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Sitting on the fence

By Philip Jordan, President of Leeds Law Society

Nearly there! On 6 October, Outcomes-Focused Regulation (OFR) and its accompanying Handbook, which together create the new Solicitors Regulation Authority (SRA) risk-based approach to regulation, will be with us. The view of many solicitors is that life thereafter as a practising solicitor will never be the same again.

A rational view? Is new always good, or always bad? Or is it not that simple? Professional life for us will, without doubt, be different but will that professional life be better or worse? Which side of the fence do you sit on?

Well life should clearly be better if you believe that the SRA promise of greater flexibility and that this new approach will work and will last. However, it will be worse if you take the view that the new OFR regime and SRA Handbook do not protect or promote your interests as a solicitor, but instead, are too client focused.

During the past six months or so I have attended a number of SRA roadshow presentations and risk management company seminars and as a result I am, by most people’s rule of thumb, well informed as to the advantages and disadvantages of the new regime and well placed to now pass judgement. Despite being armed with enough printed words from both sides of the argument to send myself dizzy, I cannot yet make that call, good or bad.

Shift in responsibility
Some will mourn the passing of the Solicitors Code of Conduct (2007) with its prescriptive written approach embodied in page after page of rules and regulations. But before we all shout hurrah at its demise, I understand that hundreds of pages of written rules will survive and remain in force. Those surviving rules are to be supported by the new SRA Handbook designed to bring together in one place, so to speak, all of the regulatory requirements for all solicitors in England and Wales practising in both traditional forms of legal practice and the new alternative business structures which, lest we forget, are just over the horizon.

The SRA intends that 10 stated ‘Mandatory Principles’ will underpin all of the Handbook requirements with the intention of simplifying regulation and introducing a new regulatory regime that focuses on the delivery of high-level principles and outcomes for clients. There is a clear shift in responsibility for the operation of the effective systems and processes required to effect that delivery. The responsibility now clearly lies with the solicitor.

All previous rules of conduct, even pre-2007, governing the behaviour of a solicitor have sought to balance the interests of the solicitor with the interests of other parties, including, but not limited to, the client. The new OFR regime and SRA Handbook now shift that balance towards the best interest of the client and the public in general. The Handbook states: “these regulatory objectives can only be achieved if we and our regulated community work together in a spirit of mutual trust for the benefit of clients and the ultimate public interest.”

As there will now be regulation based upon Mandatory Principles to be adopted and applied by the solicitor rather than the SRA enforcing prescriptive rules and regulations, there will clearly be less direction and control from the SRA going forward. The solicitor will have to assess risk and thereafter introduce effective systems and processes to achieve relevant outcomes while at all times ensuring compliance with the Mandatory Principles.

A flexible approach
Therein perhaps, lies the problem. Lawyers generally look for and value detailed and prescriptive rules as these provide certainty (good or otherwise) and lawyers generally dislike having to apply principles (mandatory or otherwise) that have to be self-interpreted.

‘Flexibility’ comes at a price though as the SRA, while seeking to “work together in a spirit of mutual trust” will itself (when seeking to establish whether it considers that a solicitor has, or has not, achieved the relevant outcomes and complied with the Mandatory Principles), look to the ‘indicative behaviours’ of the lawyer concerned to determine the SRA’s position. Beware!

The aim is to introduce a new approach that will involve a more open and constructive relationship between the SRA and the profession that it regulates. ‘Mutual trust’ and ‘flexibility’ sound welcoming, open and modern, but will this flexible system based on trust actually work?

As with most things in life that are new, only time will tell if it is better or worse than the old. So, for now, I shall be sitting on the fence.
New website goes live

Leeds Law Society is delighted to unveil its brand new website this month as part of a comprehensive programme of regeneration and modernisation.

In recognition of the fact that a busy legal profession requires support and representation, the Society’s online presence has a new look and feel with a firm focus on its members. One of the main aims of the new website is to help raise awareness of the benefits of membership and provide an insight into how a Society steeped in history is evolving to meet the needs of a modern profession. With an energetic and focused executive team working hard behind the scenes, it has a clear aim to be at the centre of the local legal community, offering membership benefits such as:

- Preferential rates on their CPD training programme which runs throughout the year offering seminars on a wide variety of topics, presented by experienced and knowledgeable speakers.
- Improved access to their library facilities, now located at Leeds Metropolitan University.
- Social events including dinners, networking, sports and charity events.
- Exclusive benefits and services such as stress counselling, hotels and restaurants, accountancy and insurance services – all at special membership rates.

There is also a free online directory of members which can be accessed by the public who are searching for a solicitor. All members need to do to take part is register their details and they will automatically be added to the database. This a free service for Leeds lawyers (members only). Research shows that in other local law societies this is the most frequently visited page.

To view the new website and see what Leeds Law Society has to offer visit www.leedslawsociety.org.uk/

An evening to remember

President Philip Jordan joined guests on the evening of 15 September as members of Leeds Law Society took advantage of a special offer for “An evening with Northern Ballet”.

The tickets combined the best seats in the house for Hamlet at The West Yorkshire Playhouse, with a buffet and pre-event drinks reception, plus the opportunity to meet some of the dancers after the performance – all at a very special Leeds Law Society price!

Guests gathered on the fifth floor balcony of the modern Northern Ballet building at Quarry Hill overlooking the city to enjoy a little rare September sunlight as they sipped their drinks. Artistic director David Nixon introduced the performance and gave an insight into this adaptation of Hamlet set in occupied Paris in 1940.

“The performance was very dramatic, dark and emotional,” explained the Society’s Business Development Manager Jane MacGregor. “The excellent choreography and tremendous score conveyed such drama and intensified the sense of tragedy. I was mesmerised!”

One of the guests summed up the evening perfectly by saying: “The ballet was fantastic, I’ve been raving about it ever since. A very memorable evening and the whole experience from meeting the cast to the catering was fantastic. Thank you.”

Wesleyan, who kindly sponsored the evening, held a prize draw for a wonderful hamper of wine which was won by Dorota Beange from Ison Harrison.

Keep an eye on the new website for details of future unmissable events like this one.

President Philip Jordan welcomes you to the new website:

“I am delighted to welcome you to our new website. Leeds Law Society continues to provide a platform for members’ voices and we will ensure that these are heard both locally and nationally. Being part of the Society provides the opportunity to promote your profession and develop your career through networking, CPD seminars, social events, as well as taking advantage of a range of membership benefits. There has never been a more important time to be or become a member.”

WESLEYAN FOR LAWYERS
Focus on...Fazenda

Fazenda Rodizio Bar & Grill is the only churrascaria restaurant in Leeds, based at Waterman’s Place on Granary Wharf close to the Mint Hotel. Fazenda brings something different to Leeds with its ‘rodizio’ style of serving cuts of meat on skewers to diners at their table. This creates an exciting and engaging dining experience between the diner and the Passador serving the meat.

Enjoy the finest meats along with a gourmet salad bar, authentic Brazilian side dishes, and an excellent wine list.

In an exclusive offer for Leeds Law Society, members will be eligible to enjoy a selection of specially selected fine wines at a negotiated price – between 60 and 70 per cent off the recommended retail price.

A bespoke wine list will be available, featuring three red wines, two white and one rosé and, to ensure discretion, no prices will be included. This wine list will change quarterly and the idea is that those wishing to entertain clients can provide something special to impress them.

“I am certain that you will thoroughly enjoy your visit here and what better way of complementing the excellent food than with a lovely bottle of fine wine,” said President Philip Jordan. “My recommended selection is offered exclusively to LLS members at a very special discount.”

For more information on this special member benefit visit http://www.leedslawsociety.org.uk/members/Exclusive+Membership+Benefits/Exclusive+Wine+List+at+Fazenda

Upcoming training dates

As the annual CPD year comes to a close, it could not be easier to gain points through a diverse selection of high-quality training with Leeds Law Society. Visit the training section on the new-look website for further details about the quality training, which is in association with Grant Thornton.

