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The Pomp and the Fight

By the time you read this article, I will have had the honour and pleasure of once again representing the Leeds Law Society at the Opening of the Legal Year Service at Westminster Abbey.

The legal year in English law is the calendar during which the Judges sit in Court. Divided into the four terms of Michaelmas, Hilary, Easter and Trinity. And it is on the first day of October, the commencement of the Michaelmas Term, that the opening of the Legal Year ceremony takes place.

Dating back to the Middle Ages, the Judges arrive in a procession for the service at the Abbey followed by a reception known as the Lord Chancellor’s Breakfast, held in Westminster Hall.

The service dates back to when the Judges prayed to God for guidance at the start of the legal year and our modern day version upholds both religious and moral overtones with a religious service conducted by the Dean of Westminster which includes prayers, hymns, psalms and anthems.

The Bar Council and the Law Society also take part in the ceremony and as part of its representation, the Law Society invites certain local Law Societies to send a representative along. QED my attendance.

An honour? Well, in my view, yes; for two reasons.

Firstly, that as Officers of the Court we are an essential part of the legal justice system in England and Wales and it is surely right that we should take part in this ceremony and feel equally as proud as the Judges to be there.

Secondly, the ceremony commensurates the principles of defending Access to Justice and the role of law, principles that we solicitors should all feel proud to stand for and uphold for the benefit of society.

Now, that is where my scepticism of the pomp and circumstances takes hold. As part of the ceremony in Westminster Abbey, both the Lord Chancellor and the Lord Chief Justice read a lesson. Inevitably, those lessons provide a vocal platform for the speakers to confirm and assure the Government’s commitment to Access to Justice and the role of law.

Now, you will all appreciate that the whole subject of Access to Justice in England and Wales is currently a very emotive subject matter indeed. Access to Justice is the hallmark of a civilised society and that access should be for all, but if that access depends almost entirely upon one’s ability to fund access, then how can it possibly be for all?

Some have the requisite means and skills and some do not. If there is not a fully funded legal aid system in place, how then can we have a civilised society? The Government seeks to cut the legal aid budget significantly whilst we lawyers seek to uphold those fundamental rights and freedoms and the role of law that civilised society needs.

As lawyers we have an enormous fight on our hands but it is a fight well worth fighting for. So, I will be proud to be there, but equally proud to be part of the fight.

Philip Jordan is the President of Leeds Law Society and a Partner at Ward Hadaway Solicitors.
Free membership for students

LPC students from University of Law, Leeds Beckett and BPP can now become free members of the Society. The new initiative aims to involve those starting out in the profession in what the Society has to offer and to facilitate networking opportunities, which we would encourage our members to attend. Presentations to the new student intake took place in September. See page 21 for more details.

Nigel Bennett of RKH advocates more PII choice for Leeds Solicitors

Nigel Bennett has joined the professional risks division of the UK’s largest employee-owned insurance broker RKH Group as divisional director based in Leeds.

He has over 25 years’ corporate and professional insurance broking experience and has spent the last six years advising the legal profession in Yorkshire and the North East. The first representative of RKH Professional Risks to be based in the North, Nigel will deliver the RKH consultative approach accompanied by wide insurer choice and expert London broking to solicitors in the North of England.

In 2014, RKH is one of a very limited panel of brokers to have direct access to ‘A’ rated Axis and Endurance in the sole practitioner to 10 partner sector, as well as enjoying direct trading relationships with most other participating insurers both in this segment and above.

Irrespective of size of firm therefore, Nigel would be delighted to hear from you on direct dial 0113 394 7281, mobile 07538 616 584 or email nigel.bennett@rkhis.com.

For further RKH group and regulatory information please refer to www.rkhgroup.com.

Winner of the Apple TV

Julian Hawkhead of Stowe Family Law was the lucky winner of an Apple TV after filling in our market research questionnaire. Congratulations to Julian and many thanks from the LLS team for his help with our recent survey.

Society congratulates newly qualified solicitors

A welcome event for all those solicitors qualifying in 2014 will be held this year at Revolution’s Cuba Room on 14 October between 6-8pm.

Kindly sponsored by Douglas Scott Recruitment, you can register online to attend. A nominal booking fee is required to secure a place, but it will be refunded after attendance. Drinks and nibbles will be provided.
New Court Notice Board on the Society's website

A new Court Notice Board has now been set up on the Leeds Law Society website which can be accessed by any practitioner or Litigant in Person dealing with the Leeds Court. This continues to be a work in progress but includes specific sections dealing with:

- Precedents – this is to allow the District Judges to supply copies of precedents that they are using and would like practitioners to use;
- Events – including notes of the Meet the Judges events from 2013 and the follow up in June 2014;
- Court Service – with FAQs and information about the new payments system being introduced by them.
- Litigants in Person – sources of helpful information.

It also includes The Court Liaison Group, which was set up by Sue Harris, a Director specialising in Commercial Litigation at Walker Morris. It includes practitioners from various areas of the Leeds legal community. The purpose of the CLG is to liaise with the judiciary and the Court Service in Leeds in connection with matters of practice and procedure, and to work on specific documents or areas with a view to improving the working relationships between practitioners, the judiciary and the Court Service.

Future initiatives include:
1. Development of Family Law precedents and the addition of an area on the Court Notice Board on the Leeds Law Society website dedicated to Family Law issues
2. In conjunction with other practitioners in Leeds producing an information sheet about local services available to Litigants in Person to help them with Access to Justice, plus a dedicated section on the Court Notice Board for Litigants in Person (and for reference for those who are acting in cases where Litigants in Person are involved)
3. Extension of the local protocols and precedents to cover the specialist courts, including the Chancery, Mercantile and the Technology and Construction Courts.

Visit [www.leedslawsociety.org.uk/court-notice-board](http://www.leedslawsociety.org.uk/court-notice-board) for more information.

Events for 2014

Leeds Business Week
13–17 October 2014

Leeds Law Society is partnering with Leeds Business Week – the UK’s biggest business week with a programme of over 100 events dedicated to the business community across the city.

A vast range of companies based in Leeds, from large corporations to SMEs will take part in the week, which will see the business community share content, stage events and network. It will also involve the public sector, charities, networking groups and representatives from the city’s various arts and culture landmarks.

Leeds Business Week is being held in association with The Yorkshire Mafia.

As part of the week, Leeds Law Society is hosting a talk on 15 October with Stuart Bushell focusing on the SRA’s Risk Outlook for 2014–15. What does this include and how does it compare with some other risks which are facing solicitors now?

To attend please book through info@leedslawsociety.org.uk.

LAW 2014
14 October, The Met Hotel, Leeds

Leeds Law Society is delighted to be supporting LAW2014. LAW2014 is the UK and Ireland’s leading road show of legal exhibitions and conferences. Attendees will benefit from a large range of promotions from the UK’s leading suppliers who will exhibit at all or some of the 19 events.

Attendees will also benefit from the CPD training conferences which include the latest updates for a wide range of legal practice areas, delivered by the profession’s leading names.

The combination of education, supplier promotions and networking opportunities provide the busy professional with compelling reasons to attend.

Come along and meet members and staff from the Leeds Law Society and find out about all it has to offer in supporting you locally.

Women In Law
21 October, DWF offices, Leeds

Leeds Law Society is delighted to host the next in the series of women in Law lectures. Featured speakers are Marilyn Stowe, Senior Partner at Stowe Family Law and Sally-Anne Greenfield, Chief Executive of Leeds Community Foundation. Following the speakers there will be time for networking over refreshments. The event will be held at DWF LLP, Bridgewater Place, Water Lane, Leeds LS11 5DY from 4.30pm - 6.30pm.

There is a nominal charge to attend this event: £5 + vat for members of LLS and associated organisations; £8 + vat for non members.

In association with:

Annual Dinner
Thursday 12 March 2015 at Aspire in Leeds

Bookings are already being taken online at [www.leedslawsociety.org.uk/Events](http://www.leedslawsociety.org.uk/Events).

The headline sponsor for next year’s dinner is RKH.

For more information visit: [www.leedslawsociety.org.uk](http://www.leedslawsociety.org.uk)
Andrew Caplen, the President of the Law Society, visited Yorkshire on two separate occasions last month as part of a mission to engage with northern firms and shake off the professional body’s image of being too London-centric.

Caplen visited Newtons Solicitors in Ilkley on 5 September and met up with the firm’s director Chris Newton and head of the Ilkley office Victoria Trelease, to discuss the practice’s growth plans as well as the opportunities and challenges facing local firms.

Other topics discussed at the meeting, which was also attended by the Law Society’s regional manager for Yorkshire, Fiona Tatton, included proposed changes to compulsory professional indemnity insurance for solicitors, maintaining quality standards and the challenges facing The Law Society in representing a growing range of legal practices around the country.

After the meeting, Caplen, who took office in July, said that it had been a great opportunity to meet local solicitors and hear directly about the challenges and opportunities that they faced.

“Law is a highly-diverse profession, with our members specialising in varied fields, so visits like this are vital to ensure that we reach out to all sections of the profession throughout England and Wales,” he said.

Caplen then returned a week later to Harrogate, to speak at the Harrogate District Law Society dinner.

His visits coincided with the launch of the Society’s Use a Professional. Use a Solicitor campaign, aimed at countering the growth of unregulated and do-it-yourself legal services.

“Our latest campaign reminds the public that highly-qualified, professionally-trained solicitors are the best people to speak to for legal advice,” said Caplen.

“Using a solicitor gives you the assurance you are dealing with a professional who is properly regulated and insured.”

Caplen became the 170th president of The Law Society in July. The solicitor, who practised in a high street firm in Hampshire, is one of the co-authors of the Law Society’s Access to Justice Review.

See pages 30-31 for this issue’s profile interview featuring Andrew Caplen.

Gateley helps with Straight takeover

Gateley has advised One51, a Dublin based investment company on the acquisition of Yorkshire waste and recycling container manufacturer Straight.

The deal, settled for £10.7m, will see One51 take control of the company, which employs 130 people, including 90 at a factory in Hull. Its customers include local authorities, purchasing and recycling organisations and utility companies. As a result of the acquisition, Straight plc has been delisted from the AIM and will be integrated into One51’s plastics division.

A cross-office Gateley advisory team worked on the deal, which included Leeds based Corporate partner, Nick Emmerson (pictured); Birmingham based corporate partner, Paul Cliff; commerce, technology and media partner, Andrew Evans; and corporate associate, Tom Rush.

Alan Walsh, chief executive of One51, said the deal meant that exciting times lay ahead for both businesses.

“The deal provides an excellent opportunity for Straight to grow and thrive as part of a larger group. It also adds to One51’s existing offering, creating a leading specialist injection moulding group in the UK which can eventually grow into other European markets,” he said.

Gateley said that the deal represented the benefits of cross-office working and highlighted the wealth of expertise that the firm had at its disposal.
Ensuring that your law firm is financially stable has never been more important...

- It is now a compliance requirement to maintain systems and controls for monitoring the financial stability of your firm
- Law firm failures are costly to the SRA and the profession as a whole
- The SRA is actively requesting and recording data on law firm finances and has issued financial stability indicators; good and bad behaviours
- If the SRA ask you to demonstrate your systems and controls, can you?

