe my approach as being very black and white, but with a touch of grey hair thrown in! I’m a pragmatist and always keen to hear opinions.

Is it fair to say you have inherited a Society that finds itself in a healthy position?
Let me put it this way: I’m under no illusions about the size of the shoes I will be filling. James Haddleton’s year in charge was extremely successful. James wanted to effect change and it is to his great credit that we now have a new constitution, executive staff for the first time and are poised to go ‘live’ with a new website.

Financially we are sound in the sense that we have assets and money in the bank, but we now need to generate income.

What are your aims for the year ahead?
I don’t want change unless change is necessary and I see this year as being more about consolidation. The new website will be key to our future plans to engage with more local lawyers and attract new members. Without a doubt I’d say that boosting membership numbers is the main target during my time as President.

How do you plan to attract new members?
First, I firmly believe that people will become members if they feel their voice will be heard and I intend to present an inclusive Society – whether you are dealing with grassroots issues such as immigration or advising on multi-million pound commercial deals – and one where everybody’s opinion is vital and will be heard.

Secondly we have to ensure there is plenty of value to membership, whether it is quality training or special member benefits. Our executive staff continue to work hard on this front and when the new website goes live later in the summer I’m sure membership will become even more of an attractive proposition.

Introducing new Vice-President Heidi Sandy

What's your day job?
I’m a commercial litigator in general practice at Gordons. I have also been the chair of the National Junior Lawyers Division.

How has your LLS role developed?
I’ve been involved now for four years having started off as the junior lawyers’ representative. In recent times I’ve aged out of that role and last year I was the civil litigation representative on the Committee.

Did you ever anticipate becoming Vice-President?
Not at all and it is quite flattering to know that other members of the Committee – people that are perhaps more senior than I – feel that I have what it takes both to hold such a role and to make a success of it.

Why do you practise in Leeds?
I’m from north Wales originally but came to university here and, aside from training in Chester, have never felt the need to move on. Here one finds both a vibrant professional and personal life.

Why does Leeds have such an enviable legal reputation?
Clients undoubtedly receive quality advice without having to pay London rates. I also believe we offer a more flexible approach to working which clients demands in this day and age.
AGM marks new dawn

The Annual General Meeting held on 19 May was novel for three reasons, writes former Committee member Malcolm Jones.

First, it was the first under the new constitution which had been adopted in April; secondly, the notice and supporting documents were published on the Society’s website rather than being printed and posted out; and, thirdly, the venue was the Faculty of Business and Law at Leeds Metropolitan University where our training courses are held and some of the law library is now kept.

Philip Jordan and Heidi Sandy were elected as President and Vice-President respectively, while Stuart Turnock continues as Treasurer. Last year there was an influx of new directors but this time all the ordinary directors have been on the Committee before. They all deserve the thanks of the members of the Society for the time, effort and occasional brilliance they bring to the boardroom. Marcus Armstrong, Alan M Baker, David Barraclough, David Cowgill, Rosemary Edwards, Philip Goldberg, Deborah Green, James Haddleton, Ian McCombie, Rajit Kaur Sandhu, Jonathan Watmough and Simon Young all survived and no one was fired!

This year we have four specialist positions to help ensure the interests of certain sections of the membership are not neglected. Ian Spafford became the first Local Government Director and Julie Bradwell the first Small Firms Director. Two new positions (Junior Lawyers Division and In-House Director) did not attract any volunteers but anyone eligible for either can contact a member of the Committee and will be considered to join the Board.

Latest training diary

Leeds Law Society runs a wide range of high-quality training seminars which are delivered by leading speakers and provide an opportunity to gain your CPD points at favourable rates. This year we have partnered with leading business and financial advisors Grant Thornton.

Wednesday 14 September (2 hours CPD)  
Hair alcohol testing and hair drug testing

Tuesday 20 September (7 hours CPD)  
Management Course Stage 1

Thursday 22 September (2 hours CPD)  
Personal injury – Protection from harassment claims

Tuesday 4 October (2 hours CPD)  
Employment: Procedural update and appeals, how and when to instigate

Monday 10 October (7 hours CPD)  
Management Course stage 2

Wednesday 19 October (2 hours CPD)  
P1 (Credit hire)

Tuesday 25 October (2 hours CPD)  
Family: Public law updates – special guardianship orders, children and Judicial Review

Introducing Leeds Law Society Masterclasses

In addition to the seminar programme, this autumn we have responded to demand and introduced a series of masterclasses. Given by specialists, these will include client relationship building, negotiation skills, business excellence and strategic thinking. Classes are tailored to our profession and are supported by case studies which provide a balance between theory and practical application.

For more information contact info@leedslawsociety.org.uk or call 0113 245 4997.

Committee corner: Alan M Baker

What is your ‘day’ job?
It’s a mixture of part-time Asylum/Immigration Judge, part-time Tribunal Chair, University Governor, Chair of Leeds Legal and Chair of The Law Society Immigration Caseworker Accreditation Panel.

How does Leeds Legal work with the Society for the benefit of local practitioners?
Leeds Legal is the marketing arm of LLS and has a particular emphasis on raising the profile and awareness of Leeds abroad at large and as a cost-effective legal centre of excellence within the UK, for the generic benefit of all local practitioners.

Is it a rewarding role?
It is when major projects like Leeds in Milan and Leeds in Barcelona come off. The feedback is enthusiastic and that feeds into tangible and meaningful work for our local firms, cooperating with other local firms in a way unheard of only a few years ago. Winning some of the national/local recognition awards we have secured is also pretty gratifying too.
Judging panel revealed for Yorkshire Lawyer Awards

Comprising expertise from all areas of the regional legal scene, the judging panel for this year’s Yorkshire Lawyer Awards has been unveiled.

The 11th annual celebration of all that is good in the local legal community will be held at the Queens Hotel, Leeds, on 5 October.

Presiding over the entries this year will be a handpicked panel of experts alongside Joint Presidents of the Awards, Jeremy Shulman of Shulmans Solicitors and Peter McCormick of McCormicks Solicitors. Angela Brocklehurst, President of the Yorkshire Union of Law Societies, new Leeds Law Society President Philip Jordan, former managing partner of Walker Morris, Peter Smart, and Alistair McDonald QC from Park Court Chambers have all joined the panel.

Other judges include Lorette Law from Switalskis, Paul Aber of the College of Law, Atherton Godfrey’s John McQuater, Roger Dixon from Hague & Dixon, Norman Taylor of Jones Myers and Hugh Smith from Andrew Jackson.

Nominations for this year’s awards close in early July so to ensure you don’t miss the deadline visit www.yorkshirelawyerawards.co.uk and fill in the relevant sections. Alternatively, or for more information, call Jo Evans on 01423 851157.

Since its launch in 2000, the Yorkshire Lawyer Awards has become the premier event on the local legal calendar, recognising excellence within the region’s legal profession and providing an opportunity for professionals to come together to network, socialise and celebrate. As well as honouring excellence, the awards will again raise money for Yorkshire Cancer Research.

This year’s headline sponsor is Park Court Chambers, and other sponsors include Searchflow, Towry, Conveyancing Liability Solutions, Trimega Labs, PSG, Lipson Lloyd Jones, Stroz Friedberg, Trimega and Danwood. Insider is once again supporting the event as official media partner.

Organised by Barker Brooks Media and supported by the Leeds Law Society and the Yorkshire Union of Law Societies, the evening is a glittering black tie affair, and always sells out – so early booking is recommended.

There are still opportunities to sponsor some of the individual award categories including Chambers of the Year, Law Firm (11–30 partners), Niche Law Firm and Trainee Solicitor Award. To find out more about sponsorship opportunities, contact Martin Smith at Barker Brooks (T: 01423 851150; E: martin.smith@barkerbrooks.co.uk).

Senior judges praise region

Two of the country’s top legal minds have given their stamp of approval for Leeds’ public law practitioners, following a presentation at Leeds-based Kings Chambers.

President of the Queen’s Bench Division, Sir Anthony May, and the Liaison Administrative Court Judge to the Northern Circuit, Mr Justice Langstaff, told guests that their work using the city’s newest court – the regional Administrative Court – had provided ordinary people with significantly improved access to justice.