Monday 26 September (1 hour CPD)
Client Relationship/Business Development masterclass with Natalie Rodgers, Scala Business Development

Thursday 29 September (1.5 hours CPD)
Costs & Litigation Funding Update with Andrew McAulay, Nigel Stott and Paul Elder, Clarion Solicitors

Wednesday 5 October (2 hours CPD)
The new Solicitors Accounts Rules with Grant Thornton

Tuesday 11 October (6 hours CPD)
Management Course Stage 2 with Doug Robinson, Kinch Robinson Limited

Monday 17 October (2 hours CPD)
New Regulatory Regime for Conveyancers with Denis Cameron

Friday 11 November (3 hours CPD)
Save the date
This is your invitation to join industry experts speaking about key building blocks for a prosperous future. The pressures on this industry at present are enormous with certain areas under attack and challenging times for lawyers all over the country.

Drawing on our relationships we have pulled together industry experts to share their experience on how to build and manage a sustainable and profitable law firm through these testing times.

The seminar is CPD accredited for 3 points and will take place from 9.30 to 12.30 at Grant Thornton’s offices, with a buffet lunch to follow.

Grant Thornton
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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San Carlo is not a theme restaurant we are proud to be able to provide the true essence of authentic Italian food, with Italian directors, management and chefs.
Change is coming with the Legal Services Act poised to become a reality. The question, therefore, is how prepared are you for what is heading down the tracks? The emerging legal landscape poses serious challenges for traditional providers, but also presents a wealth of opportunities for those firms who are willing to make the most of the changes.

The likelihood of alternative business structures is fresh competition and conveyancing, probate, personal injury and family law – four key business to consumer areas of the law – are all firmly in the sights of new entrants to the marketplace.

Three questions at this pivotal moment in the evolution of the profession are:

- How fit is your firm to cope with this new and potential big-name competition?
- How have others around you been preparing for the changing face of the profession?
- Is there anything you can learn from their example?

This series of four focused sessions is not to be missed. The sessions begin this month with a special focus on conveyancing (October 17). Held at BPP Law School in Leeds, the seminar is accredited for three hours of CPD by the Solicitors Regulation Authority and attendance costs just £85 plus VAT per delegate. Each four-hour session will also feature a sponsor’s exhibition and networking lunch.

**Conveyancing programme**
17 October 2011, BPP Law School, Leeds

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<tr>
<td>Noon</td>
<td>Registration &amp; Lunch</td>
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<tr>
<td>12.30</td>
<td>Welcome and an overview of the Legal Services Act</td>
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<td>12.45</td>
<td>The new challenges facing conveyancing firms</td>
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<td>13.15</td>
<td>How to move with the times and cope with a changing legal services marketplace</td>
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<tr>
<td>13.45</td>
<td>What the Law Society is doing to help conveyancers</td>
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<td>14.15</td>
<td>Refreshments &amp; exhibition</td>
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<td>14.45</td>
<td>Panel debate on how the Legal Services Act will impact on regional conveyancing firms of differing sizes</td>
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<td>15.45</td>
<td>Questions &amp; Answers</td>
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* Programme subject to change

**Booking & sponsorship**

The Yorkshire Legal Seminars are organised by Barker Brooks Media, the publisher of Leeds & Yorkshire Lawyer. For booking enquiries please contact paul.bunce@barkerbrooks.co.uk or call 01423 851157.

For details on sponsorship opportunities please contact martin.smith@barkerbrooks.co.uk or call 01423 851150.
**Leading firms welcome President’s son**

The son of the President of the Barcelona Bar, Alejandro Yufera, has recently completed a six-week work placement hosted by top legal firms in Leeds.

Leeds Legal was delighted to welcome the 25-year-old trainee lawyer to the city as part of its programme to forge stronger links with lawyers and businesses in Europe and further afield.

During his month-long placement in Leeds, Yufera split his time between hosting and mentoring firms Ward Hadaway, DWF and Shulmans.

“In addition to the contacts I have made, it has been interesting to see how UK law firms operate in comparison to Spain,” he said. “For example, gaining experience working in litigation is something I would never have been able to do in Barcelona as this is a very separate department and not as accessible as in the UK. I would hugely recommend this experience.”

Alan M. Baker, Chairman of Leeds Legal, added: “This relationship is helped by our partner organisations, particularly UKTI, and has seen us take a delegation of lawyers from Leeds to Barcelona for the Trade Fair of the Legal Profession in Europe and the Mediterranean Arch and also host them in our city in return. Ultimately, it has led to a successful joint application for EU funding of a unique exchange programme.”

**Essay earns recognition**

Irwin Mitchell trainee Chris Robinson received a commendation for his entry into an essay competition run by the National Junior Lawyers Division (ULDI).

Launched in May, the JLD received a surprising number of entries for its first essay competition where each author tackled the subject: ‘What effect will alternative business structures (ABS) have on access to the profession?’

The entries were judged by an esteemed panel, consisting of Law Society Vice-President Nick Fluck; Andrew Mitchell QC, treasurer of The Bar Council; and Nick Hanning, Vice-President of ILEX.

“I was extremely pleased to have my work recognised on a national level,” said Robinson after attending the prize-giving ceremony. “The introduction of ABS is a really interesting topic and it felt great to have written something that resulted in me being shortlisted in this competition. The other entries were of an exceptional standard so I was very happy getting down to the final few.”

**Pub lunch for Prime Minister**

Lupton Fawcett consultant Steve Holroyd had lunch with Prime Minister David Cameron to celebrate the saving of a public house by a local community.

Dealing with the associated legal work on the project, Holroyd was part of the community society which saved the Butchers Arms in the quiet village of Crosby Ravensworth after it closed in September 2010.

The Prime Minister was keen to visit the pub first hand to see what had been achieved on the community project and how the principles applied could be of interest in relation to policy around the Government’s ‘Big Society’ agenda.

**Bruising encounter in the name of charity**

Leeds’ restructuring and insolvency community swapped their suits for boxing gloves and gum shields in aid of a children’s charity at a special White Collar Boxing event.

Hosted by Squire Sanders Hammonds (SSH) at the Queens Hotel, the event was held in aid of Martin House Children’s Hospice.

Going toe-to-toe for three rounds lasting three minutes each were 10 contenders including Squire Sanders Hammonds’ associates Chris Keane and Richard Martin. Joel Edwards (BDO), Robert Perrie (Aldermore Bank), James Leatham and Jamie Yates (both GVA Grimley), Stephen Baldwin (PKF), James Findlay (PricewaterhouseCoopers) and Joseph Battye and Matthew Russell (both Begbies Traynor) also took part after all completed an intensive 14-week training course at the famous Rick Manners School of Boxing.

Laura Crawford, event organiser and restructuring and insolvency partner at SSH, commented: “White collar boxing is a unique way for our contenders to try something new whilst at the same time raising funds for this very worthy cause.”
World’s leading matrimonial lawyers descend on Harrogate

David Salter, the joint national head of family law at Mills & Reeve and President of the International Academy of Matrimonial Lawyers (IAML), recently hosted the association’s 25th Annual General Meeting in Harrogate.

The four-day event took place at Rudding Park Hotel and marked the first time the IAML has held its annual meeting in the UK for 18 years, as well as being the first time that it has ever been held in Yorkshire.

The Silver Jubilee meeting brought together the largest attendance ever with 230 delegates visiting North Yorkshire from as far afield as Australia, New Zealand, Hong Kong, Canada and the United States.

“I was delighted to host the Silver Jubilee meeting of the IAML here in Yorkshire,” said Salter (pictured far right alongside Baroness Hale of Richmond, Simon Mackaness from Rudding Park and the Rt Hon Lord Justice Thorpe).

“The event was a great success and the beautiful, historic setting of Harrogate provided the perfect location for such a prestigious date on the calendar.”