To find out more or to arrange a financial stability healthcheck for your firm contact our legal sector team: 0113 221 1300
Mark Baines, Professionals Manager: mark.baines@armstrongwatson.co.uk
Andy Poole, Legal Sector Partner: andy.poole@armstrongwatson.co.uk
www.armstrongwatson.co.uk/legalsector

The University of Law is the UK’s leading provider of legal education and training, working right at the heart of the legal profession. We bring together teaching of the highest quality, a focus on practical skills and innovative learning styles to deliver perfect preparation for life in legal practice and ongoing professional development.

We currently have a vacancy within our Employability team which plays a key part in our commitment to and delivery of pro bono at our new Leeds centre.

Pro Bono Co-ordinator

- Permanent Position
- Up to £36,000 pro rata p.a. plus benefits
- Part Time 17.5 hours, Leeds-based

You will be responsible for the operational delivery of pro bono programmes for the Leeds centre. This will include the supervision of students carrying out legal work, including some legal advice centre activity, client liaison, sourcing and maintaining relationships with external partners and continuous development of the service we are able to offer to our students.

For this role you will need to be a qualified solicitor or barrister with at least 3 years post qualification experience and a practicing certificate. You will ideally have experience of, or a genuine interest in pro bono delivery or clinical education and have experience of managing trainees.

We offer an excellent range of benefits including 30 days annual leave, private medical scheme, contributory pension scheme, life assurance and childcare vouchers.

- This is a part-time position requiring 17.5 hours per week
- Closing date for applications: Friday 17th October 2014

For a full job description and an application form, please visit our web site www.law.ac.uk/vacancies
The University of Law is committed to the equality of opportunity.
Dynamic at LAW Leeds 2014 Exhibition

Specialist legal courier Dynamic has reserved a stand at LAW Leeds 2014, one of the regions leading legal exhibitions. Now in its fourth year, the exhibition will be held at the Metropolitan Hotel in Leeds on the 14 and 15 October.

For exhibitors like Dynamic, the event creates an opportunity to network with over 400 legal professionals across Yorkshire. For visitors to the exhibition, such as solicitors and barristers, it represents an opportunity to meet with firms who supply specialist products and services to the legal sector.

The event will also feature a CPD-accredited training congress, featuring some of the profession’s leading speakers.

Dynamic will be using the event to showcase how their bespoke legal courier services are helping solicitors and barristers in Leeds provide better service to their clients. They also see the event as a great opportunity to network not just with legal professionals, but like-minded suppliers and potential partners.

Dynamic Managing Director, Andrew Edwards, will be present on their stand during the two day event. If you would like to schedule a meeting with Andrew, please drop him an email on andrew@wearedynamic.co.uk. For information on LAW Leeds 2014, visit www.thesolicitorsgroup.co.uk/Exhibitions/LawLeedsOctober/

Irwin Mitchell helps Encon complete £54m funding deal

Irwin Mitchell has advised Wetherby-based Encon Group, one of the UK’s leading providers of specialist building materials, in a £54m refinancing deal.

The deal is expected to help Encon to continue building market share in the UK. It involves facilities provided by funds and accounts advised by Farallon Capital Europe and Lloyds Bank Commercial Finance.

The group was advised by a multi-disciplinary team from Irwin Mitchell’s Leeds and Sheffield offices, and was led by partners Paul Johnson and Dean Gormley.

Commenting on the refinancing deal, Stuart Moore from the Encon Group said that the transaction would provide the company with a stable base for the next five years which would allow it to secure future growth and improve its customer services.

Irwin Mitchell’s Johnson said that the company had performed strongly despite tough trading conditions and was ideally placed to take advantage of the current upturn within the sector.

“This deal demonstrates the strength of the business and the confidence that its financial partners have in the company,” he said. “We wish the management team at Encon continued success in the future.”

Mills & Reeve to move into new Leeds premises

Mills & Reeve’s Leeds office is set to move into larger premises as it looks to further expand its presence in the Yorkshire legal market.

The firm is set to move into a new 6,500 sq ft area of office space in 1 City Square, where it currently resides, on 22 December. It has agreed a ten-year lease for the area, which is double the size of its current space.

Philip Way, head of the firm’s Leeds office, said that the move reflected Mills & Reeve’s growth over recent years, as well as its ambition to further expand in the city. Since its formation in 2008, the office’s turnover has grown year-on-year with fee income up 21 per cent in the last 12 months.

The firm also recently announced that it was to increase the number of partners from four to between ten and 15 in the Leeds office with a series of appointments in its corporate, commercial, employment, construction and commercial disputes divisions, all areas that the firm is looking to develop in Yorkshire.

“We looked at a number of different properties and felt that 1 City Square, which is an iconic building in an excellent location, fitted our requirements perfectly and we look forward to moving in December,” said Way.

About Dynamic

Dynamic specialises in collecting and delivering time-critical and highly sensitive legal documents, reliably and cost-effectively. Dynamic has been built on 15 years of understanding our customers and delivering not only their consignments, day-in-day-out (and often overnight), but also creating trusted, long-term partnerships.
Clarion lawyer completes dementia training

Clare King, a senior associate in the private client team at Clarion, has completed a training programme to help improve her knowledge of dementia.

King completed a course run by the Alzheimer’s Society, and can now be called a Dementia Friends Champion. The course aims to help improve people’s understanding of dementia and how people can live well with the condition. King undertook it ahead of World Alzheimer’s Day on 21 September and is now trained to provide Dementia Friends information sessions which can be hosted either at Clarion’s offices or at client’s premises.

The firm’s private client team is well-known for providing advice to those affected by mental incapacity. “One of the most distressing and difficult issues facing many families today is caring for relations and loved ones who are living with dementia,” said King. “Having worked with people in this situation for many years, we have gained expertise of how to sympathetically and effectively provide the legal support they and their families need to live well with dementia.

“We believe it is important to help spread the word and share our knowledge. Earlier in the year, all of Clarion’s staff took part in a Dementia Friends information session at our offices run by a local Dementia Friends Champion, and we are proud to be supporting the initiative which aims to create one million Dementia Friends by 2015.”

King said that a 2012 Dementia National Report had shown that 44% of people with dementia feel that they have lost friends after being diagnosed and that 67% don’t feel part of the community.

“This is surely something that can be improved if we are able to take a small amount of time to become a little bit more aware of dementia and even think about becoming a Dementia Friend,” she added.

Walker Morris appointed to Procurement for Housing

The appointment will allow Procurement for Housing’s 850 members to procure legal services from Walker Morris in the areas of property, development, corporate and finance, employment and housing management.

Walker Morris Partner, Chris Woodthorpe said that the agreement was testament to the firm’s investment in the social housing sector.

“Procurement for Housing is a new client for the firm and we are very much looking forward to working with it and its members over the next four years,” he said.

Karl Anders, a director in the Walker Morris Housing Group, added: “The appointment provides a fantastic opportunity and reflects our growing national presence in the social housing sector, where we already have long standing client relationships with a number of the leading housing providers”.

Schofield Sweeney secures dental law practice

Schofield Sweeney has acquired the dental law practice from Cohen Cramer, the Leeds-based firm.

The acquisition, which includes the transfer of corporate lawyer David McEwan (pictured) to Schofield Sweeney, will allow the firm to offer a comprehensive range of legal services for dentists, dental agents, accountants and financial advisers.

McEwan will be based in the firm’s Bradford office and advises on the sale and purchases of dental practices, incorporations, partnerships and expense sharing agreements, employment, associate and hygienist agreements, as well as regulatory matters including Care Quality Commission regulations and all matters relating to GDS and PDS contracts.

Avery Walters Ellis opens second office in Leeds

Avery Walters Ellis Solicitors has opened its second office in North Leeds at 27 Harrogate Road.

The firm has grown rapidly since it was founded 18 months ago by managing director Andrew Parascandolo.

“This is an important strategic move for the continued growth of the firm, and demonstrates our firm commitment to our loyal clients in North Leeds,” he said.

“Having worked for some of the largest legal firms in the country, I founded the firm with the objective of providing a full suite of legal services to people away from the city centre.

“We are now able to offer our clients a high level of expertise as all our staff have either worked for large national firms or have many years’ experience in their field of expertise, as well as offer easy accessibility, free parking and competitive pricing”.

Walker Morris has won a four year appointment to Procurement for Housing. The national procurement consortium of housing associations, local authorities and arms length management organisations represents 65% of the UK’s social housing sector.
New managing partner for Stowe Family Law’s Harrogate office

David Milburn has become the managing partner at Stowe Family Law’s Harrogate office. Milburn, who previously worked at the firm’s Cheshire offices in Hale and Wilmslow, joined the firm in November 2010.

He focuses on divorce work, the division of the matrimonial finances and cases involving high-value assets, often with complex business structures or trust elements. He has also represented celebrities and professional sportsmen and women.

One of Milburn’s first acts in Harrogate was to support the Law Society’s Use a Professional. Use a Solicitor campaign which was launched at the start of September and to attend a Harrogate District Law Society dinner at which Andrew Caplen, the new President of the Law Society, was present.

The firm also celebrated its first year anniversary in Wetherby at the end of August. The firm’s office in Wetherby, run by solicitors Hayley Edwards and Liz Bell, is its third in Yorkshire. It already has offices in Harrogate and Leeds, in addition to offices in Central London, Hale and Wilmslow.

Morna Rose, chief executive of Stowe Family Law, said that the firm’s first year in Wetherby had been a great success.

“It was always our intention to make a lasting mark providing a personal and professional service to the people of Wetherby and surrounding villages,” she said.

“We’re also very grateful to the welcome the local business community has given to us in our first year and we look forward to strengthening those ties still further in the months and years to come.”

Solicitor warns businesses looking to set up ‘vertical drinking’ establishments in York

John Walker, a senior partner and licensing specialist at York-based solicitors Guest Walker & Co, has warned entrepreneurs and businesses looking to apply for a Premises Licence in the city that they need to focus on providing a family friendly experience if they wish their applications to be successful.

The warning comes after York council recently extended its Cumulative Impact Zone, which aims to restrict noise pollution and discourage anti-social behaviour in the evenings. New bars or restaurants that encourage ‘vertical drinking’ are highly unlikely to be granted a licence at present.

“There is a presumption for any new licence application that it will be rejected unless the applicant can rebut the likelihood that the granting of it would undermine the Licensing objectives in the City of York Council’s Cumulative Impact Zone,” said Walker.

“Whilst this previously focused on the western side of the river Ouse and the ‘Micklegate run’, it now incorporates the Swinegate and Fossgate areas, and is meant to curb the number of new licensed premises in the zone.”

He pointed out that while a number of new premises have been successful in being granted licences in these areas, they were all given to so-called family friendly establishments.

“There is a clear trend away from new licences being given to those offering vertical drinking only,” he said.

He strongly suggested that operators focusing on supplying food to seated customers, and who can offer a family friendly environment, were best placed to succeed with their applications in the future.

“There is a great opportunity here for operators whose vision mirrors that of the Council to provide these facilities, and help promote the development of a successful evening economy in our City.

“We are privileged to have a beautiful, historic backdrop to work with and now need to encourage our entrepreneurs to offer both residents and visitors great choice and a great atmosphere throughout York city centre after 6pm,” he said.