“The regionalisation of the Administrative Court was necessary, right and sensible and I am happy to say that it has succeeded and will continue to do so in the future,” said Sir Anthony May. “I fully expect that it will continue to flourish and its volume of work will increase. It delivers access to justice quickly and effectively.”

Leeds Legal aims for 150 volunteers

Sixteen firms from around the city turned out on 26 May for the launch of this year’s Education and Enterprise Week, at the Hilton Hotel in Leeds. The week will run from 10–14 October and hopes to build on the success of last year’s record-breaking project, which saw Leeds Legal crowned winner of the Leeds Year of the Volunteer Corporate Group Award.

The 2011 theme, ‘World of Work Day’, hopes to encourage 150 volunteers from the legal profession to visit schools around the city to provide a real insight into working life, and aims to empower young people to consider and develop their future career ambitions.

Rosemary Edwards, director of Leeds Legal and partner at Shulmans, said: “It is so important to raise aspirations amongst school children today and this is exactly what this project sets out to achieve.

“Legal firms can really add value because of the variety of different jobs that exist within an organisation, from the office manager to finance and marketing. In this way, pupils learn about the widest possible choices of jobs and careers available.”

For more information contact Lesley Sharp at Leeds Ahead (T: 0113 246 7877; E: Lesley.Sharp@leedsahead.org.uk).
**Solicitors are given chance to clown around**

The big top came to town when the staff at Winston Solicitors were treated to a circus skills evening at their office in Roundhay.

The team-building event was held to challenge and motivate staff and two circus skills trainers came equipped with an array of delights such as a tight-rope, stilts, juggling batons, diablos and unicycles.

Everyone had a chance to take part and learn some new skills. Two of the partners, Jonathan Winston (pictured) and Shaun Walker, impressed with their particular talents at juggling and proved game to try out their balancing skills. Another mention must also go to family solicitor Joanna Wrigley who wowed everyone with her stilts-walking proficiency.

Afterwards, the hungry team were treated to a Spanish-style tapas and paella feast.

**Firm sponsors leading art exhibition**

Walker Morris is continuing its innovative partnership with Leeds Art Gallery by sponsoring an exhibition that brings internationally renowned artist Damien Hirst back to his roots.

Born in 1965 in Bristol, Hirst grew up in Leeds, where he went to school and then on to Leeds College of Art.

The exhibition ‘Artist rooms: Damien Hirst’ is a concise collection of the artist’s works, including Away from the Flock one of his signature vitrine pieces of animals suspended in formaldehyde.

Walker Morris has been a significant provider of arts sponsorship for more than 20 years, during which time it has supported and developed a number of unique initiatives, from grass roots projects with primary school children through to events of international significance.

“Damien Hirst’s work challenges perceptions and stimulates different ways of thinking which, in many ways, reflects how we approach our business as a law firm,” said partner Debbie Jackson.

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**Tasty new high-profile client for Hammonds**

The Leeds employment team at Squire Sanders Hammonds is celebrating after being appointed to advise British institution Greggs Bakery on its employment work.

The group has just under 20,000 employees and sells freshly baked bread, savoury snacks and confectionery. It is particularly famous in the UK for its sausage rolls, of which it sells 130 million a year.

Andrew Stones (pictured), a Leeds employment partner, will lead the team advising the client, following several months of preparation, that included a bakery visit where he had the chance to ice some cakes.

Commenting on the instruction, Stones said: “We are building a strong relationship with Greggs and are extremely proud to have won this work. There is a natural synergy between the two teams and it is exciting to work for a business that does everything themselves, from baking and distributing their own products through to selling them in their own stores.”

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**New President of Barnsley Law Society**

Alex Kennedy has been elected as the new president of Barnsley Law Society.

Kennedy, a solicitor at South Yorkshire firm Atteys, is keen to spread the good work done by the Society on behalf of local practitioners.

Barnsley Law Society is a professional association offering support, training and social activities to solicitors practising in the town and surrounding areas. The Society, which offers training to members and non-members, deals with legal issues affecting the Barnsley area and last year lobbied against the threatened closure of Barnsley County Court.

“Over the coming year, committee members and local firms will be working together to support and promote the profession locally,” promised Kennedy. “As part of this, we would be pleased to hear from any local solicitors with views and ideas on the kind of support and events they think are needed.”

Solicitors interested in getting involved with Barnsley Law Society should contact her on 01226 212345.
Dominating the bustling Millennium Square, The Electric Press, built around 1840, offers a fantastic selection of cuisines, from Italian to Indian, Asian to modern British, there’s something to suit the most demanding of taste buds.

Home to Epernay, All Bar One, Revolution, Spice Quarter, Red Chilli, Casa Mia and Aglassto, The Electric Press offers dining solutions for breakfast through to supper, with coffee and cocktails also on the menu. There’s extensive outdoor seating for Al Fresco dining, as well as a glazed, heated courtyard, making it an ideal location for business meetings and lunches.

For lovers of classic Italian dishes, independent restaurant Casa Mia Millennium offers fine dining over two floors and also includes a coffee bar, deli, and outdoor seating. The vast menu includes classic pasta dishes, fresh fish and seafood and an extensive pizza menu.

The newest addition to The Electric Press is All Bar One Millennium Square, a stylish setting, that offers fantastic menus for breakfast, brunch, lunch, after work nibbles or a relaxing evening meal complemented by an extensive range of beers, wines from around the world, soft drinks and cocktails.

Epernay Champagne Bar, the city’s only champagne and cocktail bar boasts over 100 champagnes, more than 30 carefully selected rare and exclusive wines and over 70 cocktails. Afternoon Tea is also served daily. The stylish, spacious interior is perfect for drinking through to the early hours, or simply relaxing on the beautiful terrace, when the bar comes into its own.

For connoisseurs of the finest in Beijing and Sichuan dishes, Red Chilli has an extensive menu, with familiar dishes such as Sizzling Beef Fillet with Black Pepper Sauce, and some lesser known delicacies, including Stir Fried Frog’s Legs with Cucumber in Tomato Sauce and Braised Pig’s Leg in Hot Spicy Sauce.

Aglassto is a wine bar, with the philosophy of ‘Sans Tra La La’ meaning without frills or pretentiousness. The bar offers an impressive selection of wines, with thoughtful food pairings, including a Charcuterie Platter, Caprese Salad, Grilled Camembert and Chorizo y Manchego.

Spice Quarter offers Indian, Thai and Chinese dishes for those who can’t quite decide what they fancy! With a selection of up to 100 different dishes, along with live cooking stations and regular entertainment, Spice Quarter provides a lively dining experience. The cocktail lounge bar is perfect for pre or after dinner drinks.

For those looking to kick back after a long day, Revolution Bar is the ideal venue. Home to a wide range of cocktails and speciality beers, guest DJs and a variety of events make for an energetic night out.

Finally, The Electric Press is also home to The Carriageworks Theatre which showcases some of the best national and regional performances.

For venue opening times and details of events visit www.theelectricpress.com, or follow us on Twitter (twitter.com/electriicleeds) and facebook (facebook.com/theelectricpress).
Adventurous Mark burns up the charity miles

Mark Burns, managing partner of Clarion in Leeds, has taken on an arduous challenge as he plans to complete ten major races in the region by the end of the year in aid of his favourite charities.

Burns’ own take on the decathlon will result in him having run 127k, cycled 80k and swum 4.5k in aid of his three chosen charities: The Spinal Injury Project of the UK Stem Cell Foundation (UKSCF), the Paediatric Intensive Care Unit (Leeds Teaching Hospitals Charity Foundation) and Martin House Hospice for Children and Young People.

“This decathlon has grown out of my regular participation in the Corporate Challenge of the Leeds 10K which Clarion is sponsoring for the sixth year,” he explained. “Having come up with this foolhardy idea, I even more foolishly decided to follow through with it.”