The IAML aims to improve family law practice throughout the world and this event featured an impressive educational programme chaired by Mills & Reeve partner Roger Bamber. Principal speakers included Baroness Hale of Richmond, the first female judge of the UK Supreme Court and herself a Yorkshire woman. She spoke on pre-marital agreements having delivered the dissenting judgement in the landmark case of *Radmacher v Granatino*. Lord Justice Thorpe, Head of International Family Justice for England and Wales, moderated a session on removal of children from a home jurisdiction.

Alongside the educational programme was a series of outside trips which included a welcome reception at Harewood House, a reception at Ripley Castle and a visit to the World Heritage Site at Saltaire which all showcased the region to some of the world’s leading matrimonial lawyers.

“I felt really privileged to have been able to bring this prestigious conference to Yorkshire, particularly in the Academy’s Silver Jubilee year,” added Salter.
**Blacks cook up another major donation**

Lawyers from Blacks Solicitors recently took time out to participate in the firm’s second charity tea break and bake-off.

The 100-strong firm with offices in Leeds and Bradford swapped frothy cappuccinos for cuppas and sharp suits for aprons for the afternoon to enjoy the Blooming Great Tea Party, in aid of Marie Curie Cancer Care.

As might be expected, there was a competitive edge to the cake competition, which saw 14 entries from across Blacks’ two offices. Bradford Bulls hooker and Blacks’ Sport Consultant, Matt Diskin, presided as judge, finding in favour of the Family Department’s Charlotte Capes and her rocky road. Tea and cake sales and a raffle raised some £300 for the charity.

**Harrowells team runs for Headway**

A team from Harrowells raised over £1,500 in aid of Headway by competing in the Jane Tomlinson 10k Race in York alongside 4,500 other runners.

Seven out of the 10 team members clocked up personal best times, including Annie Noble who came 27th in her race category and Allan Dodds, who came 45th in his category.

Pictured is the Harrowells team at the start of the race at York Racecourse comprising Marie Horner, Elspeth Harrow, Daniel Edwards, Allan Dodds, Alison Elwess, Sally Inston, Nancy Hellier, Annie Noble and Ruth Griffiths.

**Stewarts Law boost St George’s Crypt appeal**

The Stewarts Law Foundation, a charitable fund established by the partners of Stewarts Law, has given St George’s Crypt a massive boost in reaching its target of raising £80,000 in its 80th year by making a donation of £20,000.

The charity, situated in central Leeds, helps homeless and disadvantaged people in Leeds and throughout Yorkshire.

Daniel Herman (pictured above right), head of Stewarts Law’s Leeds office, said “The Foundation supports a number of worthy causes but we were particularly struck by how the hugely important work carried out by St George’s Crypt makes such a difference to the lives of vulnerable people in Leeds and Yorkshire as a whole.

“It not only meets immediate needs such as food and shelter but also provides long-term support by helping people find solutions to their problems.”

The Crypt launched the 80 campaign in October last year to mark its 80th anniversary. It was set up to raise £80,000 of new funding to take St George’s Crypt into new areas of work in the next few years.

**Team to take to the sky**

Ten brave legal eagles from Dickinson Dees are poised to take to the sky for charity.

The ten intrepid lawyers, based at Bishopthorpe Road, York, will take part in a skydive in aid of the firm’s chosen charity of the year, the Great North Air Ambulance Service.

Trainee solicitor Carly Jackson explained: “Like some of the best ideas this one was conceived in the pub. Some of us are elated while others are absolutely terrified.”

The nine others taking part alongside Jackson are Charlotte Smith, Mark Ashton, Jackie Gray, Helen Roberts, Aidan Thomas, Adam Wilkinson, Sam Dixon, Claire Pringle and Rob Twohy.

To support the attempt visit their Just Giving page at http://www.justgiving.com/DickinsonDeesSkydive
New faces on JLD committee

Matthew Tighe of Stewarts Law has been appointed as the new chair while several new faces have been welcomed to the Leeds JLD committee.

Joining the committee this year are Paul Colman of Stewarts Law (Vice Chair), Lee Carroll of CLA Simpson Millar (Secretary), Catherine Woodward of Stewarts Law (Treasurer), Chris Lewis of Addleshaw Goddard (website and media), Stuart Carson of GDF Suez (sport), Jenny Swann of Squire Sanders Hammonds (sport), Jennifer Allum of Walker Morris (events), Katie Norman of Irwin Mitchell (events), Maxine Burton of Clarion Solicitors (education), Rachel Hawrott of Lee & Priestley (FELT), Estelle Sadler of DWF (publicity and sponsorship), Dina Saleh of Sadler of DWF (publicity and sponsorship), Heather Dyson of Mamas & Papas (in-house officer).

The new committee are excited to fill the calendar with more social, sporting, networking and educational events.

The first networking event hosted by the new committee and sponsored by The Law Society took place at Oracle Bar, Brewery Wharf on 22 September and was a huge success. Leeds JLD also hosted an event at the beginning of September in conjunction with Wesleyan for Lawyers, specialist providers of financial planning for lawyers, who delivered a free seminar in the Sky Bar at the Mint Hotel.

The committee will soon begin preparation for the Winter Ball – one of the highlights of the JLD events calendar – and is busy planning a number of other events, such as an educational seminar with Exchange Chambers.

Leeds JLD is always happy to hear from its members. You can get in touch by emailing info@leedsjld.com

Ford & Warren has been commended for demonstrating its commitment to the health and wellbeing of its employees by receiving a Simplyhealth Healthy Workplace award.

Provided by healthcare provider Simplyhealth, the Healthy Workplace awards recognise the contribution that UK organisations, in both the private and public sector, make to the welfare of employees.

Sheree Wraith, operations & development manager, said: “Ensuring the health and wellbeing of all 170 of our employees is vitally important to us. We provide all of our staff with access to a health cash plan, which helps them to cover the cost of their everyday healthcare needs, such as visits to the dentist and the optician, up to an annual limit.”

Healthy accolade for firm

Law & the City

Gurpreet Birdi is a practising solicitor in Leeds. Each month she pens a column concerning matters both inside and outside the office.

Popular culture likes to suggest that women are now running the world. But although I welcome the sentiment, I often find myself wondering how accurate it really is?

Sure we have moved on from the days when women played supporting roles but I believe we haven’t moved on enough. It is a sad admission to make but even today there are far more men holding senior positions in businesses than women. Closer to home there are fewer female partners in our law firms which is a surprising statistic as no one can deny that women have the ambition, intellect and drive to succeed.

So why is it still the case that women are under represented in the top ranks? The answer is a complex and wide-ranging one and begins with the fact that some women simply choose not to progress beyond a certain level in their careers due to family and childcare commitments.

Networking and meeting the right people is another factor which I believe contributes to an individual’s ability to progress his or her career. More businesses are now encouraging their employees to attend networking events and raise awareness of the products and services on offer.

Networking can help us to gain influence, information and access to the people who are ultimately the decision-makers when it comes to handing out promotions. However, in some areas, it can be difficult for women to break into networks which are heavily dominated by males. This can be discouraging but also makes the task of getting noticed even more difficult. Although tremendous efforts have been made by various organisations in our region to improve this, there are still fewer female networks.

Another and perhaps less obvious reason could be that, historically, aggressive and competitive people have generally been in leadership roles. Although women are catching up, they are still viewed as the gentler of the sexes.

But putting reality to one side for a moment, what would the world really be like with women rather than men at the helm?

I have no doubt that ladies would bring positive changes to improve how businesses are run. First, women would no doubt improve the way in which we communicate in the workplace by taking a less confrontational stance and keeping people better informed.

Secondly, and despite traditional jokes about squandering money, I’m firmly of the belief that with more female hands on the teller the reckless spending and high-risk strategies which are to blame for our current financial crisis could have been avoided.

I am not for a second suggesting that all men in high-powered positions should suddenly be replaced by women. However, as with all things in life, a better balance would surely be beneficial.
**Eclipse launches design service**

The UK’s leading provider of case management software, Eclipse Legal Systems, has launched a new website design service for law firms and legal services organisations.