According to Visit York, demand for a more family friendly choice in the evening is growing.

Kate McMullen, head of Visit York said: “The evening economy in York is constantly evolving, as is evident in the significant number of new eateries which have opened in York. When it comes to eating and drinking, visitors tell us they are looking for a mixed use, family friendly environment, where they can relax, enjoy some delicious food and drink and enjoy entertainment such as live music.”
Ridley & Hall wins childcare battle against North East Lincolnshire council

The High Court in Leeds has ordered North East Lincolnshire council to make a back payment of £43,000 to a couple who were denied financial support after they took on the care of their grandchild.

The couple, represented by Ridley & Hall Solicitors, have had to look after their grandson over a five year period without being granted the Residence Order Allowance which they were entitled to.

In 2008, the couple, known as Mr and Mrs G, were asked to care for their grandson, who was four years old at the time, by North East Lincolnshire social services after it became clear that he could not be protected in his own home.

After a period of disruption which saw the child moved back and forth from his grandparents, he was eventually placed with Mr and Mrs G. A social worker asked them to obtain a Residence Order but did not inform the couple that they would be entitled to apply for a Residence Allowance.

It was not until they went to see Ridley & Hall that the grandparents discovered that they were entitled to be paid a Residence Order Allowance, given their circumstances.

But when Mr and Mrs G instructed the firm, the Council claimed that they were not eligible for an allowance.

Rebecca Chapman, a specialist solicitor at the Huddersfield based firm, said that the council had saved themselves a fortune by placing the child with the couple.

“Care proceedings are costly and paying foster carers gets very expensive,” said Chapman. “My clients asked the council to conduct a Residence Order Allowance assessment but the local authority did not respond to their request.”

It was then that High Court proceedings were issued.

Mrs G said that she was very grateful to Ridley & Hall for their work.

“Like many grandparents we stepped in when the Council asked us to help out. When the Social Services then asked us to get a Court Order we did as we were told. The Council never told us that we should have been paid an allowance,” she said.

“My husband is 69. He’s long retired.

We are pensioners. We had not planned to take on the care of a child in his retirement and have spent our savings on looking after my grandson. At times we’ve found it difficult to meet the financial demands of raising a child at this time in our lives.

“Add to that, the fact that unfortunately our grandson had some serious behavioural difficulties, and I can truthfully say it’s been a challenging time. The local authority had failed him and then they just left us to it.

“The Council totally failed to fulfil their duties both to us and our grandson.”

Chapman said that it was disappointing that Mr and Mrs G had to go to the High Court to compel the local authority to do what should have been standard practice.

She also said that the local authority had behaved bizarrely in the case, with nobody from social services attending the hearing and the council “burying their heads in the sand” over the claim.

“It’s the hard pressed council tax payers who have ended up with a large bill of legal costs,” she said.

Firm advice

Andy Poole, the Legal Sector Partner at Armstrong Watson, answers your strategic and financial questions every month.

I understand that there has been a recent change to the SRA Accounts Rules in relation to residual balances. What should I be doing?

I am answering this question in two parts. In the last edition, I covered the requirement to repay client money promptly; and in this edition I am covering how to clear old balances.

The Rules were changed with effect from 14 July 2008 to state that “Client money must be returned to the client promptly, as soon as there is no longer any proper reason to retain those funds”.

It should be remembered that the requirement only applies to client money held from 14 July 2008 onwards. However, the notes below covering how to clear the old balances can be applied to any residual client balance, whether that balance was held prior to, or after, 14 July 2008.

At the same time that the requirement to return client monies promptly was introduced, the Rules were also changed to allow self-certification to donate residual balances to charity once certain activities had been undertaken. At the time of writing, balances not exceeding £50 can be self-certified. The SRA are currently in the process of increasing that limit to £500 and that may well be in place by the time you read this.

Before the donation is made to charity, firms will need to satisfy themselves that they have made reasonable attempts to establish the identity of the owner of the money and have made adequate attempts to return it.

The terms ‘reasonable’ and ‘appropriate’ are not defined and it is therefore best practice to retain a central register that contains details of all of the steps taken before you confirm that the donation can be made. A central register is also required to show the dates and amounts paid to charity, as well as the build up of the donation by matter.

You should have regard for the amount of the residual balance when determining what steps to take. If the balance is only a few pounds and you have attempted to repay it say by cheque, then you could repay the amount in stamps. If more than a few pounds then further steps will be required.

An indemnity should be obtained from the charity to cover you in case the client does ever return to claim their money. In order to donate sums to charity for residual balances exceeding the limit (£50 or £500 as noted above), specific SRA approval will be required.

At Armstrong Watson, we provide our clients with a template to use as the central register.

Andy acts exclusively for law firms across the UK, particularly focusing on advising lawyers in response to the current changes in the legal marketplace.

• To ask Andy a question that may be featured in this column, email editorial@barkerbrooks.co.uk.

• To contact Andy directly, call 0113 221 1300 or email andy.poole@armstrongwatson.co.uk

In association with
DLA Piper Sheffield welcomes raft of newly qualified solicitors and trainees

DLA Piper’s Sheffield office has announced the qualification of six solicitors and the intake of six new trainees.

Following a two year training programme at the international firm, the six newly qualified solicitors have taken up roles at the firm. Rebecca Hastings-Quainoo joins the Litigation team, while Alice Puritz has been given a role in the Regulatory team and Nicholas Rouke has become part of the Real Estate team. The IPT team has welcomed Elen Williams as its newest member and Mary Bolton has linked up with the Property Litigation team. Chloe Roberts will work in the Corporate team.

The 2014–2016 trainee programme, which began on 1 September, will see Lina Safina, Robert Spencer, Tom Thurlow, Alison Boon, Hollie Nellist and Joanne Bennett all rotate to a different practice group within the Sheffield office.

Richard May, office managing partner in Sheffield, said that the firm prided itself on selecting and preparing the best trainees it could find. “These permanent positions are well-earned and we look forward to helping our newly qualified solicitors flourish as they move forward,” he said. “We are also pleased to welcome our new trainee intake, representing the next wave of talent to enter the firm.”

Partner Duncan Mosley, the training principal for DLA Piper in the UK, said that great emphasis was placed on giving all of the firm’s trainees the opportunity to further their professional careers without having to leave the city.

“With many of our Partners beginning their career as trainees in DLA Piper, it not only strengthens our investment in the future of our firm in the region, but in Sheffield city’s legal offering,” he said.
Your passion is our business

We believe better relationships make for better business. That’s why our Relationship Managers work hard to get closer to what’s important to you and your business.
Unity Law gets onside with Sheffield Wednesday's Disability Team

Unity Law has formed a unique partnership with the Sheffield Wednesday Community Programme to support the club’s disability football team.

The specialist disability discrimination law firm will supply the Sheffield Wednesday Ability County team with training bibs, footballs and boot-bags as part of the deal. The team is coached by specialist coaches, trains once a week and competes in its own league as well as for the national FA Disability Cup.

Staff from Unity Law recently went to meet some of the players at one of the team’s training sessions where they were joined by Paul Corry, a midfielder for Sheffield Wednesday’s senior team.

Chris Fry, the Managing Partner at the firm, said that supporting initiatives that empowered disabled people and made sport accessible was important to the firm.

“We are more accustomed to helping disabled people fight discrimination when things go wrong; so it’s fantastic to support the disabled community of Sheffield in a very different way,” he said.

Taylor&Emmet celebrates fair play with Sunday league football teams

Brian Clements and Andy Goodison (centre) from Crookes FC collect the team’s fair play award from Taylor&Emmet chief executive, Anthony Long (left), and Sheffield Wednesday legend, Mel Sterland (right).

Taylor&Emmet has joined forces with the Sheffield & Hallamshire County football association to reward grassroots football teams who have scored the fewest disciplinary points during the county’s 2013/14 Sunday Senior and Junior Challenge Cups.

The firm, which sponsored the competitions, also helped the local football association present fair play prizes to Sheffield's Crookes FC and Barnsley's Ardsley Oaks at an annual awards evening.

To win the awards, the Sunday league teams had to progress to the quarter final stage of the Challenge Cups. The county FA then totalled the disciplinary points teams accrued throughout the season in league and cup matches and declared those with the lowest scores the victors.

Both winners of Taylor&Emmet’s fair play awards progressed to the semi-finals. The senior team, Crookes FC, amassed a respectable 18 points and the juniors from Ardsley Oaks had just four points to its name at the end of the 2013/14 season.

As part of Sheffield & Hallamshire County FA’s annual awards evening, Taylor&Emmet’s chief executive, Anthony Long, presented the fair play prizes.

“The Sunday Challenge Cups represent all that is great about local grassroots football and whilst the fair play award winners may not have won the competitions, they demonstrated sportsmanship is alive and well in South Yorkshire,” said Long.

Richard Finney, marketing, communications and charity officer at Sheffield & Hallamshire CFA, thanked Taylor&Emmet for its support.

“It is the help of local businesses that enables us to recognise and reward the teams who played fairly as well as competitively throughout the season,” he said.

Harrogate Family Law signs sponsorship deal with local squash club

Harrogate Family Law is to sponsor Harlow Hill Squash Club in Harrogate throughout the 2014/15 season.

The deal has seen the club, which has seven teams playing in the North Yorkshire Squash League and the Harrogate Squash League, rebranded as HFL Harlow Hill.

Coach and first team captain Steve Smith, a qualified England Squash and Racquetball coach and five-time county champion, said the decision by Harrogate Family Law to become its corporate sponsor had been warmly welcomed by the club and its members.

“Financial support of this kind is extremely valuable to a facility like ours and will support our mission to provide a state-of-the-art venue with high quality coaching where people can learn and improve racquet skills, meet like-minded people and compete, should they choose to do so,” he said.

Andrew Meehan, the founder and managing director of Harrogate Family Law, said he was proud to have the HFL name associated with the club.

“Harlow Hill prides itself on its friendly atmosphere and reputation for being a leader in its field in the local area, values that are shared by Harrogate Family Law,” he said.

“We are very much looking forward to following the progress of all the teams and seeing the HFL team kits in action.”
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All enquiries will be treated in the strictest confidence.
Morrish staff brave the elements in Roundhay Park for the Alzheimer’s Society

Nine members of staff from Morrish Solicitors braved torrential downpours on 6 September to complete the 10k memory walk at Roundhay Park in Leeds to raise money for the Alzheimer’s Society.

The staff, made up of employees from all four different Morrish offices, were split into two teams, with the first group completing the course in 1 hour and 50 minutes. The second team finished it in just under two hours. They raised £600 in total for the charity, which Morrish has been raising money for since June this year.

Jodie Fieldhouse, a receptionist for the firm from Bradford, said that the event was a great day out and opportunity to raise awareness of dementia.

“I personally have never experienced a family member with this illness however I did know a lady from my previous employment who was living on her own with her husband who suffered with dementia,” she said.

“She made it into work every day with the thought of her husband, who had to be left home alone, as she had no one else to assist and she did not know whether he was going to be safe or not. People need these organisations to help them get through the day and give them advice and assistance in hard times,” she added.

James Shingleton a solicitor from Pudsey, said that it was great to see so many people at Roundhay Park taking part in the walk.