To support Burns’ decathlon, go to www.justgiving.com/mark-burnsdecathlonukscf

Helping drive through charity challenge

Sheffield’s newest firm, Unity Law, caused a stir across the Alps after sponsoring a group of intrepid celebrities in The Alps Challenge in order to raise funds for Disabled Motoring UK.

Children’s TV presenter Ade Adepitan and paralympian Baroness Tanni Grey-Thompson (pictured crossing the finishing line) took part in the epic journey first travelled by the founder of Disabled Motoring UK, Oscar Arthur Denly, in 1947 on a specially adapted trike. Using the same (overhauled) 1930s vehicle the team, sponsored by Unity Law, completed the same route from London across the Alps and back.

“The Alps Challenge shows how one person can make a difference,” said managing partner Chris Fry. “At Unity Law we work to ensure positive action on behalf of those with disabilities who are being prevented from living their lives fully, mostly by being the victims of discrimination.”

Langley's go the extra mile

Staff at Langley's have raised £4,500 for a variety of charities after taking part in a series of recent events.

In May, while York-based trainee solicitors James Bradley and Sarah Dalton took part in the BUPA Manchester 10k run, the team donned royal wedding themed hats to celebrate William and Kate’s big day and to raise money for brain injury charity Headway.

Solicitor Helen Rundle also gave up a night’s sleep to take part in the London MoonWalk 2011, walking 26 miles overnight to raise money and awareness for breast cancer causes. Other members of the team have climbed Ben Nevis to support BBC Children In Need while the Real Estate unit raised £360 for Leeds Children’s Hospital by hosting a charity quiz night.

This month more solicitors will be donning their lycra and taking part in different sponsored cycle rides, including the Castle to Coast 100-mile charity bike ride from Lincoln Castle to Skegness and back and the Nightrider challenge in aid of The National Autistic Society.

Barristers swap their traditional wigs

A crew of 11 from Zenith Chambers swapped their traditional wigs for purple ones when they dressed up to participate in a Dragon Boat Race in aid of Martin House children’s hospice.

Over 48 teams gathered on the lake at Roundhay Park, Leeds, for the annual event, which is now in its fourth year. It was a colourful and lively event, with many of the competitors participating in fancy dress. Local law firms Eversheds, Blacks, Keeble Hawson and Jones Myers also competed.

The fundraising efforts of all the teams resulted in over £30,000 being raised for the hospice which provides care for children with life-threatening and life-limiting illnesses.

As part of Zenith Chambers’ 10-year anniversary celebrations, they are participating in a number of events throughout the year to raise £10,000 for a number of local charities.
Guiseley opening for growing firm

Leeds firm Ison Harrison Solicitors is to open a second office in the Wharfedale valley. Its Ilkley office opened in October and the growing firm is now bringing its multi-faceted skills to Guiseley.

Managing Partner Jonathan Wearing commented: “We strongly believe that our 150-strong team delivers just what families, individuals and businesses are looking for. We are straight talking, clear thinking and quick workers, all of which we hope will be of benefit to the Guiseley community.”

The new office is in the main central shopping area and will be one of only two law firms operating in the town. The office is strategically placed between the Leeds and Ilkley offices and will be managed by partner Stephen Flint, who joined the firm in 1988 and has worked his way up to become head of the residential conveyancing department.

Ison Harrison now has offices in Leeds city centre, Garforth, Crossgates, Chapeltown, Ilkley and Guiseley.

New appointment for Blacks

Blacks Solicitors has appointed President of the European Registry of Tennis Professionals, Adrian Rattenbury, as its latest Sports Consultant. Rattenbury follows a number of other high-profile sports personnel who have joined the firm, including Yorkshire wicketkeeper Gerard Brophy, Bradford Bulls international Matt Diskin and ex-international footballers Robbie Savage, John Hendrie and Brian Deane.

“We are delighted that Adrian has agreed to be part of our team,” said managing partner Chris Allen. “As a well-known figure in the tennis industry, he will provide real industry knowledge to our tennis industry clients and supplement the expertise we already have in our sports team.”

Blacks are founding members of Field, a unique concept in the provision of professional services to the sports industry.

Bridlington office for Williamsons

Williamsons Solicitors is expanding after opening a new office in Bridlington. The firm, which has a growing reputation in several fields, wants to enhance its service to customers in the town who tend to be currently served from its Driffield office and Hull headquarters.

“We already have a strong client base in Bridlington and feel this is an opportunity to form closer relationships with them while beginning new ones at the same time,” explained director Bill Waddington.

Williamsons’ services include family and childcare, personal injury, clinical negligence and industrial disease, criminal and road traffic defence work, wills and probate, and residential and commercial property.

Employment law application launched

Dickinson Dees, which has an office in York, has launched a specialist employment law iPhone application.

The app, named HR Alert, is aimed at informing human resources professionals about the latest developments in employment law affecting their companies.

Free to download from the iTunes store, the main features include a news section with cases of interest and changes in the law, in addition to an innovative tool which calculates maternity, paternity and adoption leave dates at the touch of a button.

Speaking about the launch of the new tool, Penny Darragh, solicitor in the employment team commented: “We understand that the way in which people want to access information is changing.

“It is important to us, especially during such challenging times for our clients, to react to these changes and ensure we are providing the best possible added value via modern platforms such as this.”
SRA welcomes dual decision

The Solicitors Regulation Authority (SRA) has welcomed the Legal Services Board’s (LSB) decision to approve its new Handbook, which sets out the standards and requirements for principles-based, outcomes-focused regulation (OFR).

The decision, made at the LSB’s Board meeting on 13 June, paves the way for the launch of OFR on 6 October, when the Handbook comes into effect. The Handbook has been available in draft form since 6 April, giving law firms and the profession six months to prepare for the new regulatory approach.

At the same meeting, the LSB approved the SRA’s application to become a licensing authority for alternative business structures (ABS), which will enable the ownership and management of legal service providers by non-lawyers. That application now goes forward for Parliamentary approval.

The Handbook brings together all the regulatory requirements that apply to individuals and firms regulated by the SRA. Importantly, these arrangements will apply both to traditional law firms and to ABS, thus ensuring the same level of regulatory protection to consumers regardless of the type of business providing them with legal services.

“The Handbook is the culmination of a great deal of collaborative work between the SRA and our stakeholders,” said SRA Chief Executive, Antony Townsend. “It is a key part of our new regulatory regime, putting the needs of clients at the heart of regulation, and offering greater freedoms in the delivery of legal services.”

“We are also delighted to win the LSB’s approval for the licensing authority application, which will now go forward for Parliamentary approval. We believe that is in the public interest for us to regulate ABS, as this allows us to ensure that these new businesses are subject to the same rigorous professional standards as those expected of traditional law firms.”

Turn to page 26 for an exclusive interview with the SRA’s head of standards Richard Collins.

LSB mistaken over referral fees

The Legal Services Board (LSB) is “mistaken” for not recommending ban on referral fees, according to The Law Society.

The Society has criticised a report by the LSB, which it says fails to reflect public, judicial and professional concern about referral fees and fails the public interest.

“IT has chosen a path which will involve yet more complex regulation of solicitors rather than tackling the middleman charging referral fees.

“This is a mistaken decision by the LSB, which has failed to act in the public interest.”

Keep a close watch

The march towards the introduction of alternative business structures (ABS) continues as the Legal Services Board approves the Law Society’s application to appoint the Solicitors Regulation Authority as an ABS licensor (see full story opposite).

So the descent into regulatory arbitrage I referred to last month is now possible (and, dependant on the outcome of applications to extend the powers of the Council for Licensed Conveyancers and ILEX, probable).

Who really knows what effect the changes will have upon the supply of legal services. Good regulatory practice demands that major change should only be undertaken after a detailed and comprehensive impact assessment, which should also be followed up after regulatory change with an assessment of the actual impact against that predicted. One might conclude here that no such steps were taken in light of what some see as an overweening political imperative to effect change come hell or high water.

In March 2011 the Ministry of Justice (MoJ) commissioned research to establish a baseline for the public’s views about the legal profession in advance of these changes. Sadly for some reason, the MoJ did not widely publish the research that showed that conveyancing, will writing, and probate accounted for 75 per cent of personal legal services and that solicitors were instructed in 94 per cent of cases scoring an overall satisfaction rate of 95 per cent plus.