Aimed at firms wishing to implement a new or improve an existing online presence, Eclipse’s Dynamic Webdesign service is built around a content management system (CMS) to provide unrivalled flexibility and fluidity. Eclipse employs its own web design function entirely in-house at its West Yorkshire headquarters, with no element of the service outsourced to third-party providers.

“Our web design service has been created in response to the sheer volume of firms we were talking to who were asking us if we knew how they could expand their online presence,” said Russell Thomson, chief business executive at Eclipse.

“In particular, new start-up organisations are desperate to generate an online presence but find it increasingly difficult to find reliable and cost-effective design partners. Our service delivers speed, low ongoing ownership costs, and maximum flexibility via a blissfully easy to use CMS.

Bradford-based Eclipse is the UK’s leading provider of case management software. The company’s Proclaim software system is in use by over 14,000 professionals.

**Dickinson Dees reveals results**

Dickinson Dees has announced fee income of £46 million for the past financial year to 30 April 2011.

The firm, which is in the process of moving its Yorkshire office from York to Leeds, saw a slight increase in underlying profit notwithstanding a modest dip in turnover.

Jonathan Blair, managing partner at the Newcastle-based firm, commented: “We are pleased that we have been able to post a strong result in what continues to be a difficult climate for the professional services sector and, in particular, for firms of our size.”

Dickinson Dees employs over 650 people across its five offices in the North East, Yorkshire and London. It recently announced the opening of its Leeds office, scheduled for the New Year and confirmed that all of its York-based staff will be making the move to Leeds.

“The decision to open in Leeds reflects our ambition as a leading law firm, and we have been delighted with the positive response we have received from both staff and clients alike,” added Blair.

**Legal announcement from Yorkshire Water**

From 1 October 2011 Yorkshire Water will take over responsibility for all new sewers and lateral drains being built in the region.

On the same day, Yorkshire Water will also take over the ownership and maintenance of an additional 22,000 kilometres of existing private sewers and lateral drains that are currently the responsibility of individual homeowners. This will almost double the length of the company’s sewer network.

The Government has decided this should happen because the current law regarding the ownership of sewers can be very confusing and customers are often unaware of what they are responsible for.

Essentially responsibility for private sewers (pipes serving two or more properties) and lateral drains (the section of pipe beyond the boundary of a single property, connecting it to the public sewer) will be transferred to water companies.

By transferring ownership over to the water companies, not only does it make clearer who is responsible for what, it also means that the thousands of kilometres of pipeline will be effectively maintained in the future.

The CON29DW drainage and water search will therefore be adapted to incorporate the new legislation. A lot of the essential information within the report, including the connection information, water meter and billing information, sewer flooding, water quality and water pressure, will remain unchanged.

Newly adopted public sewers will be added to our records as Yorkshire Water becomes aware of them and the CON29DW will, as always, have the most up-to-date information available.

Although we will not immediately know the location of all newly adopted public sewers, Safe-Move will in these instances be offering our professional opinion and guidance as to the likely location of these assets.

This means that as of 1 October, some CON29DW search responses may change. During October 2011 Safe-Move are offering to refresh any residential drainage and water search that was completed during August and September 2011.

This service will be provided upon request and we would suggest this service is mainly of interest to purchasers whose conveyance is incomplete as at 1 October.

Please call the Safe-Move team on 0800 1385 385 if you would like further information on this service Or, if you would like further information about The Big Transfer please visit http://www.thebigtransfer.co.uk
Lucy Pollard
Gordons has expanded its commercial litigation department with the appointment of solicitor Lucy Pollard. Pollard is newly qualified and joins Gordons having carried out her training at Last Cawthra Feather. Prior to that, she attended the University of Birmingham and then went on to complete a legal practice course at BPP Law School in Leeds.

Dawn Carlisle
Shulmans has recruited Dawn Carlisle into its commercial property team. The appointment contributes to the firm’s ongoing programme of growth and strengthens its commercial and residential property teams.

Richardson Gildener
Richardson & Co Solicitors has unveiled two new heads of department at its York-based practice Richardson Gildener. David Harrison and Caroline Simpson have joined as head of employment law and head of the private client department.

Jonathan Watmough
Mills & Reeve has announced the promotion of a senior solicitor to associate at its Leeds office. Jonathan Watmough joined the firm in 2004 and specialises in professional indemnity insurance litigation. He joins a further nine senior solicitors promoted across four of the firm’s other offices in Birmingham, Cambridge, London and Norwich.

Frances Bailey
Frances Bailey has been promoted as an associate at the Leeds-based niche litigation and dispute resolution practice, Lake Legal LLP. Bailey is a specialist in family law, predominately in relation to financial issues arising on separation and divorce matters.

Peter Minnikin
McCormicks has added another solicitor to its corporate crime and risk unit. Peter Minnikin has been promoted following his qualification as a solicitor. He joined McCormicks in 2009, initially as a Crown Court clerk assisting in the preparation of Crown Court cases and working closely with both Junior and Senior Counsel.

Renato Peral
Renato Peral has been promoted to partner within the corporate and commercial department at Levi Solicitors in Leeds. Peral only arrived at the firm in April 2011 from Raworths but has extensive expertise and experience in helping businesses and senior executives with all aspects of commercial law issues.

Jane Hartas
Jane Hartas has recently joined the growing team of family law specialists at Ebor Law. She qualified as a solicitor in 2003 and has a wide range of experience of arrangements for children and financial settlements. Hartas is a member of the Law Society’s national Family Law Accreditation scheme and also of Resolution.

Steve Rae
Senior commercial property solicitor Steve Rae joined the growing Knaresborough and Ripon firm Newtons on 1 October. He has joined from Harrogate firm Fabers where he was a partner for 28 years. Rae has an enviable reputation amongst local agents for his expertise with commercial leases, and also has a strong client following with residential property work.

Carol Jakeman
Clinical negligence assistant Carol Jakeman has joined Applebys of Bradford and Huddersfield. She joins their successful medical negligence team which deals with claims including dental negligence cases, clinical negligence, diagnosis, operations and undiagnosed infections and will assist department head Margaret Harvey.

Lee & Priestley
Solicitor Amir Mughal has joined Lee & Priestley and trainee Annie Hui will shortly qualify into a joint property/commercial litigation role at the Leeds firm which launched its property litigation practice in September 2010.

Anthony Elston
Anthony Elston has been appointed as Simpson Millar’s new finance director after a 15-year stretch with accountants Baker Tilly. He takes up his new role in the firm’s Leeds office. Elston made his mark at one of the country’s leading accounting firms where he spent the last eight years as an audit partner.
Déjà vu all over again

It seems like only yesterday (actually May 2011) that the Legal Services Board (LSB) solemnly pronounced that it was against the introduction of a blanket ban on referral fees as there was no clear evidence that they were of detriment to the consumer in a well-regulated legal world overseen by them.

It seems that all the money and time expended in reaching that conclusion was wasted, as within four months at the beginning of September, Justice Minister Jonathan Djanogly, without a trail or an obvious leak in sight, announced that such fees will be banned in respect of personal injury, but not conveyancing. At least not yet that is.

The LSB proudly affirms its independence but remains close to the Ministry of Justice, so what is going on? Usually most observers see the two marching along in step. The reaction to the Minister’s statement certainly identified those pleased and those who were not.

During the last decade Council members within the Law Society have debated the issue to ban or not to ban on at least four occasions. But perhaps as an indication of change in the legal sector, the issue now occupies the attention of many others.

The Association of British Insurers expressed delight in seeing the end of a curse which had allegedly raised the cost of claims and had encouraged the growth of the ‘compensation culture’. Sorry, but the evidence is that the number of claims has reduced, and might there just be a touch of hypocrisy lurking around when one reads that one of the biggest road traffic accident insurers, Admiral, makes millions a year out of referral fees and suggests that most other insurers do too.

And then there is the outrage of the claims managers (apparently 3,500 of them) who argue that the consumer will suffer as will solicitors and the bar.