“I have seen first-hand the great work Alzheimer’s Society are doing to help people with dementia. As long as we continue to provide support to this charity, I am sure one day we will find a cure for this horrible condition,” he said.

They were joined by Tom Morrish, a partner at Yeadon; Eleanor Shinkfield and Samantha Simpson, trainee solicitors from Leeds; Rachel Barker, a solicitor from Leeds; and Laura Pickersgill, Sandy Kaur and Rebecca Wharton, all legal assistants from Leeds.

Irwin Mitchell real estate team cycles for the Canal & River Trust

Three members of Irwin Mitchell’s real estate team in Sheffield have taken part in a gruelling three day 260-mile bike ride to raise money for the Canal & River Trust.

Irwin Mitchell Partner and National Head of Real Estate, Paul Firth, and colleagues David Goy and Tracey Mardell, started their journey from London on 10 September at Little Venice. The team, which was joined by Manchester-based Paul Barnard, then passed through the Chilterns and the Peak District before travelling through a section of the Yorkshire Tour de France route before reaching Leeds on 13 September.

The lawyers took on the challenging ride as part of the Canal & River Trust’s Great British Bike Off challenge. Money raised by the event will be used to maintain and improve the 2,000 mile network of waterways in England and Wales.

“The Canal & River Trust has to self-fund most of their activities and we were therefore keen to assist them in their efforts,” said Firth, prior to the event.

“The team has been training hard and we are now looking forward to the challenge and raising as much money as possible.”

Irwin Mitchell has also sponsored the North East Legal Support Trust (NELST) charity walk in Leeds. The walk, which took place on 25 September, started at 5:30pm outside Leeds Combined Court Centre and finished in Millennium Square, where a complimentary drink was served for participants.

NELST holds a sponsored walk around Leeds city centre every year to raise money for local legal charities and voluntary advice centres in the region.

Lauren Burrows, a litigation assistant in the Industrial Illness team at Irwin Mitchell who took part in the event, said that the walk was for a great cause.

“Lots of people need advice on legal matters but don’t always have the means to seek the support of professionals so NELST helps to raise funds for charities and advice centres to help,” she said.

Meet the JWP team at Hepworth Gallery

JWP Solicitors is to host a meet-the-team evening on 9 October at The Hepworth Gallery in Wakefield.

Attendees will be able to browse the gallery and sample food from a live working Yorkshire themed sushi bar which will be serving a selection of locally sourced meats, cheeses and seafood, as well as hot snacks which will merge Yorkshire and the Orient.

The evening, which will commence at 6:30pm, will also include a brief seminar related to Wills, Probate and Trusts given by a team of JWP specialist lawyers.

Anyone wishing to attend can contact Paul Rollinson at PaulRollinson@jwpsolicitors.co.uk or on 01924 387171.
Rollits Lawyers ride from Coast-to-Coast

Eleven lawyers from Rollits have cycled 101 miles from Bowness on Solway to Tynemouth in aid of Macmillan Cancer Support.

Chris Crystal, who organised the event, David Myers, David Hextall, Neil Franklin, Tom Milner, Keith Benton, Ed Heppel, Julian Wild, David White, Nasim Sharf and Sam East all took part in the ride along the Hadrian’s Wall Cycleway on 26 and 27 September. They were joined by Mark Dixon, who drove alongside the cyclists in a support car.

Speaking before the ride, which includes the steepest built cycle path in England, Crystal said that he and his colleagues were all excited about the route and that they intended to “thoroughly enjoy it”.

“Whilst our colleagues back at the office will be enjoying coffee and cakes as part of Macmillan’s big coffee morning on Friday (26 September), we will be pushing ourselves to reach our stop-over near Haltwhistle on Friday night,” he said.

“We have received fantastic support and encouragement from our colleagues, friends and family and we hope to raise as much cash as we can for Macmillan.”

The team have set up a web page at uk.virginmoneygiving.com/teamRollitsCTC where members of the public can log their support and help with the fundraising efforts.

Parklane Plowden barrister walks for former colleague

Ian Pennock, a barrister at Parklane Plowden, has taken on a gruelling two week 190 mile walk from St Bees on the west coast to Robin Hood’s Bay to raise funds for the Jason Middlewood memorial.

Jason Middlewood, a clerk in Leeds for the chambers, tragically passed away in May of this year and is to be remembered with the placing of a solid oak bench and memorial plaque in Park Square at the heart of Leeds’ legal community, where he occasionally sat down to have lunch.

The walk, which took place between 5 August and 21 August, saw Pennock raise over £3,000. The funds raised, which exceeded Pennock’s original target, will also be used to provide public access defibrillators and surplus material for the Samaritans.
Promotional feature

Life in the EIP – All is not lost

We’ve seen another remarkable professional indemnity insurance renewal period this year. With the threat of regulatory change to minimum terms, a number of firms opted to delay their renewal until certainty over proposed changes were established.

Now, with the Legal Services Board (LSB) delaying any change in this renewal period, a number of firms are faced with either an extremely late renewal or renewal from within the Extended Indemnity Period (EIP).

What to do for those in the EIP

As if being in the EIP wasn’t stressful enough, obtaining coverage from a participating insurer this year will be especially difficult due to the higher volume of requests placed on rated insurers. For those facing this situation, it is imperative that you reach out to an experienced broker with a broad reach of available markets.

Even if you have been unsuccessful in getting any quotes so far, underwriters now have the time to reconsider your application in more detail. There is always a story to tell them, just make sure that your message is reaching all available insurers in a clear manner.

No doubt there will continue to be firms failing to gain coverage in the EIP and entering into the Cessation Period, a leading cause of which is a lack of professional help when presenting your firm’s risk to insurers.

A key message to any firm is that ‘all is not lost’, make sure you contact a professional help when presenting your application in more detail. There is always a story to tell them, just make sure that your message is reaching all available insurers in a clear manner.

No doubt there will continue to be firms failing to gain coverage in the EIP and entering into the Cessation Period, a leading cause of which is a lack of professional help when presenting your firm’s risk to insurers.

A key message to any firm is that ‘all is not lost’, make sure you contact a specialist broker as soon as possible – as we draw closer to the end of October, the likelihood of obtaining reasonable coverage will diminish significantly, and only the Cessation Period awaits.

Richard Brown is the Executive Director of the Legal Service Practice Group at Willis

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Yvette Cooper attends Simpson Millar debate on domestic violence against women

Simpson Millar has hosted the first in a series of debates on how to combat violence against women and young girls. Organised by the Labour Women’s Safety Commission (LWSC), the debate was chaired by Shadow Home Secretary, Yvette Cooper, and was attended by a range of delegates including charity trustees, trade union women’s committee groups and school and college pupils. No ‘Page 3’ campaigner Sarah Faulkner, and Gogglebox star Anglican Priest Kate Bottley, also appeared at the event.

Speaking at the event, Cooper said that violence against women and girls was an ever-present issue in society.

‘Whether it is physical abuse at the hands of a partner of psychological abuse over social media, the LWSC pledges to introduce new laws that will ultimately save lives,’ she said.

‘It has been fantastic to have the support of Simpson Millar. The ideas shared have come from so many different people with a diverse range of backgrounds, which has been exactly what we needed.

‘We want people’s voices to be heard as part of the LWSC, so we can do more to end violence against women and girls across the country,’ she added.

Emma Pearmaine, a trustee of The Corporate Alliance Against Domestic Violence and Head of Family Law at Simpson Millar, said that it was important that the firm had become involved with the LWSC.

“Our family law team deals with domestic violence issues daily and it is imperative we get to the root of what is a huge social problem.

“To have the opportunity to voice our opinions to someone like Yvette Cooper was an opportunity not to be missed,” she said.

Raworths holds business breakfast event

Raworths has staged a business breakfast event at which Barry Dodd CBE, the chairman of the York and North Yorkshire with East Riding Local Enterprise Partnership, addressed the audience on the level of Government support still available to local businesses following the demise of Business Link and Yorkshire Forward.

Dodd was joined by Heather Parry, director of the Yorkshire Event Centre and deputy chief executive of the Yorkshire Agricultural Society. The two of them spoke in front of an audience of over 45 local business owners and directors at Betty’s Imperial Rooms in Harrogate.

Dodd, who was also recently made a Deputy Lord Lieutenant of North Yorkshire, explained how Enterprise Partnerships can provide funding via the Business Grant Programme to businesses with ambitious growth plans.

Parry told attendees about the commercial arm of the Yorkshire Agricultural Society and how it aims to support farmers by promoting local businesses such as Harrogate farm shop Fodder, which strives to source its goods from over 300 local businesses and farmers.

Raworths’ Phil Parkinson, a corporate and commercial solicitor, also gave a talk at the event detailing what all businesses who provide goods and services to the public need to know as a result of the new Consumer Contracts Regulations.

Simon Morris, partner and head of corporate and commercial at Raworths said: “We were delighted that Barry and Heather were able to speak at our regular Business Breakfast event. These two exceptional speakers are shining a beacon for Yorkshire enterprise across the country and their passion for business in Yorkshire was very much in evidence in their presentations.”
Society directors share their experiences with LPC students

Three Leeds Law Society directors have visited a group of LPC students at Leeds Beckett University to share their experiences of working as lawyers.

The visit, which took part during induction week, was part of a wider programme of engagement with LPC students across Leeds, including those at BPP and the University of Law, to promote a new initiative by the Society to offer free membership to law students. The aim of the visit was to make students aware of what the Society has to offer and to provide some personal insights into each of the directors’ individual career paths.

One of the directors, Colin Gilbert, the secretary of the Society and the managing director of Freshwater Cooler, explained to students how being a solicitor was a “fabulous discipline” for a life in commerce.

“I would say that at the outset of a legal career, it pays to have a career plan but an open mind to seize opportunities as they arise,” he told the students.

“The digital and virtual world of social media is attractive to those in search of career opportunities, but in my experience networking events and the ability to meet those who might offer guidance is not only preferable but more likely to allow interaction with potential future employers.”

Rebecca Procter, his fellow director and a solicitor at Ward Hadaway, spoke about how it was vital that tomorrow’s lawyers understood a law firm as a business and how they could contribute to its success.

“Clients expect an understanding of the issues they encounter on a day-to-day basis and legal advice that is sensitive to those issues,” she said.

Yvonne Marsh, senior lecturer and LPC course leader at Leeds Beckett University, said that the students enjoyed the introductory session and were very interested to learn of the various benefits of joining the Leeds Law Society, particularly the opportunities for networking with practitioners in the local legal community.

“It is very generous of LLS to offer our LPC students free membership and I will be encouraging them all to enrol as members,” she said.

“I know that the students appreciated [the] directors talking to them about their own rich experiences in the law. Their anecdotes were fascinating and provided the students with useful food for thought as to how they could develop their own legal careers.”

The third director, Emma Pearmine, a partner at Simpson Millar, emphasised the central role that women could now play within law firms.

“There is now no reason why a woman can’t have the same opportunities as her male contemporaries, and still have a family, and that is an important message to our young female lawyers coming into the profession.”

Membership is currently free to LPC students who can sign up online at www.leedslawsociety.org.uk/members.

First to market with new ID & AML check

Market-leading legal software solutions provider, Eclipse Legal Systems, has announced integration with a new-to-market ID and Anti Money Laundering (AML) service.