It is against such measures that the services from new providers must be judged and in the end whether the political drive for change was ever really justified.

In the shorter term, the performance of the licensors must be subject to close scrutiny. Consider the case of Bostalls which won a contract from the Legal Services Commission to provide the CDS Direct service in 2007. Not owned by a solicitor, the SRA gave Bostalls a waiver to provide legal services to the public. The Law Society argued that this permitted an ABS to operate without regulation or safeguard.

It emerges that Bostalls has been wound up for non-payment of taxes but replaced by the Shaftesbury Group to which the LSC is apparently content to transfer the contract; same management same people. Non-payment of tax due hardly signifies a business run with proper governance, or against sound financial and risk management principals; conduct required of Solicitors and rightly so.

The LSC would have a problem without a waiver but surely this is the moment for the SRA to establish real independence of thought and refuse one. If it did so, many would breathe easier about its capability to regulate ABS and maintain the public interest which it so often professes to be its reason for being.

It is for us in the profession to keep a close watch. After all there is no one else.
Shulmans

Shulmans has promoted four of its staff to associate through its bespoke career development scheme. Lee Stephens, Kathryn Wood, Jennifer Chambers and Rob Lucas have all progressed through the firm’s Progression in Practice initiative, which evaluates each individual against specific criteria, continuously developing a bespoke plan intended to guide them.

Ward Hadaway

Ward Hadaway has promoted employment lawyer Gemma Sherbourne to the position of associate. She is based at the firm’s office in Leeds and is one of nine lawyers across the firm to be promoted to associate this year.

Banner Jones

Carey New and Kate Hyland have both joined the burgeoning family law team at Sheffield and Chesterfield-based Banner Jones Solicitors. New has joined from Norrie Waite & Slater and Hyland from Taylor & Emmett.

Sandra Russell

Sandra Russell has returned to Graysons after rejoining the firm from Norrie Waite and Slater, where she was a partner and also the head of the family department. She is an accredited member of the national family lawyers association, known as Resolution, with specialisms in domestic abuse and financial and property matters.

Sean Doherty

Beachcroft has announced that Leeds-based Sean Doherty has been promoted to partner. He works in the health and clinical risk team and his appointment takes the total number of partners in the firm to 161 nationwide at last count.

Fiona Kendall

Jones Myers’ partner Fiona Kendall has become a qualified mediator. The accreditation comes just two months after her promotion to partner at the 25-strong Leeds firm, which was launched by Peter Jones in 1992.

Neil Large

Keeble Hawson has appointed lawyer Neil Large as a partner in its corporate team. His specialisms include sales and acquisitions of business, business turnaround and restructuring, private equity investments, corporate insolvency, start-ups and also corporate reorganisations and demerger transactions.

Sara Ludlam

Lupton Fawcett has boosted its intellectual property department in Leeds with the appointment of senior IP specialist Sara Ludlam. She has 17 years’ experience across the full range of intellectual property law including copyright, trade marks and patents.
Voice of experience

Despite spending more than 40 years at the sharp end, David Salter is still as enthused by family law today as he was right back at the beginning of his career.

Legal services are generally distressed purchases so when you’re facing a personal crisis it must be reassuring to see an experienced face across the table. Nothing comes as a shock or surprise to such a figure, and that’s certainly the impression one receives when talking to David Salter of Mills & Reeve.

It is now more than four decades since his days as an articled clerk in the then sole Norwich office of Mills & Reeve. Today, Leeds-based Salter is the joint head of one of the largest family law teams in Europe and, ironically, is right back at the same firm where it all started.

The 62-year-old freely admits to seeing most things in family law, but it is the uncertainty of what will cross his desk on any given day that keeps the juices flowing. Asked to explain his rare longevity, Salter has no doubts about why he retains such enthusiasm for his work.

“There is an element of the unknown and you never really know how your day is going to pan out,” he says. “I don’t wish to demean colleagues who specialise in other areas but we are not dealing with packaged solutions here. It became apparent to me early on that we are actually dealing with people’s lives and as a family lawyer you are able to make a real difference. There is certainly a skill to it that goes beyond the letter of the law in that you’ve got to be able to empathise but at the same time remain sufficiently distant to provide an external perspective on what are sometimes very troubling issues confronting the client.

“It sounds like a bit of missionary zeal but there was a bit of wanting to help people behind my decision to go down this route.”

More than 30 years of Salter’s career have been spent at various incarnations of what is now known as Addleshaw Goddard. He returned to the Mills & Reeve umbrella in 2008 when the family law team moved back to his first firm so he regards a special 40 years’ service dinner thrown for him by the partners in 2010 as “something of a steal”. However, during a lifetime dedicated to dealing with the three certainties of births, marriages and deaths, Salter has seen the world of family law evolve dramatically.

“The changes have been enormous,” he continues. “I took my law degree in 1969 which was a time that pre-dated the current family law statute and I can still remember the time where a wife who was committing adultery wouldn’t have a claim for maintenance, and when all divorce hearings were actually heard in court even if they were undefended.

“Aside from changes in respect of law and procedure the other major difference is in the way that we as lawyers interact with one another.”

The 1980s saw the formation of the Solicitors’ Family Law Association, with Salter one of the founding members, and of the body that is now known as Resolution (where he was the National Chairman for two years in the late 1990s), creating a new era of both specialization and cooperation.

Growth area

The recent growth in pre-nuptial agreements – on the back of high-profile celebrity divorces and the Radmacher v Granatino case in late 2010 – have propelled family law back into the mainstream media and perhaps also the forefront of the minds of those currently on training contracts and looking for a career specialism.

But although whole-heartedly recommending a career in family law for anybody starting out on the career ladder, Salter has a few words of caution for the next generation.

“I would recommend family law as a career choice, but I’d urge young people to be realistic,” he points out. “Public funding in relation to family law is on the rocks, the number of firms doing it are contracting like fury and the marketplace certainly isn’t a buoyant one.

“But having said that, it can be a rewarding career choice and I hope that, if I have set any example, it is that one can still be surprised, interested and energised by what happens on a daily basis.

“I certainly have no plans to retire anytime soon. Whereas perhaps 10 years ago there was a trend towards early retirement in the major law firms, with some people even being retired against their will in their 50s, the arrival of American firms to London has seen an end to that. Their lawyers will work on and on and on and it is not unusual to find them working well beyond 70. I still enjoy what I do and I retain the same levels of enthusiasm I think I had right back when I started.”

Every month we will spotlight a member of the local legal community who has an interesting story to tell. Perhaps that’s you? Maybe you know somebody that deserves a special mention?

Let Editor Steven Bancroft know by calling 01423 851150 or emailing steven.bancroft@barkerbrooks.co.uk.
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Goose supreme

Patrick Walker has a gander at the Supreme Court and finds three goslings

Easter Friday in a butcher’s shop in Otley is definitely a place to test the Supreme Court view that context is the key to interpretation.

My spouse is a regular visitor to this establishment (the butcher you will understand), where her vegetarian tendencies are well hidden by my carnivorous gluttony, and after 30 years patronage, there is occasionally a chance that the weight of a joint will approximate to that asked for. We are still waiting for that momentous day when any item on the scales weighs even an ounce less than requested: sadly it will be the same day that an apprentice butcher loses his job.

“Have you by any chance got my goose?” she asks. “Of course Madam,” comes the reply, “it’s Easter and as you can see our chill cabinet is full. What size would you like?”

“No, no, my live pet goose!” At this point the other customers in the shop have lost interest in the stand pies and special offer Wharfedale sausages and are imitating the bird in question with extended necks and occasional throaty noises. They were not to know that our gander had lost his mate and, after several days of agitated mourning, had flown off (a bit like an overloaded Dakota) and had not returned. Neither would the audience, previously in a hurry and now settled down for the main feature, know that the butcher lives and keeps his stock of geese not far from our home. We used to call that the ‘factual matrix’ but the Law Lords’ new terminology and regurgitated reasoning should preserve the future livelihoods of commercial advocates for at least another generation.