It will be interesting to see how a ban will be implemented and what the result will be. Thinking back to the four debates in the Law Society, it certainly seems that Yogi Berra was right. It’s déjà vu all over again.

SRA hits back at ABS criticism

The Solicitors Regulation Authority has defended itself against criticism following claims that it is to blame for the delay in being able to license alternative businesses structures (ABS).

During the summer it became clear that the SRA would not be in a position to license ABS on 6 October as was originally planned, with the Authority blaming the Parliamentary approval process for the delay.

“The suggestion that the delay in the introduction of SRA-licensed ABS is attributable to the SRA is simply wrong,” said Chair Charles Plant (pictured). “On the two issues which have been cited as a cause for the delay – the mechanism for appeals against SRA decisions, and the provision to exempt owners and managers from the Rehabilitation of Offenders Act – the SRA’s position has been established and public for a long period.

“We share the frustration of potential ABS applicants about the delay in implementation, and are working with the Legal Services Board and Ministry of Justice to get early clarity.”

Barristers given green light

The Legal Services Board (LSB) has given the green light to new rules which will allow barristers to become managers or employees of alternative business Structures (ABS).

The LSB has approved changes to the Bar Code of Conduct following an application from the Bar Standards Board (BSB) in April.

The decision notice from the LSB read: “Barristers will also be able to practise as non-owner managers and employees of an ABS.

“We are satisfied that, having considered the application in the context of Schedule 4 sub Paragraph 25(3) criteria, we have no grounds for refusing the application.”
Recognising what consumers want and ensuring that product or service is delivered in an effective manner is all in a day’s work for a marketer. But while the traditional way in which legal services are currently offered may seem far removed from the modern, fast-paced, consumer-focused world of marketing, times are definitely changing.

After five years in the making, the Legal Services Act (LSA) is poised to become a reality this month, and with it (subject to confirmation of a start date for regulation from the Solicitors Regulation Authority) the ownership and management of law firms will be open to non-lawyers for the first time.

The act seeks to “liberalise and regulate the market” and to “promote the interests of consumers of legal services”, with the latter point perhaps the reason why one Yorkshire firm decided to appoint Charles Glover as its new Chief Executive.

Earlier this year Atteys Solicitors, a South Yorkshire firm with five offices, including headquarters in Doncaster, broke with tradition and appointed the former managing director of a digital marketing agency at the top of the organisation.

Glover started out selling advertising space in the Sheffield Star before moving into the fledgling mobile phone market. A step into marketing followed and, after 20 years of owning and running an agency which was then sold on to an AIM-listed group in 2006, the Sheffield-born businessman was looking for a new challenge.

“You know the type of challenge that interests you and the dynamics of the Legal Services Act certainly register with me,” says Glover, who sought advice from his legal lecturer sister and solicitor brother before deciding to go for the job. “Unlike many people, I could and still can see that this has the potential to be really positive and will make the sector ultimately much stronger.

“I know it’s going to be a difficult period and I do appreciate that there are going to be casualties along the way, but I am afraid that that is in part what the development of any market is about. It is perhaps slightly unfortunate that change is coming along on the back of a desperately difficult economic period. There are many firms out there right now that find themselves in challenging financial positions and they are therefore going to find it difficult to bring about the change that is needed to remain competitive.

“But what every firm has to recognise is that change is inevitable.”

Change of tack

One of the first changes that Glover made on taking over was to ditch the traditional partnership model and to turn Atteys into a limited company. He strongly believes that this is more easily recognisable and ultimately welcoming to the wider business world.

During what is a period of consolidation for an operation that employs 145 staff and had a turnover of almost £5.5 million last year, he now aims to make the firm (or business as he is at pains to stress) one that is at the forefront of what he sees as an exciting, new, consumer-focused dawn.

“I have no doubt that the legal services sector brought this Act upon itself,” he continues. “If it had been more ready to embrace change and develop change under its own steam then I don’t think that this would have happened.

“What will happen over the coming months and years is the legal services community will be brought more into line with consumer demand.”

So, with Glover predicting major change to the marketplace and proud of his record in a business world far removed from the legal profession, how has he found the welcome from his new peers?

“Networking amongst law firms over the last six months, I have been deeply impressed by the commercial approach, attitude and outlook that some of these have,” he explains. “I have also met some people who are the very reason why the Legal Services Act was necessary because they are less inclined to embrace change and less than enthusiastic about altering how they work.

“It has been a bit of a mixed bag and it’s fair to say that on the whole it’s not a sector that moves quite as quickly as what I’m used to.

“But not once have I been made to feel like a second-class citizen. Appointments like mine are becoming more common and it’s firms like these, that maybe think outside the box a little, that will be the ones at the forefront.”

Charles Glover is one of the speakers at the first conveyancing-focused Yorkshire Legal seminar in Leeds this month. Turn to page 9 for full details on all four Legal Services Act-based debates.
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“I’ll be the only diving boat out in Cornwall today,” confidently announced the skipper. This was not reassuring. The wind was shrieking in the rigging of the boats bucking on their moorings, and the swell was growing just outside the harbour at the village of Rock, well inside the estuary.

“It is rather windy,” I said to the friend who had invited me for a weekend’s diving. Although I was stating the very bleeding obvious I suppose that part of me hoped he and the other divers would agree, force Captain Blye onto the as yet uninflated lifeboat, and we would return to shore and a leisurely lunch at Rick Stein’s bistro down the road.

“Yes,” came the response, “It’s great isn’t it. Look at those waves crashing into the dragon’s cave. We should have the dive site to ourselves.” It was true that the cave was blowing spectacular spumes of spray as the pressure within built, but my mind was set on a dive site to which I could well believe nobody else would have been fool enough to travel. The rigid inflatable bounced onwards like a prolonged ride on a banana and eventually we dropped anchor, or we would have done if it had not been too rough. Of course that did not mean we couldn’t dive and I had my heart in my stomach and my stomach all over the place as I kitted up and watched my fellow divers arm themselves with knives and lobster hooks.

It was useful but not entirely positive to be told that it was quite easy to puke through a regulator and I was determined not to try it, particularly as a killer shark had been sighted off St Ives (and I had no knife). As I slowly descended to about 20 metres I realised the big question was why was I doing this. And indeed, why do we do things which hurt or are unpleasant?

I am definitely not a masochist but most long bike sportives involve a degree of pain or discomfort, sometimes but not always matched by an elated sense of achievement. And even gardening often involves stung hands and an aching back. Where is the right balance? I wouldn’t take issue with the principle that you have to put something in to get something out, but why should input pain equal output pleasure? Perhaps it’s just a sign of age but after a recent particularly cold and wet cycling event, I have determined that if I don’t enjoy it, I won’t do it again. I will have to be careful not to simply give up on the first leg-aching hill and to balance any discomfort against the sense of achievement and the longer-term fitness benefits.

Back under water, the swell was not confined to the surface and I watched curious, as I and the seaweed stood still, and the sand below rushed backwards and forwards. Large spider crabs made fleeting appearances and I momentarily confused a dog fish for a small shark and started to wonder whether its dad was waiting for me round the next corner. These are things that could and probably did elate the other divers but for me the prevailing senses were nausea and fear.

I emptied my air tanks in record time and watched the pressure dial plummet into the red. Of course my buddy would share his air if necessary but I was rather hoping for some of the fresh stuff above the surface. I returned to a heaving boat to feed the fish with a longing for dry land which I suspect most sailors do not experience for several months.

Others dived again while I soaked up the skipper’s wisdom. “There’s two cures for sea-sickness you know,” he imparted as I waited with fish-baited breath. “The first is tablets – but they probably won’t work for you.” “And the second?” I asked, trying not to sound too desperate. “Lying under a tree.”