Eclipse is the very first software vendor to have partnered with CRIF Decision Solutions and its new online ID Check and AML Check services. CRIF has a long pedigree of providing decision-making and fraud-prevention solutions. Projects with the UK insurance industry such as the Injury Claims Portals (RTA and EL / PL) have positioned CRIF as the leading developer in its field.

This new integration between Eclipse’s Proclaim Case, Matter, Practice and Process Management systems will enable users to request ‘one click’ ID and AML checks, directly from the Proclaim user desktop. Users select the type of search required (ID or AML) and upon entering details of the subject on a single screen, search results are returned directly to Proclaim – embedded within relevant client fields and the file history.

Tracy Blencowe, Business Solutions Director at Eclipse, comments: “Compliance, risk management and diligence are top of the list for the legal sector at the moment. As part of any client inception process, reliable and accurate ID and AML checking must be carried out. But for busy lawyers to accept this into their processes, the activity needs to be simple, reliable and user-friendly. By integrating seamless ID and AML checks directly into the Proclaim desktop – and any inception workflow procedures – we are providing our lawyer clients with an excellent solution to the ‘Know Your Client’ problem.”

Sara Costantini, Director at CRIF Decision Solutions Ltd, adds: “By leveraging Eclipse’s solid experience in the legal sector and its ability to quickly and effectively integrate external data sources, we have successfully created a fast optimised mechanism to generate smart desktop-integrated reports.”
LCF Law

Chris Blantern has been promoted to partner within the corporate division at LCF Law. He joined the firm four years ago after having trained at Eversheds and worked at Pinsent Masons. Blantern works across the firm’s Leeds and Bradford offices and has a strong track record in the manufacturing sector, advising SMEs on a wide range of transactions including mergers, private equity transactions, joint ventures, shareholder and partnership agreements, refinancing and restructurings.

Irwin Mitchell

Irwin Mitchell’s Leeds office has boosted its Pensions team with the appointment of Rebecca Whisker. The newly-qualified solicitor has gained experience in relation to both public and private sector pension schemes during her training contract. Whisker, who moves from DWF to take up her new role, said that she was joining a forward-thinking firm. She joins Employment associate Jenny Arrowsmith and Senior Tax Investigations manager Gary Clarkson, who also recently joined the firm’s Leeds office.

Walker Morris

Walker Morris has welcomed Rupert Bent as a partner and new Head of Intellectual Property. As former Head of IP Litigation for the regions at Pinsent Masons, Bent has almost two decades of experience and has successfully led significant litigation for a variety of household name companies, including for Phones 4U and Magnet. He sits on a Programme Committee of the Institute of Trade Mark Agents (ITMA) and is a regular published writer for the ITMA Review.

Blacks

Blacks Solicitors has announced the appointment of a new HR manager and the retention of two solicitors following qualification. Helen Saunders becomes the firm’s new HR manager after moving from communications agency Gratterpalm. Focusing on culture and employee engagement, she will be working with the Partners to grow individual departments. The two retained former trainees are Geoff Cunningham, who joins the Insolvency Team, and Stephanie Round, who will be part of the Family Team.

Clarion

Sadie Brook, Zoe Roberts and Grace Allison have all become new trainee solicitors with Clarion.

Brook, who will initially join the litigation team completed her GDL at the College of Law in York and the LPC at BPP in Leeds. Roberts completed the GDL at Leeds Met in 2012 and her LPC at BPP Leeds in July 2013. Allison, meanwhile, has been working as a paralegal within the firm’s Property department after completing her LPC which she studied for on a part-time basis.

Switalskis

Switalskis has appointed three conveyancers. Richard Wisnia has moved from Levi Solicitors to join the firm’s Leeds branch as head of New Build. In Halifax, licensed conveyancer Stephanie Boocock has brought over 11 years’ experience in residential property to the firm, while Fiona Gibson, a chartered legal executive has joined the team at York. The Conveyancing team at Switalskis has expanded from one part-time fee earner to ten conveyancers under the guidance of Partner Sarah Cookson (pictured).

Avery Walters

Avery Walters has added to its Employment department with the appointment of solicitor Sarah Nandhra. She brings with her a wealth of tribunal litigation experience and extensive HR experience, which she gained through her last position as a key member of the employment team in a FTSE 100 company. Managing director Andrew Parascandolo, who has worked with Nandhra before, said that she was an excellent solicitor with an impeccable eye for detail. “I know that our clients will be in very good hands,” he said.

Raworths

Matthew Hill has been made a partner at Raworths. Hill, an experienced Dispute Resolution solicitor joined the firm in September 2006 and was promoted to Senior Associate in 2012. He has extensive experience of acting for clients with commercial and property-related disputes and is a member of the Property Litigation Association. He is also a member of Harrogate Borough Council and serves as a director of both the Harrogate International Centre and the Harrogate Theatre.

Oxley & Coward

Rotherham’s Oxley & Coward has appointed Ryan Marsh as a solicitor in its Family department. Marsh, who qualified in 2004, has worked for seven years in private practice and three years as a senior legal officer at Doncaster Council. He has specialised in cases involving advocacy in care proceedings. “The family department has had a very busy few years so Ryan’s appointment is a real asset to us,” said Family Department Head and Partner Sarah Scott.
The University of Law, the UK’s leading law school, has arrived in Leeds

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Record attendance numbers for awards

A record-breaking number of guests are set to attend the **Yorkshire Legal Awards 2014**, which will take place on 16 October at New Dock Hall in Leeds.

Over 500 guests will be present at New Dock Hall in Leeds on 16 October to see Yorkshire’s finest lawyers commended for their achievements over the past year and a half at the Yorkshire Legal Awards.

Back in July this year, the judging panel for the awards whittled down the entries to a shortlist of 51 firms, sets of chambers and individuals, from which 16 will be crowned as winners during the awards ceremony, which will be presented by Steph McGovern, the BBC’s breakfast news business presenter.

Alistair MacDonald QC from New Park Court Chambers, the chair of the judging panel, said that he was thrilled to be a part of the judging process and that he and his fellow judges were impressed by the level of nominations that they had assessed.

“Lawyers are not always the most popular in the community but the breadth and depth of the nominations this year demonstrates how valuable the legal profession is to both society and business in Yorkshire,” he said.

MacDonald was joined in the judging process by Steve Dawson (President of the Sheffield Law Society), Professor Surya Subedi (School of Law, University of Leeds), Satpal Roth (the founder of Kher Solicitors), Peter Wright (DigitalLawUK and President of the Yorkshire Union of Law Societies), Philip Jordan (Ward Hadaway and President of the Leeds Law Society), Matthew Martin (DLA Piper and the Deputy President of the Leeds Law Society), Judge Geoffrey Kamil and Chris Fry (the founder of Unity Law).

A further award, the Presidents’ Lifetime Achievement Award, will be awarded on the night by Jeremy Shulman and Peter McCormick, OBE.

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**The shortlisted firms**

**Law Firm (1-10 Partners)**
- Emsleys Solicitors
- Gateley
- Lester Morrill Solicitors
- The Needle Partnership

**Law Firm (11-30 Partners)**
- Clarion
- Howells Solicitors
- Schofield Sweeney Solicitors
- Shulmans

**Law Firm (31+ Partners)**
- DLA Piper UK
- Pinsent Masons
- Squire Patton Boggs
- Stewarts Law

**Residential Property**
- Blacks Solicitors
- Shulmans
- Switalskis Solicitors

**Commercial Property**
- Irvin Mitchell
- Mills and Reeve
- Simpson Millar Commercial
- Squire Patton Boggs

**Dispute Resolution**
- Eaton Smith
- Stewarts Law
- Switalskis Solicitors
Rising Star
Peter Bott – Blacks Solicitors
Sarah Wildey – Wakefield Council
Joanne Fraser – Irwin Mitchell
Helen Forster – Simpson Millar

Private Client Award
HLW Keeble Hawson
Irwin Mitchell
Simpson Millar

Niche Law
Unity Law
Hawkswell Kilvington
Barton Legal

Corporate and Commercial
Eaton Smith
Eversheds
Walker Morris

Enterprise Award
Coles Solicitors
Henry Hyams Solicitors
Simon B Halliwell – Construction Law
Expert Limited

Family Law Award
Howells Solicitors
Lake Legal
Makin Dixon Solicitors
Wilkinson Woodward

Chambers Awards
KBW Chambers
Parklane Plowden
Zenith Chambers

Trainee Solicitor Award
Fiona McQuillan – Eatons Solicitors
Kaira Clarehugh – The Needle partnership
Nazraana Mahomed – Craig Solicitors

Managing Partner of the Year
David Wright – MKB Solicitors
Tim Halstead – Shulmans
Richard Marshall – Lupton Fawcett DT

Yorkshire Lawyer of the Year
to be announced on the night

Presidents’ Award
to be announced on the night

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Welcome from your new committee

The committee’s new members for 2014/15 were elected on 4 September and we would like to say a huge welcome to our current and new members. If you would like to become a member of the Leeds JLD please contact the newly elected secretary at Stephanie.houghton@gordonsllp.com.

The end of the JLD year was celebrated in style when the Leeds JLD and Douglas Scott cast off on a cruise along the Leeds-Liverpool Canal. Members enjoyed an evening of food and drink on the canal.

The last event of the summer saw another year of healthy rivalry at the second annual CapeClarke JLD Sports Day, in Leeds on Saturday 13 September. Junior lawyers and students from Yorkshire and beyond took part in the egg and spoon race, welly wanging and more, to compete for the coveted gold medals (and some rather nice wine!).

Upcoming Events...
Launch Event
Come along to our Launch Event in October to meet the new committee, new members and of course the kind sponsors of the evening, Florrit Brooke.

Save the Date
Friday 14 November – The Leeds JLD Winter Ball to be held at Aspire and sponsored by BCL Legal Recruitment and The University of Law.

To receive further information regarding the above events, please add yourself to the Leeds JLD mailing list by visiting the website www.leedsjld.com.

Don’t forget Leeds JLD is on Facebook www.facebook.com/leedsjld, and on Twitter @LeedsJLD.

Flood Re does not apply to small and medium sized enterprises, nor does it apply to properties above Council Band H.

Yet 80% of insurance claims for one insurer in the floods of 2014 came from homes that were not considered to be at risk of flood. Furthermore, of 385,000 properties in high risk flood areas, more than 350,000 (over 90% which is the equivalent of 3.8% of the total housing stock) will be excluded from accessing Flood Re.

So it is important to get the full facts when establishing flood risk as well as other environmentally related issues. PSG now provides a new suite of reports from Future Climate Info Limited that not only interrogates all relevant data but gives an RICS-accredited Professional Opinion on every section. These reports assist conveyancers in getting the full picture, enabling homeowners and businesses to make informed decisions about their house purchases. Climate change isn’t going away so it’s important to get the best advice.

PSG are pleased to be able to offer a solution to the uncertainty set out above on flood issues as it now provides the market leading and innovative FCI products include fully PCCB and Law Society Guidance compliant flood data. Also included to assist your client in making their decisions are insurability considerations.

Philip Wilbourn BSc C. Env FRICS, is a Chartered Environmental Surveyor and author of RICS Guidance on Contamination, the Environment and Sustainability. To contact Philip visit www.environmental-surveyors.com or email enquiries@environmental-surveyors.com.