There was good news and bad. Mr Goose had been spotted doing an awkward landing half a mile away – apparently with rather a thud as his belly realised he had forgotten to put his undercarriage down. The bad news was that he had taken off again successfully despite needing a runway extension and crossing the hedge with less clearance than a horse at the Grand National. He was gone and that was that.

But that is rarely that and, a few weeks later, Mr Goose crash-landed once more in the field and marched proudly back to our house accompanied by a sleek lady friend and three goslings anxious to explore a new world but tied to their mother by invisible leashes with short extensions. They would play frantically for a few minutes and then sit down in a line and fluff themselves up; their mouths open, their eyes closing, apparently hoping that they would be given some tasty morsel before they fell asleep. I suppose it was inevitable that they would be named after three of our most distinguished Court of Appeal judges.

One has been eaten by a rat but, as they say in the Dales, “Where there’s livestock, there’s deadstock”. The remaining two continue to hold court on our back lawn and dive ever deeper on their excursions into the stream pools. They are growing at quite a rate and strut about as if they know it all. They probably have learnt a fair bit and I guess if their heads grow a little larger they too may be eligible for that Supreme position!
The clock is ticking

In a world dominated by social networks, super-injunctions will soon become a thing of the past, according to the Sports Team at Blacks Solicitors.

Ever since John Hemming MP used Parliamentary privilege to reveal that Ryan Giggs had decided to slap a gagging order on the world’s press preventing them from blowing the whistle on an alleged affair, the clock has been ticking on the bomb labelled super-injunction.

Assuming the identity of the Premier League star that has been widely reported in the press is correct, the fact that it has backfired so spectacularly is a lesson to every wayward celebrity or organisation to think twice about following suit.

If there ever was a case of a dead law walking then this is surely it. Woefully misjudging the power of the phrase ‘common knowledge’ as well as the power of the Internet, the lawyers who tried to brush the now widely reported indiscretions under the carpet have turned a minor marital indiscretion into a front page story that has outlasted a Royal Wedding and even the assassination of the world’s most wanted man. As privacy cases go, this might be construed as somewhat of a failure!

Lawyers around the country are familiar with the day-to-day tool by which a client can obtain an injunction: a court order requiring his opponent either to do something specific or very frequently not to do certain acts. In some circumstances an interim injunction can be obtained on an *ex parte* basis, which is without the other side having a chance to be heard, although in that situation there is always a hearing within a few weeks at which the defendant can put his/her side of the argument.

If an injunction is granted, it is usually perfectly legitimate for the existence of the proceedings and the injunction granted to be reported by the news media. The difference with super-injunctions, and why they are causing such a furor, is that as well as an ordinary interim injunction to restrict an act – usually the publication of a story linking businesses with wrongdoing or people together – part of the order is a restriction on the news media from reporting the very existence of the proceedings or of the fact that an injunction has been granted.

If granted, a super-injunction ensures a news blackout, until or unless the claimant declares it, as in the case of BBC journalist Andrew Marr, or alternatively an anonymous soul puts themselves in contempt of court and breaches the order by tweeting or blogging the news.

The developments of recent weeks tells us that once something is in the hands of the electronic media it is very hard to put the lid on it, whether the story being broadcast is true or false.

**Change of use**

Super-injunctions began in the commercial sphere with the first recorded example being granted to Trafalgar in the oil company’s effort to suppress reporting and debate about possible involvement in the dumping of toxic waste in Abidjan.

More recently the remedy has become increasingly common in privacy cases where celebrities get wind of the impending publication of stories about them and seek by way of a super-injunction to elevate their right to privacy over the journalis’t’s rights to freedom of expression, even if the story is true.

It can be hard to see that a celebrity fling is ordinarily a matter of such importance that the public interest – and not merely tabloid prurience and curiosity – overrides an individual’s entitlement to privacy, but where for example that individual trades on an image promoting family values it may well be appropriate for the truth to be broadcast and reported to a wider audience.

In the latest high-profile case which has dominated headlines since mid-May, Mr Justice Tugendhat has steadfastly refused to remove the gagging order which still remains in place. The emergence of further allegations while the original super-injunction remained in place risked, according to several legal commentators, making a mockery of current privacy laws.

Attorney General Dominic Grieve subsequently stressed that tweeters risk contempt of court proceedings if they flout injunctions to name celebrities on the web.

However, they are both clearly whistling in the wind and are dangerously out of touch with the rest of the world where a large percentage of the population are tweeting at this very moment.

So what is the point in a super injunction if Twitter, Facebook and the general blogosphere can tear the fragile privacy law to tatters?

It is safe to assume that keeping a story out of the traditional media no longer provides any kind of lasting protection for the public figure. In fact it can have quite the opposite effect as online rumour, conjecture and general Chinese whispers can potentially do more damage to an individual’s reputation.

No one is denying for a moment that there isn’t a place for legal action in matters of privacy, but this latest case clearly proves that super-injunctions are
not the answer. It is fair to say that in this case the figure at the centre of the storm would have attracted considerable less notice to his infidelity (and at considerably less financial cost), if he had announced it in a full-page newspaper advertisement.

Careful consideration

Rather than protecting their privacy, the example of another Premier League footballer who sought a super-injunction highlights the pitfalls of taking such a course of action.

Back in January 2010, then England captain John Terry attempted to suppress revelations of an alleged affair with the ex-girlfriend of a former team-mate. After a week of being gagged by a super-injunction, the full force of the British press turned on the Chelsea defender and the media furor led to him being stripped of the international captaincy.

That example proved that if you effectively declare war on the press, in the end you will nearly always lose. It is much better to work with them and at least have a chance to shape the story and to have your version of events heard.

In mitigation for the celebrity and sporting rich and famous, there are those who are targeted by certain sections of the public to simply exploit their position in order to extract money, in which case an injunction is often the only means of protection.

However, the public perception is now somewhat cynical and there will always be a perception that the person has something to hide.

A case in point can be highlighted by Blacks Sports Consultant Robbie Savage who was left facing a potentially very serious allegation last year at a book signing for the launch of his autobiography. After posing for a photograph with a female fan with his arm around her, a letter arrived at his club, Derby County, alleging that Savage had brushed her head with his arm and that subsequently she’d suffered complete loss of hearing in one ear.

Horrified to think he had caused any damage, Savage immediately contacted Stephen Lowsnburgh for advice. The recently retired midfielder explained: “Stephen wrote her a nice letter in an attempt to resolve the situation but then letters started coming from her making totally untrue comments about my character, asking for meetings and suggesting papers were interested in her story.

“People started getting in touch, claiming to be reporters, it was pure harassment and intimidation. In one call, we were told that it would appear in a paper that week. I was bewildered and had suffered six months of worry in respect of something I was totally innocent of.”

Finally, after challenging the person to make the representations and statements public, another letter arrived in which the person admitted Robbie had not made her deaf and she had made the whole story up in an attempt to extort money.

In such circumstances a course of action may well have been to seek an injunction but would it have been the right thing to do? Or is the public perception of ‘no smoke without fire’ too big a risk to take? This is the dilemma that the subject and their lawyers have to decide given the notoriety that injunctions now cause.

A third high-profile footballer, David Beckham, has continually had to deal with allegations and claims surrounding his private life. One such allegation emerged in October last year following reports that he had an affair with a Beverly Hills jewellery designer. However, deciding to take a completely different course of action, the former Manchester United ace and England captain chose to keep his counsel and take no action.

“People make wild accusations about celebrities all the time and then stories get written that aren’t true,” points out John Hendrie, former professional footballer and now Sports Consultant at Blacks. “I think in this particular case it was clear David Beckham had done nothing wrong and had nothing to hide.”

The future

So what next for those celebrities who wish to bury their news? With the current and future expansion of social media networks such as Twitter and Facebook, you can drive a coach and horses through the argument that super-injunctions designed to protect celebrities’ privacy are the only credible solution.