As we bounced back to harbour I decided that future activities would require a formal mental assessment of pain and pleasure and I have already ruled out bungee jumping, racing to the North Pole and hot wax. The jury’s out on diving but crystal waters and a flat calm might tempt me. Otherwise I have spotted just the tree in the back garden of the Pityme pub overlooking the bay. Beautiful views, delightful shade and the only pain will be the price of a pint of cider.
I come from a generation where as children our educators enshrined in our minds the mantra “go to university and you’re guaranteed a good job at the end of it”. I’m both incredibly sad, and unbelievably lucky, that I am where I am, yet others are not where they wanted to be because of the advice our elders gave us.

The truth is there was a time when those words constituted sound advice, but today they are rendered more or less obsolete and any person or establishment telling a young adult to plan for their future with this idea as the foundation is, in my view, being reckless.

A partner at my firm openly and frequently opines that the profession would be far less crowded if people opted out of university and had to perfect their craft through other routes. They would be more likely to get a job offer from her too.

Being a solicitor today is not just about being academic. It’s about being a business person, a networker, a marketer – something no law degree in the country can boast being able to teach someone.

My job was given to me because of the work I had done alongside my studies. Having a law degree was the last thing I needed to be employed.

Tutors questioned my work ethic. Some queried why I refused to dedicate my life to study. Others tried to prohibit me from working more than eight hours per week. I may have even been asked to sign some form of contract agreeing to comply.

“Impossible.” That’s what I was advised when I told the course director before I signed up that I planned to complete the Legal Practice Course (LPC) full time alongside a full-time management role and a part-time bar job. Yet my application and fee were accepted.

Broken promises

Students are encouraged and allowed to invest tens of thousands of pounds into their education on a promise that their time will come and one day they’ll be rewarded. That promise is continually being broken. Only a handful of my classmates have secured training contracts, and we finished the LPC over two years ago.

It’s negligent that providers continue to push so many students through, knowing full well the jobs that are dreamed of are not gift-wrapped after graduation. They may say that by allowing a large intake each year, this increases competition and helps to filter out the best. That wasn’t my experience. The best in the classroom didn’t mean anything to my employer.

It’s becoming increasingly popular in law firms that a young person, employed as a paralegal or assistant, will be encouraged to complete the ILEX after satisfying their employer they have what it takes to be a lawyer.

We’ve all read a prospectus containing something along the lines of “our track record shows that 90 per cent of students secure full-time legal positions within 12 months of completion” but I often wonder exactly what positions were secured, and how many of them are what people had hoped for. Does a job in a legal call centre count? Or a role in the court admin office? These are the kinds of jobs my friends are having to take right now. Anything legal-related so they can justify spending a year’s salary on a qualification they’re unable to make use of.

Everything is not as it used to be. The profession is packed. Young practitioners are fighting for newly qualified roles, and many seasoned solicitors on the high street are being warned of redundancies, or worse. Claims farmers, quick-e-divorce companies and bogus will writing services have all dumbed down the profession. It seems you can do the job without a degree these days.

So why pay all that money to study? I’m being facetious here. I do value my education. My own personal view is that the profession should be highly skilled, and education forms part of that. I just don’t think universities are honest about what they’re offering, and students aren’t being advised on or assisted with the tough fight they have ahead. Why allow youngsters to complete the LPC knowing 30 per cent or less might get the job the course is designed to provide for? Why not only allow those with a firm job offer in place to enrol?

Something has to change. My degree and diploma take pride of place on the wall behind my desk, but had I relied on them alone to get me through, I might have been very disappointed.
Time and again we see students who demonstrate the right qualities securing employment and being successful in their careers, according to Julian Creasey and Melissa Askew

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oming through a recession has proved extremely challenging for everyone, including those already in the legal profession and those who aspire to join it. Legal education providers such as Leeds Law School have seen the challenges first hand.

Leeds Law School has been training lawyers for almost 70 years (it is our 70th anniversary in 2012) and we have witnessed over the last few years the trials and tribulations that students go through in their attempts to secure the magical training contract.

There are certainly a number of realities that are currently affecting students’ progression through the qualification process. First, the number of training contracts registered with the Solicitors Regulation Authority (SRA) has decreased over recent years. Secondly, the number of Legal Practice Course (LPC) places is significantly greater than the number of training contracts available and, thirdly, it can be difficult for students to fund their legal education as a result of the economic situation.

As a result of these factors students are thinking more carefully about whether they should commit financially and emotionally to becoming solicitors. This has predictably led to a decrease in the numbers of students embarking on the conversion course (Diploma/Postgraduate Diploma in Law) and the LPC.

Some argue that one solution to the increased number of potential entrants is to limit the supply of those wishing to enter the profession. At what stage do students make a definitive choice to enter the profession? Probably at the point of enrolment on to the LPC and the resultant search for a training contract. This is the bottleneck.

Limiting the number of LPC places and/or the number of training contracts raises difficult questions as to how the supply of aspiring solicitors can be cut, and where exactly in the qualification process those cuts should be made. There are also serious issues about access to the profession from a sufficiently broad student population and the consequent diversity of those who seek to give legal advice.

If it were feasible to cut the number of LPC providers or the number of their courses to match supply and demand (which would require a way of accurately predicting that demand), then the problem would be solved. But this is unlikely to happen because no one has the appetite for a potential legal battle based on competition grounds.

The SRA is attempting to alleviate the problem by the introduction of work-based learning but as a regulator it needs to be assured that the qualification process is producing those who are fit to give advice and represent clients.

So the most sensible answer is to let the market decide without attempting to regulate anything other than the quality of entrants and their training. In essence this is what is happening now as employers decide to take on fewer trainees and this reality becomes known to potential entrants.

Changing times

However, it is not all bad news. We see our LPC graduates securing work in the legal profession, not necessarily immediately with training contracts, but with paralegal roles and jobs in organisations such as insurance companies and banks.

The route to qualification is changing – more students are working as paralegals for a time and then securing training contracts. It might take these students longer to qualify but this is what they are doing – they are qualifying as solicitors. We hear from these students that their paralegal experience is extremely valuable to them once they start their training contracts.

The market is opening up with the availability of alternative business structures. Organisations entering or consolidating their positions within the legal services market will need those with some legal education behind them. These changes in the provision of legal services will provide opportunities for students to further their careers.

Students should be aware of the risks of embarking on the journey to qualification into the legal profession but, on the flipside, employers will continue to want rounded, commercial, enthusiastic, and ambitious people to enter their organisations.

Time and again we see our students who demonstrate these qualities securing employment and being successful in their careers. There is hope for students but they need to be determined and take every opportunity to develop themselves so they are attractive to employers.

Perhaps the key to success (both for students and law schools) is to be adaptable and determined in a changing environment and to be ready for the undoubted fresh challenges that our legal profession is offering us.
The specialist

His Honour Judge Kaye QC is tailor-made for the specialist role he occupies, as Steven Bancroft discovers

Leeds, Newcastle and London, utilising the experience gained from a career at the sharp end of business.

“[The role entails] dealing with all the work that customarily finds itself in the Chancery Division of the High Court, or what is also known as the mercantile work of the Queen’s Bench Division.”

“Across the country there are around a dozen of us in roles created so that High Court judges didn’t need to be sent permanently out of London. The role of a specialist judge was created to be somewhere between that of a County Court judge doing County Court cases and the High Court judge, although in fairness we do deal with County Court cases of the likes of boundary and property disputes, wills and mortgages and so on.

“The Mercantile Courts are basically all the work of the Queen’s Bench Division, except personal injury, employment law and defamation, so they cover commercial, contractual and civil disputes of a wide variety.”

“There are specialist centres in Leeds, Manchester, Birmingham, Bristol, Cardiff and London and we aim to ensure that there is some sort of uniformity of practice throughout the entire country.”

Moving on
Kaye QC explains that his decision to leave the bar in 2005 was one that took a great deal of thought, but the fact that “it was increasingly becoming a younger person’s profession” played its part. He speaks of the privilege of his role on the bench and is acutely aware of the importance of the role he now occupies.