For more information on the complete range of Environmental products and services from PSG, email: rebeccaharrison@propertysearchgroup.co.uk, visit www.psgconnect.co.uk or telephone: 01226 240 055
BPP Law School has had a bumper year for exclusive client wins. The list of names added to its already impressive line-up include magic circle giants like Clifford Chance and Allen and Overy, as well as big hitting regional players like DAC Beachcroft, DWF and Leeds-based Walker Morris.

The number of law firms choosing to send their trainees to BPP has now risen to 38, considerably more than any other big player in the field of legal training.

So what is the secret of BPP’s success? One reason seems to be our emphasis on teaching business knowledge and skills as well as pure law. Nowadays, firms seek business savvy recruits who can comfortably converse with their clients in the language of commerce and understand the current complex challenges of running a legal services business.

BPP Leeds recently hosted a conference for higher education careers advisors with the theme of ‘advising the lawyers of the 21st century’. The wide ranging keynote speech by Peter Crisp, Dean of BPP Law School, noted how the profession would look very different indeed in ten to fifteen years, as it is re-shaped by a multiplicity of challenges.

He said that at present, many assume that globalisation, regulatory change, economic pressures to reduce costs, the seemingly never-ending stream of new players into the legal services market, and the challenge presented by the potential use of big data and technological solutions to legal problems, are all dilemmas that can be solved by a human being with a legal qualification.

His talk concluded by exploring some of the potential new skills the lawyers of the 21st century might need to meet these challenges. What is very clear is that legal training providers wanting to lead in the marketplace for training lawyers will also need to keep ahead of the game in providing innovative training to cater for the ever-changing skills set that the lawyers of the future will need.

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Fast track procedures and falling in love

Cupid strikes and in less than three weeks Patrick Walker’s father makes it from letter of claim to final order

When I first recounted some of my father’s exploits, he had his doubts about whether he would live to see publication of the next Leeds & Yorkshire Lawyer – and that was when it was monthly.

At 87, and with obvious physical frailties, he continues to take each day as it comes, and makes few assumptions, other than that the other driver will move over.

But somewhere along the line, Cupid, clearly fed up of wasting arrows on fast-moving targets, took leisurely aim and lodged the tip deep in the elderly but reasonably regularly beating heart.

The attraction was apparently mutual (and yes, I have told her, to her face, that she must be mad), and their fate was planned on the 12.17 to Derby and sealed on a winter break in Malaga.

By summer they had no doubts, and with the impatience of youth, determined to get married as soon as possible. Special licence is apparently an alternative to the more usual church disclosure Order, and holidaying clergy merely provided an opportunity for long-standing friends in the ministry to wear their frocks and deliver dubious justification for the inclusion of a promise to obey by the bride.

I’m not sure what the usual question is on the lips of guests at weddings. ‘Where did she get that beautiful dress?’ ‘Will there be a free bar?’ ‘Which bridesmaid will be next?’ But whilst the dress was lovely, the question resounding on both sides of the aisle was ‘why?’ I should explain that whilst it would be rude to reveal a lady’s age, there is a 35-year age difference and I now have step-siblings. The youngest is 19 and I also have two step-sisters in their early twenties. I am very new to this – are you allowed to describe your step-sisters as ‘stunning’?

Whilst the happy couple appear to have taken it in their stride (in father’s case, his shuffle), and as I write are exploring the ruins at Corinth and investigating the egg-carrying capacity of his new quilted waistcoat (see last edition (129) – ed), most of us are in some degree of shock. Typical comments from male and female friends alike include ‘good on him’, ‘life in the old dog yet’ and ‘gives us all hope’, but most are mystified by her reasoning.

It’s not money and I did wonder whether Dad’s secret plan was to marry a GP so that she could care for him so well he would outlive her and inherit her estate. But that is a bit over-ambitious, even for him.

The new Mrs Walker is delightful and I have come to the conclusion that it is real and irrational love. There is demonstrably no logic to hanging out with an octogenarian who won’t dine out without a voucher (OK, so like father like son!), saves part-eaten cheese and pickle sandwiches in his pocket until more room is needed for hard-boiled eggs, believes that two pairs of Primark socks will ‘see him out’ and forgot the difference between expressing an opinion and giving judgment several decades ago.

Perhaps the answer is in an Indian proverb. ‘Logic ridicules love and love smiles knowingly at the whole foolishness of logic.’ As lawyers we are constantly drawn towards logic and rationale and towards demonstrable cause and effect. And in so doing, perhaps we try to suppress the emotions which, like the overriding objectives, are there to trump the unwanted effects of meticulous application of established rules and logic.

Of course it would be ridiculous to suggest that any serving judge would succumb to a plea from or to the heart, when he could instead turn to the CPR. But for at least one in retirement no advocate, however eloquent and logical his submissions, could dissuade him from deciding in favour of charm, affection, and I suspect a degree of excitement that few of us are likely to enjoy at his age.

Moreover, the same logic would be powerless against the lovely lady who has lost her marbles and found a less than respectful step-son.

Patrick Walker is head of Property @ction, Squire Sanders Patton Boggs’ specialist advisory and advocacy service. He is also an independent mediator: www.imediate.co.uk
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Laying the groundwork

The President of the Law Society visited Yorkshire twice in September. Marek Handzel met him on his second trip up here, and heard how Andrew Caplen plans to transform the way in which the Society engages with its members and the public.

When I first meet the President of the Law Society, Andrew Caplen, in the lobby of a hotel in Harrogate, he appears to be distracted and reserved.

I wonder whether my ever so slightly late arrival could be a reason for his cool demeanour, but soon realise that he has a perfectly good reason not to jump up and hug me like a long lost brother.

He’s looking at a printout of a speech he is to deliver that evening to the local law society, but the text is too small for him to read. His aide for the day, the unflappable Fiona Tatton, the Yorkshire regional manager for the Society, reassures him that she will ask the hotel to re-print the text in a larger font size.

Satisfied that a mini-crisis has been averted, he turns his full attention to me and we make our way to the hotel’s restaurant. Within a minute or two, my impression of the man has completely changed.

Unassuming, softly-spoken and with a disarming charm, Andrew Caplen belies the often made claim that the Law Society is aloof and out of touch with the very people it claims to represent.

We sit down at our table and he spends a good few minutes telling me about his ties to Yorkshire. A Hull graduate, he is due to speak at the university’s alumni lecture next May. Having had three very happy years there as a student, he says he is both flattered and honoured to have been asked to do so.

And if he’s not here on business, then it’s pleasure. A keen walker, he has completed the Three Peaks on three separate occasions and crossed the North Yorkshire Moors via the Lyke Wake route four times.

“I take weekend trips up from Hampshire just to walk here,” he says.

Path to the Presidency

Caplen comes from a large high street general practice in Southampton, where he found himself involved in a wide mixture of work.

He was originally elected to the Law Society council in 2000 after being prompted to put his name forward following his work as a young solicitor representative with the Hampshire law society.

“In the first few years, because practice was so busy, it was difficult to get too involved, but then in 2008 I became chair of the Access to Justice committee,” he says.

In 2010 he was elected to be the Chair of the management board of the Law Society and eventually became Vice President. His four year stint, which granted him access into the inner workings at Chancery Lane, was a great training ground.

“I’ve had some time to think about what I’d like to do in my time as President,” he says.
Plans
Every Law Society President chooses a theme that shapes their tenure, and Caplen says that he was keen to come up with something more practical than ethereal during his.

"Firstly, I wanted to emphasis the importance of social mobility," he says.

"I'm very conscious of the fact that the only reason I qualified was that Hampshire council were very generous with their grants – right until I finished Law school."

“I don’t come from a legal background, my parents had a fruit and veg stall in a market and were very keen that their children should have an education.

“But I’m very conscious of the fact that the only reason I qualified as a solicitor was that Hampshire council were very generous with their grants – right the way until I finished Law school.”

“I’m concerned about those who graduate now with great debt,” he says.

He is clear that the profession has to ask itself if it was still doing enough to support those from disadvantaged backgrounds and intends to drive debate on the matter.

The second motif he wants his Presidency to portray is that of engagement.

“I had to chair the special general meeting back in December,” he says, where a vote of no confidence was passed against the former President Nick Fluck and chief executive Des Hudson.

“When we spoke afterwards, I said that one of the underlying grievances solicitors had was that they did not feel that the Society had engaged or explained itself enough. Which is why I want to make that a priority this year.

“I suggested that we needed to go out and speak to more people. We had a tendency to go to the same places, the major conurbations, for obvious reasons.”

Caplen put his words into action almost immediately, spending large parts of January and February on the road, going to Magistrates courts and talking to criminal aid practitioners. And since becoming President, he has visited firms from further afield, such as Newtons, in Ilkley, which he visited just a week before coming to Harrogate (see page 8).

But it’s not just expanding the Society’s physical reach that is important, he argues, it is also time to break away a little from traditional formats that were used for visits in the past.

“I want to meet as many practitioners as possible, but in a different way where possible,” he says.

“Engagement is a two-way thing, of course. But if you put information out there and if nobody reads it, then whose responsibility is that? Maybe we need to think of different ways of how we talk to the profession.”

His third, and final theme, concerns Access to Justice.

“I actually think that almost all lawyers came into law in the first place because they believe in the rule of law,” he says.

“They might not have known what it meant, but they believed in fairness, wanted to represent people and help them. So therefore they believed in Access to Justice and they still do – whether you’re from a big city firm or a sole practitioner’s office.”

At this point it’s pointed out to him that his lunch is getting cold. He eats a couple of mouthfuls, has a sip of water, and carries on.

"I've had a pretty warm welcome since I've been President and it is vital that we carry on. It is a fundamental human right, more fundamental than health and education, to be frank." As if his ambitious programme wasn’t enough, Caplen also has to deal with five major events that will force the Society into the public eye.

Commemorations surrounding the First World War, the Commonwealth Law conference, the Global Law Summit, the Magna Carta celebrations and the General Election will all take up his time and energy.

He welcomes his daunting schedule, however, as he does the reception he has received so far on his travels.

“Thirdly, I wanted to emphasise the importance of social mobility," he says.

Chapter 4
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-access to justice is under serious threat, he argues, and no government of the last 20 years has been prepared to fund it properly. However, he says, if you were taking the argument to Ministers may not be the best strategy when trying to reverse legal aid cuts.

“We need to win the argument in the public domain and get the public to understand that Access to Justice is important. Because they will put pressure on government to adequately fund it.”

In order to capture the public’s attention, it is vital that we carry on. It is a fundamental human right, more fundamental than health and education, to be frank.”

As if his ambitious programme wasn’t enough, Caplen also has to deal with five major events that will force the Society into the public eye.

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Riding the wave of change

Solicitors are becoming used to catching the curveballs thrown at them by the Solicitors Regulation Authority (SRA), and the announcement back in May that the compulsory 16 hours of annual CPD was to be scrapped is no exception. **Peter Kinch** explains more about the changes and what they mean in practice.
or as long as we can remember (well, since 1985) solicitors have completed their CPD record in October, safe in the knowledge that they have done what’s necessary to satisfy the regulator for another year. So for many, the SRA’s announcement in May of a change in the training requirements prompted a collective sigh of despair. What exactly is going to happen? And how will firms ensure that they are riding the wave of change rather than rowing against the tide?