Future responsible regulation and redress will undoubtedly lay at the feet of the Press Complaints Commission who have to be given greater powers of responsibility, regulation and independence in which the public and the law have confidence. Consequently, where there is clear misrepresentation from which libel or defamation arises, the individual with the help of the courts should have the confidence of having a right of redress in respect of his or her right to public privacy and to seek damages as a result of the intrusion.

Where there is genuine concern over a person’s privacy an injunction may still have a place in such protection, but only with due thought as to the potential consequences with the media.

Blacks Solicitors LLP is a 12-partner niche firm providing specialisation in company commercial, property, commercial litigation, sport and private client work. If you require help on a legal matter that might require an injunction (whether relating to privacy, or more usually to property or commercial matters) call Head of Sport, Stephen Lowsnburgh, or Luke Patel and Oliver Gross, Partners in the Litigation & Dispute Resolution Department (T: 0113 207 0000).

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Wake-up call

The row over Twitter and privacy injunctions is the first major glimpse into what the technological revolution means for the administration of the law, according to Tim Toulmin

Tim Toulmin is Director of Alder Media. Previously he was Director of the Press Complaints Commission

The recent row over privacy injunctions and Twitter should not just be of interest to media lawyers: it has serious lessons for everyone in the profession. Why? Because it is the first major glimpse into what the technological revolution means for the administration of the law. It is bound to stimulate further reflection about whether law firms are doing enough to protect clients’ reputations in this digital age.

‘A threat can be turned into an opportunity’ is a hackneyed phrase if ever there was one. But in the case of the Twitter leaks story it seems relevant – not least because the grumpy-looking legal commentators who popped up in the media only saw it in terms of a threat. Where were those thinking creatively about how to adapt this new reality to their clients’ advantage?

This story has been a massive wake-up call to politicians too. People who only saw the technological revolution in theoretical terms now have tangible evidence about what a powerful impact it is going to have on the law. There is almost a sense of panic. A grand committee of both Houses of Parliament has been set up to consider the implications (a sure sign that the politicians don’t know what to do).

If they think they can restore the efficacy of injunctions then it is scarcely possible to conceive of a bigger waste of time. All the lessons – from the Arab Spring to Wikileaks – show that relying on the apparatus of the state to keep something private is futile. Quite frankly, if Middle-Eastern dictators with enormous standing armies cannot prevent people freely communicating with one another, it is highly unlikely that your average Premier League footballer can silence gossip here.

I suspect the Joint Committee will endorse the development of the common law on privacy, and criticise the over-use of injunctions, while warning that ordinary members of the public could be liable to legal proceedings if they are caught repeating intrusive material on social networking sites. In other words, it will be back to ‘publish and be damned’. And, by doing so, they will show they are hopelessly out of touch with millions of people from a different generation who routinely invade their own as well as their friends’ privacy online. They will also create countless ‘free speech martyrs’ whenever there is a prosecution. They would do far better to recognise that cultural expectations surrounding privacy have changed immeasurably over the last decade, and that further changes will depend on new methods of communication rather than what is said in the Royal Courts of Justice.

More pressingly, this saga has raised general questions about the impact of social media on how cases are managed. The lessons here are slightly different, depending on who you are.

First, if you are a celebrity lawyer of the ‘slam ‘em hard’ persuasion, it’s time to revisit your tactics. When your clients’ secrets are out for all to see on the Internet, your aggressive legal letters look rather ridiculous. Worse, they make the client look like a bully – and the instant judgements of social media users on such matters can be very harsh indeed.

Secondly, if you are a celebrity, you now know that privacy injunctions are not a panacea. Why not invest a bit of time in some media relations advice rather than trying to manage your reputation on the basis of a court order?

The third lesson applies to everyone involved in newsworthy litigation – thousands of people every year, from all walks of life. Social and mainstream media feed off each other – but, overwhelmingly, stories that trend in social media have their origin in an MSM article. The way your case is reported by traditional journalists will dominate subsequent comment online, and hence the impact on your reputation. Influence how you are reported ‘at source’, and you stand a much better chance of protecting yourself from a social media firestorm later.

There is so much that lawyers can do for their clients in terms of planning ahead for media interest in cases, building relationships with key journalists, and getting a client’s message across. In this digital world, that is something that’s increasingly difficult to ignore.

Alder Media is an agency that works with lawyers whose clients are involved in newsworthy cases. For more information visit aldermedia.co.uk.
Maintaining standards

Head of Standards **Richard Collins** discusses the new regulatory Handbook and the SRA’s application to license ABS

Richard Collins is the Head of Standards at the Solicitors Regulation Authority

**Why is there a need to move away from rules-based regulation to the Principles system of the new Handbook?**

First and foremost we are now regulating an incredibly diverse profession covering everything from sole practitioners right through the tiers to complex multi-national organisations. A system where you have key principles which all practitioners can come back and refer to is much more sensible.

The legal profession is suited to Outcomes-Focused Regulation (OFR). It works well when you are regulating skilled, well-trained professional individuals who are able to apply 10 key principles to pretty much everything they do.

Rules-based regulation gave an impression of certainty without actually providing it. For example the Ethics Guidance team at the SRA spends all day talking to solicitors and attempting to provide guidance for circumstances that the current rulebook simply doesn’t cover. Also the rules-based approach isn’t necessarily one that leads to a good relationship between regulator and regulated firm.

**Was there a need to change the way firms are regulated just three years after the existing Handbook was last rewritten?**

The 2007 Handbook was merely an update to the same rules-based approach of the past and what you can end up doing is attempting to try and regulate for every particular circumstance which is an impossible task. By going down that route I think you can lose sight of the purpose of regulation, which is ultimately to protect the public and ensure lawyers act in the best interests of their clients.

**What has been the general reaction to the new Handbook?**

I wouldn’t say we are seeing lawyers on the streets cheering OFR and saying it is a new dawn, but in reality I am seeing very little opposition to it and relatively few concerns as I travel the country talking at SRA roadshows. There are lots of questions about what it means to individuals and their firms, which you would be expect, but there seems to be genuine willingness to be open-minded about it.

I think the profession will take up OFR quite willingly because if there is one characteristic of lawyers in general it is the degree of resilience and adaptability one finds nationwide.

Some critics have raised concerns at what they perceive to be a ‘light touch’ approach to regulation. Can you allay those fears?

Sometimes the SRA is accused of not doing enough while sometimes we are overly aggressive, but I am confident that OFR isn’t light-touch regulation. If you are a well-managed, well-run firm achieving outcomes then OFR will probably appear to be light touch in terms of your relationship with the SRA. However, if you are a non-compliant firm the chances are that, under risk-based OFR, you are much more likely to have a lot to do with the SRA as we seek to encourage you to comply before, if necessary, enforcing compliance.

**Is there a danger of too much change being enforced on the profession in too short a period?**

It is a concern but by far the biggest challenge facing the majority of the profession at present is being able to continue to operate profitably in the current economic climate.

If you’ve got an ethical, principled, well-run, well-managed and structured firm which is compliant with the current Handbook, there is relatively little you need to do in terms of adapting and changing to OFR. However, if firms aren’t in that position then this might be the catalyst to get their house in order.

**With ABS and possible new competition entering the market, why choose now to implement a new regulatory regime on existing providers?**

Partially it has been driven internally by the SRA Board and senior executives to become a more effective regulator and we see OFR as part of the answer. Meanwhile, the Legal Services Board (LSB) made it clear that the regulatory arrangements for (Alternative Business Structures) ABS would have to be OFR based and the SRA Board was extremely clear in its views that if we are to govern ABS we want a single rulebook for traditional law firms and ABS.

**Is the SRA still on track to be able to license ABS on 6 October as was previously planned?**

Absolutely as the application went into the LSB on time alongside the new Handbook and both were given approval in mid-June.

The only concern regarding the timetable is an issue that the LSB has already flagged up. The question they asked was whether there is enough
time for the various orders to go through Parliament before the recess. However, what the LSB has suggested is that if there is a delay it will only be a few weeks. It will purely be a technical issue about how quickly they can get the necessary stuff through the Parliament.

**What is the role of the SRA in this new environment and what changes to current practice will solicitors face?**

With ABS we would probably see the SRA as being the primary regulator. Our role is to ensure that any ABS that come into the market are well regulated and that the general public receives the proper standards of service and regulatory protection.