“At the end of the day people are placing their trust in you to make the right decision,” he explains. “Yes it can be daunting but I’m not overawed by it. Lord Hailsham once said of life as a barrister that people pay for your opinion and not your doubts and that is also true of a judge. People are looking to you for a judgement and not your doubts.

“The pressures [at the bar and on the bench] are different. As a judge you are required to come to a quick and clear judgement which is not always easy. However, you’ve got to remember that someone always has to lose. In my experience, both at the bench and at the bar, when someone does lose they want to know why and clearly.”

So, having experienced life on both sides of the divide, and in various areas of the country, what does Kaye QC make of the quality of advocacy here in Leeds?

“In London you might say that you see the very best, but conversely you also get the very worst,” he states. “In Leeds, what I find is you can take the top off, but you can also take the bottom off. Certainly at the specialist bar I find the standard of advocacy is generally pretty good.

“But if I have a point it is that I am saddened that there are not more of them [specialist advocates] because I really believe quite strongly – and I have been saying this to solicitors and barristers ever since I arrived – that there are question marks over the future of the criminal bar and family bar. That’s not to say they won’t always be here, clearly they will as there will always be a need for specialist referral advocates, but it’s not going to pay the chambers’ rent which is becoming increasingly expensive.

“I went round all the major firms of solicitors when I arrived here and they all more or less told me the same thing – that the local bar is fine but there are not enough of them. I found very early on in London that the one thing solicitors like is choice, and I don’t blame them.

“I understand what barristers say about increasing competition but, I’m sorry, the bar is a competitive profession. That’s life. I never understood the self-protection of barristers. If anything I found that competition helped develop my career more effectively.”
Prepare for success

By acting as a team and being aware of the issues, firms will be much more likely to emerge out of the recession and prosper.

It is often said that more businesses fail as the economy emerges out of a recession rather than during it. The main reason for this is that those businesses may be profitable, but they run out of cash. This is particularly poignant for many law firms at the present time.

Most firms have been adversely impacted activity-wise, first by the credit crunch and then the recession. Transactional services have suffered the greatest reduction, but other work types have also struggled, particularly those with an element of reliance on the transactional services such as family work or probate. Many of those firms have realigned their staffing structure to reflect the reduced workloads and they are now seeing the benefit, profit-wise, of taking those difficult decisions.

The greatest impact on law firms, however, has been on cashflow since:

• The mix of work types within practices has moved more towards matters with longer lock-up periods and away from the traditional ‘cash-cow’ area of residential conveyancing.
• Matters have taken longer to complete.
• Payment terms have been extended and firms have suffered more bad debts.
• Drawings may have continued at levels based on prior profitability.
• Delayed taxation payments based on more profitable prior periods have coincided with the downturn. Many of those issues are still relevant today as the economy is emerging from recession. Activity levels are beginning to increase in certain areas and the firms that downsized may need to take further difficult decisions on whether or not to recruit. Firms will want to make an investment for the future and not suffer seemingly false economies by saving money today that will cost them tomorrow. The key thing, however, is to make sure that there is a tomorrow.

As activity picks up, firms are automatically making an increased investment in the future – in terms of their working capital. There will always be fixed costs to cover, but marginal costs will increase as new matters are taken on, and working capital is required until those new matters complete, they are invoiced and the invoices are paid. This, in the short-term, will use more cash, which is already in short supply.

What can be done?

There isn’t a one-size-fits-all solution. Many law firms have benefitted from:

• Having robust management information systems.
• Working with lenders.
• Monitoring activity levels and new instructions.
• Recording all time in all departments – whether chargeable or non-chargeable.
• Monitoring profitability by department.
• Reviewing the credit control function.
• Setting credit limits.
• Obtaining credit references.
• Requesting up-front payments on account of costs.
• Issuing bills on account as matters progress.
• Billing promptly at the conclusion of matters.
• Diarising regular slots for billing
• Reviewing the client account for amounts that can be legitimately transferred to the office account – for both fees and disbursements.
• Considering automatic transfers from the client account to the office account upon raising bills.

Everybody within the practice needs to be aware of the issues the firm is facing.

As discussed above, chasing debts may not be the responsibility of fee earners, but there are many things that the fee earner can do to make it easier for debts to be collected. By acting as a team, being aware of the issues, communicating with and helping each other, firms will be much more likely to emerge out of the recession and prosper.

Andy Poole is the legal sector director at Armstrong Watson Chartered Accountants

If you would like further advice on your particular circumstances or a review designed to improve your lock-up procedures, please contact Andy Poole at andy.poole@armstrongwatson.co.uk
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We are happy to discuss your specific training requirements with a view to
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01912114062 or email michael.stubbs@parklaneplowden.co.uk
Helping hand

Lawyers are increasingly needing professional help to deal with high-pressure working lives. Jenni Marsh examines the issue

The Priory Clinic in London is the bolthole frequented by burned-out celebrities suffering from substance addictions, mental health issues and often just plain exhaustion from their relentless work-hard, play-hard lifestyles.

However, in 2007, the facility opened its doors to a new clientele: The Priory announced a stress management programme for burned-out lawyers feeling the pressure of their profession.

Leeds Counselling has seen a sharp rise in the number of professionals needing its services in the past 12 months, in particular those from the legal sector, and offers tailored therapy to address the needs of individuals in high-stress environments.

Liz Oxtoby, clinical manager at the Yorkshire-based facility, says: “Lawyers are dealing with a wide range of people in crisis and conflict every day. On top of this, they are often competing to try to make partner.”

“Because lawyers tend to have very perfectionistic personalities, they want to do things exceedingly well and so a huge amount of pressure builds.”

Leeds Counselling offers two main types of treatment for those in the legal profession: cognitive therapy and straightforward counselling. The former involves helping patients identify their problems and then forming a strategy-based approach to tackle the symptoms, i.e. depression from building too great an emotional attachment to a client in crisis. Counselling targets the underlying emotional issues in a patient’s life, and helps them get their feelings in order.

Oxtoby says one of the biggest challenges can be to get an individual to face up to the fact that the best remedy for them may be to take a break from the legal profession.

However, exiting the legal profession is an extreme and rare result of therapy; more often than not, lawyers simply need to hone their coping strategies. This is something that companies in the Yorkshire region are increasingly recognising.

As a result, employer-assisted counselling is an increasingly being provided – giving employees access to between six and eight free sessions with a local counselling service. All of this is performed anonymously and some firms provide employee with access to 24-hour helplines, through their private medical insurance.

This therapy is not exclusive to professional problems, as employers increasingly recognise that marital strain or family health issues, for example, that are deeply affecting an individual are likely to also have a knock-on effect.

Perhaps it is unsurprising that lawyers are increasingly needing professional help to deal with their jobs; since the global recession hit in 2008, there has been a ten per cent drop in graduate vacancies in the sector and widespread redundancies, according to a study by High Fliers Research. Being self-employed can also be a more precarious source of income, adding a layer of financial instability to what is already a high-pressure profession.

Oxtoby says: “We’re used to people who come from high pressured working situations – and we are experts in giving people the mechanisms they need to operate within this environment in a healthy way that will not jeopardise their health.”

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Searching question

With estimates of unclaimed bank, building society and investment accounts alone exceeding £15.3 billion, Fraser & Fraser ask when is an asset search needed?

Is there a situation in which it is justified not to do an asset search on a probate matter? If there is a will, you need to be sure that all assets have been identified and distributed; but this is also true where there is no will to be found.

Realistically, you can never be certain about what assets your client actually holds until you have undertaken thorough and comprehensive searches, and this applies equally whether a will already refers to multiple accounts and shareholdings, or if your client seems to be a less fortunate elderly in a home or in sheltered housing with no sign of any assets at all. What is to say that some of a wealthy client’s shares didn’t fall by the wayside on a share conversion or when the building society became a bank? How can you tell if, while in sheltered housing, your client’s forgotten high-yield savings account hasn’t been accruing a healthy interest?