Well, in SRA-speak, there is to be a shift towards “outcome-focused learning and development” and a move away from CPD hours. The aim is to ensure the “continuing competence” of solicitors. In other words, the requirement for 16 CPD hours is coming to an end. As too is the need to get your training from a CPD accredited trainer.

In its place, the SRA will expect firms to demonstrate that they have a system that identifies and records the training needs of the firm and its people, and ensures that those needs are met. This could mean a huge change to the training culture of some law firms, particularly those which currently leave the responsibility for training to the individual lawyers. It should have less impact on law firms, particularly those which currently leave the responsibility for training to the individual lawyers. It should have less impact on those firms which have already adopted a firm-wide approach and moved away from the 16 hour box-ticking exercise.

The changes are not imminent, but you need to start thinking about them now. Firms can sign up to the new scheme voluntarily from Spring 2015 and it will be compulsory from November 2015.

A change for the better?
In some ways, the new regime will make things a lot easier. When announcing the changes to training regulations, Julie Brannan, Director of Education and Training at the SRA, said that the body wanted to “move to a situation where we put learning at the heart of continuing competence and give people the flexibility to learn in ways that suit them.”

We all know that technology is driving changes to the way people practise and to the way people learn. The SRA recognises that this has given solicitors tremendous scope to access new information and learning sources; from webinars to reading specialist blogs, and even taking e-learning courses which can be accessed at your desk or while you’re sat on the train.

So lawyers will be able to capture more of their learning activities as evidence, including reading blogs, newsletters, and practice publications; drafting practice notes and precedents; preparing and presenting training; attending courses, physically and online; and delivering or receiving coaching.

Focus on making yourself a great lawyer
Research conducted by The Financial Times back in 2012 found that clients judged whether a lawyer was a great one or not by observing their skills and service levels.

For them, it’s not about knowing the law – that’s a given. 80% of them expect a more consistent level of service and their overall verdict on firms’ performance was “significant room for improvement”. But you don’t need me to tell you that clients are becoming more demanding.

The same research revealed that 87% of advisers know they need to develop a more commercial skill set. But only 36% receive training on business and commercial issues. And a whopping 32% get no training at all on topics like client service, business and commercial issues, project management, tender writing and pitches, financial analysis and price negotiation.

Aren’t they some of the key areas in which training could make a huge difference to your firm’s performance?

1. Plan your training objectives
Undertake a bi-annual review of the training needs of individuals, teams and the firm. Ask questions about people’s competence and confidence in different areas. You might find that your litigation lawyers need to improve their performance during settlement negotiations. Or that your corporate lawyers are not confident about estimating costs. And look for opportunities to learn from people within your firm who are very effective already.

None of this is difficult to do, but if you don’t have the time or the skills, look for external help.

2. Training focused on client service
Check what your clients think about the service you provide and tailor all your training accordingly. Are you listening and communicating effectively enough? Could you benefit from improving your writing skills?

3. Keep a record
Set up new training records for everyone in the firm. They should include a summary of the training needs (identified as part of your training review) and details of the learning activities completed – time, date, duration, topics covered. You’ll find a useful precedent on our website that you can download. If you want to write your own, make sure it includes some evidence of what has been learnt. For example, after a training session on supervision skills, a partner might record: “As a result of this course, I can now manage my team’s written work more efficiently and without duplicating work”.

That should keep the SRA happy.
Dazed and confused

Research has shown that a large chunk of the public either do not have a will or are in possession of one that is out of date. How bad is the problem and what can be done to ease it?

If research released by Investec Wealth & Investment earlier this summer is to be believed, then the UK is on the brink of the mother of all intestacy crises.

The company published the results of a survey which showed that 64% of adults do not have a will and that of those who do, almost a third of them are out of date.

Investec’s research did not cover the percentage of people who die without a will, which is suspected to be a much lower figure, but it did highlight a major gap in knowledge on the part of the public when it comes to planning how an estate is to be divided.

Many people are still of the impression that all their assets will pass to a surviving spouse, or to their children if the spouse has already died, which is why after revealing its findings, Investec said that having a will in place – which is reviewed in light of major life changes – should be standard practice.

Diana Smart, head of wills and probate at Taylor&Emmet agrees with the wealth manager and says that the number of people who do not make a will has remained stubbornly unchanged for as long as she can remember, despite all attempts by public and private bodies to promote the issue.

“I have, sadly, dealt with two cases recently of men in their 40s who died in accidents. One had a will and although his widow found the situation very difficult, it was at least fairly straightforward,” she says.

“The other was not so well prepared and because he had a substantial life insurance policy, under the (old) rules of intestacy, his wife was obliged to share it with her young children. This added uncertainty and distress that could have been avoided easily and cheaply by making a will.”

A growing concern

This lack of awareness has taken on further significance from 1 October, with the arrival of a new set of laws in relation to wills, in the form of the Inheritance and Trustees’ Powers Act 2014.

The rule changes, which will affect people who die with more than £250,000 in assets, will mean that so-called common law partners still have no right to inherit an estate, while spouses will now inherit everything left by a deceased husband or wife.

Despite these changes, a worrying trend is emerging where more people are attempting to save money by not making wills or appointing friends and family as administrators to save on costs.

According to Paula Myers, head of Irwin Mitchell’s Will, Trust and Estate Disputes team, the firm is seeing a huge number of examples where the friends and family of someone who has passed away have been forced to launch legal action following concerns about how an estate should be divided or managed.

“This can prove to have both a significant emotional and financial cost on those involved, in some cases leading to relationships irrevocably breaking down,” she says.

Andrew Evans, a partner in the Private Client team at Ward Hadaway, says that legal action in many cases stems from the fact that too many people fail to understand that there is no such thing as a common law husband or wife.

“As a result, it is possible for a situation to arise where a surviving parent has to sue the children in order to receive a reasonable proportion of the estate after a partner’s death. Such Inheritance Act claims can end up costing tens of thousands of pounds,” he says.

The changing dynamics of society, says Monika Volsing, a solicitor at Morrish, has also led to people simply forgetting to provide for children from a former marriage when they have remarried.

“With blended families being more the norm nowadays, this is increasingly common,” says Volsing.

The message that should be fed to those with significant assets, she says, is to spend some money making or updating a will.
Otherwise, it will be their families who will have to spend a lot of money on solicitors to sort out the ensuing mess.

Cross-selling and checking

Firms can do their part to remind existing clients of the importance of having a will in the first place, of course.

Veronica Mullins, a Partner at Ramsdens, points out that the lack of awareness that marriage revokes a will can offer an opportunity for firms.

“Whilst we don’t often have contact with clients just after marriage, we do see them if the relationship turns sour. Therefore, having a strong relationship with your matrimonial department can certainly help to ensure that people do consider making a will, or updating a previous one, when they get divorced or separate,” she says.

“This cross-selling is important with other areas. For example in conveyancing; a good conveyancer will try to encourage a client to review their will.”

Yolsing says that reminding clients about their wills on a regular basis, and not just through the Wills & Probate department, should be second nature for firms.

“We talk to clients about making or updating a will when they come to us for other reasons, like a personal injury or family issues,” she says.

Mullins also notes that many people seem to think that just because their will is out of date, then it has somehow magically disappeared.

As a result, when they are asked if they have an existing will, they will say they don’t, only for it to transpire later down the line that they do have one.

“As a matter of good practice, firms can help keep a track on this by always trying to ascertain if an earlier will has been executed and ensuring that it is obtained from any previous solicitor,” she says.

The same situation works in reverse however, as Michele Todd, a partner at hlw Keeble Hawson in Sheffield points out.

Her firm has received enquiries from people who have found a testator’s will that they believe doesn’t reflect a family’s current situation, or what the testator intended, so assume that one drawn up later on must exist.

But as there is no central register of wills, this can be difficult to investigate and often ends up being a wild goose chase around the various solicitors’ offices in the testator’s local area to see whether there are any records of a later will.

A central hub of some sort would instantly ease that particular problem.

Further flexibility on the part of solicitors could ensure that clients, or their beneficiaries, have the protection of a valid will, says Evans.
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“Clients can write wills in contemplation of marriage, but it must be marriage to a specific person. We have had clients who were intending to marry but did not want to jinx the wedding by naming the future spouse in their will,” he says.

“For these clients, a simple solution is to provide them with a codicil to revive their will if they subsequently marry.”

Raising awareness
Further help in raising the issue of wills in vital, says Sian Thompson, a Partner at Simpson Millar, and could be done through a sustained national awareness campaign.

Currently, initiatives such as Will Aid, held every November, which allows the public to make a will with a solicitor and then donate the fee to charity, have proved to be popular. A similar, more regular, drive to get people thinking about their estates could be invaluable, says Thompson.

“It would go a long way in helping individuals and the courts to avoid problems through inadequate preparation, she says.

“The benefits of providing a simple reminder so that people check their wills would vastly outweigh the costs of doing nothing. Ultimately, we should be helping people feel comfortable with the process which is actually very straightforward and inexpensive.

Secrets and lies; the will of Lucian Freud
A court battle over the estate of the late artist Lucian Freud has put the spotlight on the little known area of law of secret trusts, writes Sarah Young.

The artist had 14 children. After he died on 20 July 2011 it quickly became apparent that his estate of some £42m had been left to his solicitor and one of his daughters, who were also appointed as executors of the will.

Lucian Freud’s son Paul challenged the validity of the will. If it was found to not be valid his father’s estate would pass under the intestacy rules, which would mean that it would have been divided equally between all 14 children.

The executors of the will argued that the £42m was being held by them under a secret trust. A will becomes a public document as soon as a grant of probate is made. Freud wanted to keep his wishes entirely private and, on legal advice, used the little known option of creating a hidden trust.

The solicitor and daughter said that before his death, Freud had told them what he wanted them to do with the money – and that he didn’t want his other children to know what that was. It was made clear to Paul Freud by the executors that he was not to benefit under the trust.

So what is a secret trust? Simply put, a trust can be described as a relationship created at the direction of an individual, in which one or more persons hold the individual’s property subject to certain duties to use and protect it for the benefit of others.

In a fully secret trust the will does not reveal that a trust exists at all. It is simply an earlier agreement between the maker of the will and the trustees during their lifetime. Half secret trusts arise when a will refers to a trust but is silent about any specific instructions – for example A might leave a bequest to B “for the purposes for which I have told him”.

Paul Freud argued that in fact, his father had tried, and failed, to create a half secret trust, which made the will invalid. However, at Court, the executors of the will successfully established that a fully secret trust had arisen.

The drama may not be over because Paul Freud and his siblings could bring a separate challenge under the Inheritance Act 1975 to say that the will did not make “reasonable financial provision” for them. It is possible for adult children to bring claims against a parent’s estate but these claims are not easy to pursue unless, for example, the adult child was financially dependent on their parent at the time of their death.

Fully secret and half secret trusts are rare – and it’s easy to understand why the artist’s son in this case was suspicious. On the face of it his father was leaving his incredibly large fortune to his solicitor and one daughter. But it is clear that Lucian Freud received professional advice and the law does permit secret arrangements like this.