**Do you anticipate the legal services marketplace being markedly different in five years time?**

It is likely to be noticeably different but that is dependent on individuals and businesses choosing to become ABS and offering different services, new ways of packaging products and at competitive price structures. All we can do as a regulator is enable that to happen.

But clearly, with a number of organisations with large and existing consumer basis potentially coming into the market, then there is a relatively strong chance that we will see the market change in that timeframe.

**Do you believe there will be a rush to become an ABS come October?**

I suspect it is likely to be a relatively measured growth because if you are going to become a licensed ABS during the course of this year then your plans are already going to have to be well advanced at the moment. I certainly don’t expect to be swamped with several hundred applications on day one.

There will undoubtedly be a small number of organisations who will be looking to be among the first group of entrants to maximise publicity but I strongly believe there will be a fair number who are waiting to see how the market evolves with a view to coming in after a year or 18 months.

**How do you respond to suggestions that profits and regulation are not necessarily good bedfellows?**

I'd dismiss it out of hand because we regulate, largely successfully, the vast majority of 10,000 solicitors firms and the vast majority offer highly ethical services to clients while at the same time being in the business of law and therefore attempting to make a profit.

I think it is a slightly odd charge to level against ABS that they are in some way not appropriate to deliver legal services because they are driven by profit. It’s our job as the regulator, and also solicitors working within ABS, to ensure they provide services within that highly ethical and highly principled framework. Yes they are there to make profits, but there is something that comes higher up the order, and that is acting with integrity and for the best of your clients.

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The show on the road

His Honour Judge Collier QC explains to Steven Bancroft the pride he takes in his Honorary Recorder of Leeds role

To preside over the Crown Court in the city where your practice developed and flourished is a huge honour. That’s certainly how the current incumbent, His Honour Judge Collier QC, views the appointment which saw him made the Honorary Recorder of Leeds in 2007.

Alongside the day-to-day duties of every Crown Court judge – presiding over trials, passing sentence and making rulings on cases that are still coming towards trial – Collier helps to keep, in his own words, the “show on the road”.

“First and foremost it’s a huge privilege,” explains the 63-year-old who was born in Hull and studied law at Cambridge before spending almost 35 years at the Bar which started at the Chambers of 39 Park Square in Leeds.

“I find it quite strange to think of myself in this role. When I look back to my time as a pupil or establishing myself in practice, the resident judges of the Crown Courts around the circuit all seemed to be very old, very wise and have many, many gifts. I certainly don’t feel old (although others may disagree), I’m not as wise as they seemed to be and I’m not sure I have the same gifts. But there you are.”

Collier’s dual role means he has added responsibility in terms of making sure that the Crown Court where, as a barrister and latterly Silk specialising in crime and family, he spent plenty of his working life, now runs as smoothly as possible.

He explains: “A proportion of my time is spent dealing with court staff and ensuring that decisions that need taking are done so effectively. I also have the responsibility of working with them to make sure that cases are progressed efficiently. The Government sets all sorts of targets for courts and, although I don’t regard targets as being the ultimate measure of what we are doing here, I am aware that members of staff are being judged by those standards and therefore I feel a responsibility towards them.

“We have a very good record when it comes to timeliness and we’ve also managed to achieve a number of other targets in relation to identifying cases that are not ready for trial and either making sure they become ready in time or taking them out of the list before people arrive at court that day.”

Not on the radar

Collier describes himself as a relaxed character and believes that helps with the demands of his role. However, it’s a lofty position that the married father of two freely admits he never anticipated filling even during the latter days of his time at the Bar.

Asked if becoming a judge was ever an aspiration, he replies: “To be honest it wasn’t. As a junior back in the 1980s the career plan then was that it would be nice to get Silk and be in Silk for a few years and then become a Circuit Judge. By the time I got to be in Silk (1992) the role of a Circuit Judge had changed to become much more demanding and it didn’t seem anything like as attractive a proposition as it had looked mid-career.

“Once I became established in Silk my intention was not to become a full-time judge at all. I had become an Assistant Recorder in 1985 and a Recorder from 1988, but it seemed clear to me that I didn’t want to be a judge and the gameplan at the time was to carry on practising at the Bar until I retired.”

Some persuasive advice led to a rethink and when a vacancy arose following the retirement of Judge Norman Jones QC as the Resident Judge at Leeds, Collier decided to take a chance.

“I was persuaded that there seemed to be a lot of things that were going to change in the work of the Crown Courts,” he recalls. “Whether through Government initiatives regarding issues like legal aid or the changing face of legal practice, it seemed to be an interesting time to be involved.

“I had been involved as a Silk in Bar politics and been leader of the Circuit for three years so I had a firm grasp of what was happening and therefore believed I had something to offer as a judge.

“Now I’ve never been busier during the day because as a barrister there was usually some down time in a case and your mind could wander. As a judge, and one with the varied responsibilities I have, when I come to work I don’t stop until I go home.

“But I suppose the flip side is, unlike being a barrister, when I go home I perhaps have more time to myself and certainly when I head off on leave I’m able to switch off and relax and unwind.

“Becoming a judge might not have been a career goal, but it’s something I have never regretted for a moment.”
Bailey Hunter offer a confidential legal recruitment service to all levels of legal professionals, fee earners and support staff. Claire Cox, the Managing Director, is a qualified Solicitor. She practised for 3 years as a Solicitor and has over 10 years experience in legal recruitment.

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Mutual benefit

Both potential employees and those hiring new staff would be wise to use a specialist legal recruitment agency.

The jobs market might not yet have returned to the heights and buoyancy of three years ago, but those working at the forefront of legal recruitment are beginning to see improvements to the situation.

Despite an uncertain backdrop, particularly surrounding certain areas of the industry like personal injury and legal aid, there are some green shoots of recovery slowly starting to emerge.

But with increased competition for jobs across the region, surely there has never been a better time to enlist the help of experts. Whether you are in the business of finding the right staff for your firm or looking for work in an increasingly crowded market, it makes sense.

“The market has still not returned to how it was three years ago but in general it does certainly seem to be improving and within certain disciplines there are definite signs of that,” explains Claire Cox of Bailey Hunter.

Cox is a solicitor and director of the legal recruitment specialists which is based at the heart of Leeds’ legal fraternity on Park Lane. Handling the full range of vacancies from fee earner to support staff, they cover Yorkshire, the north east and north west and are finding the former their busiest region at present.

“Litigation, employment and personal injury are where most of the vacancies handled by us are at the moment, and low-cost draftspersons are always high in demand,” she adds.

This viewpoint is echoed by another specialist in the field of recruitment, which has offices in Leeds, Manchester and Birmingham.

Emma Pallier, Legal Recruitment Manager at Anakin Seal, is able to take a long-term view of the current situation and can see light at the end of the tunnel.

“National firms continue to recruit exceptional candidates who meet their job specification exactly or who can bring a proven commercial following,” she states. “Beyond that there are a handful of replacement roles in medium-sized firms who are again looking for a candidate who can fit the specification and bring something more to the table.

“The high street end of recruitment has been decimated by a number of factors including the recession, legal aid cuts, the Jackson reforms and the Legal Services Act. The newly qualified market has also been severely affected by the slow down in the economy.

“However, looking forward we expect the market to become more buoyant as the economy as a whole improves and law firms again look to make key lateral hires. For example the Legal Services Act may also lead to more paralegal recruitment.”

Simplifying the process

There is no denying that the interview process is currently a gruelling one for everybody involved. For the employer, literally every job they advertise attracts a tremendous amount of applications, and the problem that brings to the potential employee is therefore an obvious one. Therefore it stands to reason that a service that promises to simplify the whole process for both parties can only be a useful one.

“The benefits to an individual in using us rather than trying to find a new position themselves is that we work with most of the legal companies across Yorkshire and have many contacts in this area,” says Cox of Bailey Hunter. “So instead of contacting companies on the off-chance they may be recruiting, we know when and who is recruiting in the area and can ensure your details are with our clients immediately.