Many solicitors currently approach asset tracing as an additional service to seek out in those circumstances in which there have been whispers of a particularly broad portfolio of accounts and/ or shareholdings, or perhaps when there is evidence of a property having recently been disposed of prior to a client’s death, but the funds do not show in the most recent current account statement. There are many circumstances where a client may not have updated their address with the bank or closed an account upon opening a new one, and this is exactly why there is such a need to ensure that assets have not been forgotten or missed.

An executor’s duties, as defined by s25 of the Administration of Estates Act 1925, include a duty of care to collect all of a deceased’s assets and to pay all liabilities. Under White v Jones, a solicitor’s duty to his client (in this case the Testator), extends to beneficiaries under that Testator’s will, and following Chappell v Somers & Blake, the executor of the estate can bring a claim against a solicitor who negligently administered the estate on behalf of the estate as a whole (adding to White v Jones), even if the executor hasn’t suffered any loss directly.

With estimates of unclaimed bank, building society and investment accounts alone exceeding £15.3 billion, all this really is food for thought. A standard search of the Unclaimed Asset Register (UAR), however, ought only to be the tip of the iceberg; with a success rate of only about 10 per cent, it is arguable whether this search is even worth its £25 fee. However, there are few firms offering a single search bringing together dormant bank accounts, shares, the Land Registry, postal redirections and even credit searching; Fraser & Fraser claims to have the only comprehensive service on the market.

Having been employed to find missing or unknown heirs on estates for decades, the company also assisted with the rounding-up of assets, and noticed how difficult it was to find comprehensive, accurate results.

Following a survey of over 4,000 wills and probate solicitors, Fraser & Fraser launched a new, unique, single reference asset-tracing service costing £500 + VAT. “It is surprising how often we find assets which no one else – the solicitor, the family or the home – knew about, and with so many categories of assets possible, it is hardly news that something might go amiss to even the most organised Testator or solicitor. All you have to do is fill in one simple form with as much information as you have at your disposal and leave the rest to us,” says Neil Fraser, one of the partners heading up the department.

“Having had the contacts established already for our own work, it made sense to open this service up to all solicitors, not just those we are working with. We are confident that there is no one else on the market offering quite the same coverage and we look forward to sharing the knowledge”.

At a time when beneficiaries are increasingly keen to ensure full value is extracted from their inheritance or to hold someone liable for a failure to do so, it would be reasonable to consider making commissioning a comprehensive asset trace a habitual part of the probate routine.

It stands to reason that ensuring that all the assets brought together for a probate, really does mean that all of the assets have been identified and located, and this should become a standard part of administrating an estate. In the case of a will, a quick search might ensure that all of a Testator’s property is successfully allocated, without leaving any partial intestacies or other surprises lurking later on.

For further information contact Fraser & Fraser on 020 7832 1400 or email frasers@lostkin.co.uk. This service is only available to solicitors with authority to act on a probate estate. At the present time they do not offer an asset service for living people.
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Restaurant of the month
New look for an old favourite

The Flying Pizza in Roundhay has been an iconic Leeds restaurant for more than 35 years and during the 1990s was the place to see and be seen as local celebrities dined there regularly; this is well documented through pictures displayed proudly on the walls. Sadly over recent years the restaurant has been in steady decline, until San Carlo Group bought it and pledged to restore the restaurant to its former glory. They certainly kept their promise and the San Carlo Flying Pizza opened its doors after a lavish refurbishment this summer.

Everyone in the full house was enjoying themselves and the room was filled with excited chatter, so much so that we didn’t notice there wasn’t music until halfway through our main course. The restaurant staff were very friendly and attentive; when our waiter enquired about dessert he burst into ‘spontaneous’ song with which his colleagues joined in.

A two-course meal for two, we couldn’t manage dessert (no matter how tempting), with Prosecco and Bellini’s came to £100. While this may be verging on the pricey side, the phrase ‘you get what you pay for’ springs immediately to mind. The Insalata di Pesce starter was a delicious plate of squid, octopus and prawn salad, which could have easily been served as a main dish. The steak was cooked perfectly and the selection of fries, vegetable and deep-fried courgette complemented the main dishes well.

The Flying Pizza is a great place to celebrate special occasions. Whether with friends or a loved one, you won’t be disappointed.

San Carlo Flying Pizza
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Event of the month
Something for all musical tastes

Harewood House will host the White Rose Winter Festival (17–18 November). The Pavilion on the North Lawn will be transformed into a magical winter theatre and bar and there will also be a VIP hospitality marquee (£50) or fine dining inside Harewood House (£125).

The programme will feature distinguished artists from the international stage along with some young guest performers and promises to offer a feast of world favourite classics from Opera, West End musicals and Proms.

A Night at the Opera is a selection of the finest and most loved arias from the world’s greatest acclaimed operas including Carmen, Rigoletto and Madame Butterfly; A Night in the West End will transport the audience to London’s West End with songs from Les Miserables and My Fair Lady among others; while A Night at the Proms provides a fittingly rapturous finale to the festival which will see audience members waving Union Jacks to an intoxicating programme of great British classics. Tickets are priced at £35.

White Rose Winter Music Festival
T: 01423 563563
W: www.whiterosefestivals.com

Product showcase
This month: iPad cases

Côte&Ciel Diver sleeve

They say: The skin-fit offers everyday protection and easy access.
We say: Simple design, material and colours, simply perfect for your iPad.
SRP: £40 at Harvey Nichols www.harveynichols.com among others.

Draw aluminium iPad case

They say: The aluminium case provides excellent protection in a stylish package.
We say: This case is tough and crush resistant to protect your device.
SRP: £75 exclusively from the online Draw store www.drawcase.com.

Temple Bags leather iPad case

They say: Salvaged WWII canvas to allow you to own a piece of history.
We say: The reclaimed leather should look better and better with age.

Cherchbi Herdwyck Herdwick Tweed

They say: Inspired by Britain’s creative and cultural heritage we craft modern designs in a robust, traditional quality.
We say: We love that this cover is so very British and so very handsome.
LYL speaks to Richard Chan, Managing Director of specialist law firm Arc Property Solicitors

**Professional**

**What inspired you to take up this particular vocation?**
Law always interested me because it is constantly changing, provides massive challenges and makes a real difference to people’s lives.

**What has been your career highlight so far?**
Setting up Arc and seeing it develop to exceed all of my expectations.

**What are your ambitions?**
To ensure continued growth and see us become the UK’s leading provider of conveyancing. I guess that’s one expectation I won’t be able to surpass.

**What will be the biggest challenge going forward?**
The biggest challenge will be dealing with the introduction of alternative business structures (ABS) and the competition that is likely to come with it. There will be new regulations to contend with and clients will demand more for their money. Thankfully, we’re already in a strong position to capitalise on the opportunities in the marketplace, although there’s always room for improvement.

**What’s the best piece of advice you’ve ever been given?**
Work hard and you will prosper. Simple, but true.

**What advice would you offer anyone starting out?**
Work hard and you will prosper! That doesn’t mean working every waking hour, but making sure that you spend your time wisely.

**Personal**

**How do you unwind after a hard day at the office?**
I go home at 5pm every day to spend time with my family. Otherwise, I play tennis.

**Who would be your dream dinner party guests?**
Andre Agassi for the tennis tips and stories, Keith Lemon for the laughs, Keanu Reeves as my wife adores him and Raymond Blanc to cook the actual food.

**What one luxury item would you take to a desert island?**
A yacht so I could do a little island hopping and sail off once I’d decided I’d had enough.

**If you weren’t involved in law, what would be your dream profession?**
A professional tennis player ranked in the top three in the world. It’s a dream I haven’t quite given up on but maybe should.

**What would be your ideal holiday?**
Splashing around in the pool with the wife and kids somewhere hot.

**Do you have a guilty pleasure?**
Yes.

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We are sharing our knowledge and capability with all industry stakeholders, and are hosting a practitioner forum in Central London in September 2011 to which you are warmly invited.

Please pre-register:

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