“The benefits for a firm in using us is that we have a large database of candidates readily available in all disciplines. They have all been carefully screened and we are very selective so you will only receive a selection of candidates which match entirely your recruitment needs rather than receiving applications from lots of candidates without relevant experience. This is particularly crucial at the moment as there are still a lot of people seeking work who are very keen to secure employment even though they may not have the experience required in an advert. We do all the candidate-sifting so [firms] don’t have to. We also work on a contingency basis, so we do not charge our clients any fees unless and until we find the right candidate and they actually join the company.”

Emphasising the point about matching the right candidate with the right vacancy, Pallier from Anakin Seal concludes:

“The benefit of using an agent is that they will filter effectively so that only suitable candidates will be sent and interviewed and thereby significant HR and management time can be saved.

“On the basis that agents get paid only on success it is not in their interests to send unsuitable candidates.”

Leeds & Yorkshire Lawyer | Issue 103
Undoubtedly triggered by the economy, an increasing number of firms are approaching me for advice in partnership disputes. Partnership disputes may occur at any time, but the likelihood of this happening is heightened when firms are struggling. We have been involved in a number of situations where partners’ interests in a practice have needed to be valued. The valuations expected by either side of the dispute are often far apart.

On each of these occasions, had an adequate partnership agreement been in place, there would have been little difficulty in determining the appropriate course of action.

I am also approached on a regular basis for advice on the terms for partner retirements. Similar considerations are required in these cases to partnership disputes but extra care needs to be taken as often any agreement reached is seen as a precedent for future retirements.

Some of the key issues include:
• Goodwill valuation
• Consultancy terms
• Ongoing expense payments

In recent years, following the introduction of UITF40, the argument of whether to pay goodwill to retiring partners has changed, as have the factors to take into account in determining the value of goodwill, if any is to be paid at all.

The main concern in finding an appropriate solution is always to ensure that the continuing practice is allowed to prosper and that succession is not hindered. Partnership disputes should not be allowed to impact on staff within the practice. If dealt with correctly, the impact on the firm itself can be minimised, but it will always take time to resolve the dispute.

This time, especially in the current operating conditions, could obviously be better employed and it is easy to take your eye off the ball when disputes occur.

If a dispute does arise, the partners should try in the first instance to find a solution from within. If it does not prove possible to reconcile the differences internally, it is a good idea to bring in experienced specialists to help at an early stage before the differences become too acrimonious.

Accountants experienced in advising solicitors and/or qualified mediators are ideally placed to help. The further any dispute is allowed to drag on, the higher the chances of the differences becoming irreconcilable, and the impact on the practice may become too great.

Without a suitable partnership agreement, it is very difficult to enforce an adequate solution without dissolving the practice, as the fall-back Partnership Act 1890 is extremely cumbersome. In my experience, up to 70 per cent of solicitors’ practices do not have an up-to-date partnership agreement. This is fairly surprising given the fact that solicitors would not advise their clients to go into partnership without one.

In the good times, not having such an agreement is fine, but you never know what is round the corner.

If you require any assistance with partnership disputes or retirements, please contact Andy Poole at andy.poole@armstrongwatson.co.uk
Moving with the times

Does a relative boom in relocations and office openings suggest that green shoots of recovery are beginning to emerge?

A wise commercial colleague recently suggested that now was the time to invest. He stressed the need to act swiftly as investments may be reasonably priced. He also warned that those who wait to follow the pack may find they cost more.

That’s precisely the approach of some savvy local law firms who have taken full advantage of market conditions to either acquire premises in a new part of town or expand into a fresh geographical area.

So is there reason for optimism when it comes to the local property market among those shaping the future of our regional law firms?

“There are signs of improvement and I hope that those indications will continue and come to fruition,” explains Simon Stell, managing partner of Last Cawthra Feather.

Stell’s firm has recently moved into new Leeds premises after signing a five-year lease on a 3,000 sq ft property based on the Leeds embankment. He continues: “Growth in the firm has necessitated new, larger premises and the property not only provides us with a good deal more space but it also boasts a more central location than our current offices which will be a benefit for our clients.

“We decided to relocate almost twelve months prior to the move at the end of May.”

Explaining the process involved in relocating a major law firm, Stell continues: “We identified the preferred premises, negotiated the terms of the lease, appointed space planners and designers, developed and implemented the project plan for the fit out of the office and relocation for our staff. Decision-making was kept to a small project team, enabling the project to maintain momentum.”

Across town another growing firm, Clarion, has agreed a deal to move to the prominent Elizabeth House office building on Queen Street, which will be transformed into its new head office. The firm plans to relocate its 100-strong team from its existing 10,000 sq ft office on Oxford Place, into 15,000 sq ft of office space next April.

As well as refurbishing the interior, there are plans to modernise the exterior of the building. The upgrade will include creating a dedicated entrance leading to a reception area and three floors of office space.

Clarion hope the move will “reflect the quality of our client base as well as our future aspirations”, but such a bold venture is not taken without a great deal of time, thought and preparation.

Martin Grange, partner in the firm’s property team and who led the deal, explains: “It is a move that we only want to make once, so there is huge pressure to make sure we get it right. However, good professional advice and working with good development and construction partners assists.”

Other recent notable moves include Exchange Chambers arriving in Leeds. The set, which already has premises in Manchester and Liverpool, acquired a 6,000 sq ft office at Oxford House alongside the Combined Court Building. Looking beyond the city boundaries,

Newton Solicitors of Knaresborough recently celebrated its second anniversary by opening an additional office in Ripon.

With so many law firms making moves, are the region’s property lawyers currently busy? Asked how busy his team is at present, Grange responds: “In a word, very. The risk is that it is temporary and we go back to a hand-to-mouth existence as we have for the last three years. Having said that, we have been increasingly busy now since March and the work shows no sign of slowing.

“As I say to my managing partner when he starts asking me to increase my targets, I am cautiously optimistic of beating our current ones – but no more than that!”
Most of all enjoy it

LYL speaks to Emma Pearmaine, Partner and Head of Family Law at Simpson Millar LLP

**Professional**

What inspired you to take up this particular vocation?

My parents’ best friend was the local court clerk and she had the best dinner party stories I’d ever heard so it seemed like the most exciting profession.

What has been your career highlight?

A young mother was taken to her home country by her husband’s family and left there without her passport or ability to regain entry to the UK. Her sons, aged two and four years, remained with their father and his family in Yorkshire and were told that their mother had died. The mother had a distant relative in Yorkshire who contacted me for assistance. It took us 18 months to secure her return to the UK and we then embarked upon protracted and very difficult Children Act proceedings. Eventually, the children returned to their mother’s care. This case was particularly emotional and as it concluded I was invited to dinner with the mother and her boys. It was one of the happiest meals I have ever shared.

What are your ambitions for the future?

To enjoy life as much as possible both personally and professionally.

What will be the biggest challenge going forward?

The biggest challenge going forwards will be to ensure that family clients have access to justice in circumstances where funding family cases is going to be problematic to say the least.

What is the best piece of advice you have ever been given?

The catchphrase of my mentor Cathie Dews was “always play to your strengths” and I think that has served us both well.

**Personal**

How do you unwind after a hard day at the office?

I can always get over even the most difficult of days as long as I can put on my big dressing gown, snuggle up with my children on the sofa and relax with a nice big glass of wine!

Who would be your dream dinner party guests?

I feel I should name some of the great and the good, but actually I would love to invite grandparents and great-grandparents to ask them all the questions I should have asked when they were alive.

What one luxury item would you take to a desert island?

I can imagine that a day on a desert island would not be a relaxing experience for me: hunting for food and water and making shelter. I would need my dressing gown and a bottle of wine to get over it!

If you weren’t involved in law, what would be your dream profession?

Definitely a vet which is probably why my children have a menagerie at home!

What would be your ideal holiday?

When I worked in Huddersfield I was a member of the Huddersfield Law Society Twinning Committee and travelled with former colleagues and local members to Uganda to deliver training to local lawyers. I had a taste of safari but would love to go back for a long holiday to truly enjoy the experience.
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Please pre-register:

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