In Victorian times, men who had a mistress and illegitimate children wanted to be able to provide for them without their legitimate family finding out after their death; secret trusts provided an opportunity for them to retain a veneer of respectability.

Generally speaking, it’s not a course of action that would be recommended because of the risk of a dissatisfied family member challenging the trust. Also, of course, the will maker is relying heavily on his trustees to do what they are asked to do after he has died.

Sarah Young is a Partner with Ridley & Hall solicitors in Huddersfield ●
Getting connected

Emily Miller offers some top tips on using LinkedIn and debunks some common myths about the social networking site

For legal professionals serious about building their business, LinkedIn is a key tool in their armoury. But there are a few commonly held assumptions about the site that prevent professionals from using it. So before considering a few top tips on how to get the most out of your profile, there are some myths that need debunking.

Myth no. 1: It’s for recruiters and has no value unless you are looking for a new position
Of course recruiters use LinkedIn – it is a great CV resource for them, and can be an effective way of helping you to track down your next job, but it is useful for many more reasons than this.

LinkedIn is a valuable tool to demonstrate your experience to clients, prospects, colleagues and potential employers, all of whom will be looking at your profile. It enables you to communicate your expertise and, perhaps most importantly, to grow your professional network at your own pace by identifying and targeting key companies and decision makers.

Myth no. 2: It’s just about collecting connections and has no part to play in growing your practice
LinkedIn is great for growing your professional network but there is no point in simply growing this for the sake of it. Connecting with someone is the first step of a business relationship with that person. LinkedIn allows you to build relationships with prospects online and then take the relationship offline, which is great for lawyers when time is a scarce resource. In this way, LinkedIn is a particularly effective way to grow your practice.

Myth no. 3: It’s all about people flogging their products & services – this is of no interest to me
There will of course always be people looking to sell things on LinkedIn, but then this is no different to any other network or forum. The value, and indeed reason for LinkedIn’s existence, is the ability to grow and nurture relationships in a time efficient and convenient way. Using it as a sales tool is simply a secondary use that you don’t need to become involved with if you don’t want to.

Myth no. 4: You have to be on LinkedIn all the time for it to make a difference to your practice and I don’t have the time
Not at all. Of course, the more time you spend on LinkedIn posting articles and connecting and engaging with people, the greater your presence will be. But simply growing your network as you meet new contacts, checking in two or three times a week and contributing to some conversations and posting interesting, relevant articles will be sufficient to get you out there and make a difference.

Myth no. 5: My LinkedIn profile is not important, if a client or prospect wants to find out what I do, they can go to our website
Because search engines rate social networking sites very highly, it is likely that when a potential client searches for you online, your LinkedIn profile will be on the first page of the search. Yes, of course they can (and probably will) look on your website, but you have no control over whether they will first click on your
LinkedIn profile, or on your website. If your profile doesn’t represent you well, they may be less likely to take a look at your website. Your profile presents an opportunity for clients and prospects to get to know you better – so it makes sense to use LinkedIn to position yourself as the ‘go to’ expert.

If you can get over mental blocks such as these, you will be able to get the most out of the site’s features and use it to grow your online presence, your network and, ultimately, your practice.

Getting the most out of LinkedIn

There are five ways that you can help build your network and grow your practice – in the most time efficient way.

Picking up where we left off with the last myth, the first thing to remember is that it’s vital that you don’t leave your profile incomplete. If you do, then you won’t be seen as often in other people’s searches, limiting the awareness and connections you will generate. To help generate maximum awareness, your headline should contain marketing key words.

A professional photo will also add to the overall impression, so never underestimate the importance of this. Profiles with photos are eleven times more likely to be viewed.

Secondly, you need to connect with your key prospects. LinkedIn’s advanced search feature will help you to effectively research and identify your key prospects and contacts. You can then use LinkedIn’s InMail to contact them or ask for an introduction through mutual connections.

Thirdly, you really should be joining and getting involved in LinkedIn groups. It’s crucial for all LinkedIn users to join a selection of groups. This is a simple and time efficient way to raise your profile and start engaging with potential clients. And contributing to discussions just a couple of times a week will ensure that you have a consistent, active presence. If you are looking to step your contribution up a gear, you can consider publishing your own discussions. However, avoid trying to sell in LinkedIn groups at all costs. No one likes to be sold to.

Another step you can take is to create a company page. In truth, a LinkedIn company page is a must, and this isn’t limited to large firms – even one-person practices can have company pages. This is an ideal setting in which to present your brand, showcase your expertise and provide another channel for you to share your industry knowledge.

Finally, once you’ve established some good connections, you can start to take online relationships offline. The personal touch makes all the difference. Make sure all your invitations to connect are customised (so don’t use the standard LinkedIn invite text) and then follow-up with a face-to-face meeting when appropriate.

LinkedIn can facilitate new prospect relationships and help build stronger current client relationships, but it won’t substitute face-to-face meetings and calls.

Emily Miller is a LinkedIn coach and founder of Marshall Walker

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Small and mid-sized firms to provide jobs boost

The professional services jobs market is in line for a boost after it emerged that a third of small and mid-sized firms intend to recruit new staff in 2014, according to new research by Yorkshire Bank.

The research found that, on average, firms expect to grow staff numbers by 3%. If this figure is applied to the sector’s workforce of 1.7 million* this means that 51,000 new jobs could be created in professional services.

The recruitment intentions highlighted by the research were supported by investment plans. 19% of firms said they would increase existing budgets for new staff.

The survey suggested that small and mid-sized firms also plan investment in staff development with 29% of those who maintain a separate training budget saying they expect that allocation to increase.

Overall, the research indicates that the professional services sector is growing increasingly optimistic about the UK’s prospects with 76% of firms saying that they expect the economy to grow over the next year. Almost half (46%) of firms expect their turnover to increase.

Sue Carter, Head of Professional Services at Yorkshire Bank, said: “Small and mid-sized professional services firms are now planning for growth and their desire to increase recruitment and invest in their staff is a clear sign that confidence is building within the sector. The creation of new jobs will help boost productivity and competitiveness as well as strengthening the improving economic recovery. “As confidence continues to grow, we remain focused on supporting professional services firms and investing in their growth ambitions.”

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Clare Grant, Senior Academic, BPP Law School Leeds

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Given the often highly sensitive information on companies and individuals that is held by law firms, it has always been recognised that there is a fundamental requirement to establish a proper control environment to protect this data.

The Information Commissioner now has powers to issue monetary penalty notices of up to £500,000 for serious breaches of the Data Protection Act occurring on, or after, 6 April 2010, since which time he has issued over 25 penalties for data loss incidents totalling £2.75 million, with the largest being £325,000. Incidents dealt with included the mailing, faxing, or e-mailing to incorrect recipients, loss of unencrypted laptops and other portable media devices and poorly controlled data destruction practices.

We have detailed below some practical advice on how to check that your firm’s data is adequately protected.

Preparation
Firstly, you should check that you have properly identified the data that you want to protect. We have observed that companies can miss the very obvious, such as remuneration lists and details of ex gratia payments, as well as the less obvious. It is relatively easy to overlook the importance of seemingly mundane data and how useful that might be to outsiders. For example, data lost from RAF Innsworth in Gloucestershire included details of individuals’ extra-marital affairs, debts and drug use, which in turn, increased the threat of blackmail and extortion of RAF staff.

External perimeter
The spectre of the invisible hacker looms over all companies with an external presence. Easy-to-use tools from the web that facilitate hacking are freely available and they can even come with detailed guides and unpacking instructions. Recent high profile events have included concerted attacks against JP Morgan, Bank of America and Wells Fargo in the US.

Firstly, you need to establish what your external perimeter actually is. Is it just your network? Does it include a key third party who hosts some systems for you? Does it include the disaster recovery centre where your data is mirrored to? Once you have established what your boundaries are, you can determine how to test them.

Secondly, you then need to find out how the perimeter is controlled. A widely used method is to commission an independent penetration test. This probes the network and identifies holes that hackers might seek to exploit.

The people element
The potential role of people in undermining your information security controls cannot be stressed enough. Whether they intend to be or not, your staff are often the weakest link in a control culture.

Key here is making sure that your staff know and follow the rules. The aim is to check the extent to which your staff understand the control environment that has been established. Testing their knowledge of key policies and procedures can be very insightful. On a wider level, you need to ensure that your organisation is following the procedures that it has developed to ensure that only suitably vetted members of staff are employed in the first place.

Another area to consider which is growing rapidly in popularity is social networking. What are people saying about your organisation? What company information are they revealing? Is it your concern at all?

Data Security
When addressing data security, an organisation needs to consider what form data exists in and how it might be taken out of its control. The growth in mobile computing has provided many new opportunities for data to be taken, stolen or lost. Some companies have not yet addressed this area and are vulnerable to data security breaches through this route. For example, East Lothian Council lost the personal data of over 1,000 pupils because one employee downloaded the information to a memory stick and subsequently misplaced it.

The key requirement here is to identify data in all its forms, classify it and then test the protection applied to it.

It is unrealistic to expect that you will be able to gain full assurance through testing alone, but it does provide valuable input into any assessment of how effective your control environment is and, in particular, whether the message about the importance of information security has reached your staff and partners.

However, you must make sure you allow adequate resources to do the testing properly – half-hearted or haphazard testing can give false assurance. Ultimately, establishing a successful assurance strategy through testing is not a rubber stamping academic exercise. Done properly, it should help protect your data and your company’s reputation.

Gareth Greaves-Milner says that good client service is all about not losing sight of the personal nature of business

To find out how Baker Tilly's Technology Services team can support you contact David Morris, Director.

M: 07800 617 128 E: david.morris@bakertilly.co.uk
A recent study by the University of Exeter reveals that 45% of couples surveyed in England and Wales were completely unaware of the options available to help them terminate their marriage out of court.

The Mapping Paths to Family Justice report demonstrates that separating couples still believe they will have to go to court to resolve their differences – despite the choices of collaborative law, mediation, arbitration and solicitors’ negotiations. The study shows that just under half (44%) of the couples surveyed were aware of mediation, 32% knew about solicitor negotiations, while only 14% had heard about collaborative law.

Last year, 117,000 divorce cases ended up in court while only 17,000 people chose to opt for mediation. Many of those court cases will have involved individuals who represented themselves, because the demise of public funding for most family matters has put legal representation in court beyond the reach of many.

If more couples opted for collaborative lawyers, then issues, including finances and children, would be settled in a more consultative way, avoiding court room confrontation and making sound economic sense. It also ensures that the lawyers representing them remain on the same page, even if the couples themselves are at loggerheads.

Easing the burden
As collaborative family lawyers, our role is to communicate effectively and break down barriers to facilitate the parties reaching a settlement, regardless of any animosity clients feel towards their former partners. This can
speed up the divorce process, reduce costs, and manage difficult emotions. It also leaves the couple feeling more in control of their own destinies, and their family less bruised by the whole process. Life is made easier if the parties go down this route, and emphasising the ‘children first’ approach can prove helpful if one spouse is not keen to proceed in this way. Even in a case where the collaborative process may not be appropriate, such as a lack of trust between the parties or mental health or domestic abuse issues, negotiations can still benefit from involving two collaboratively trained lawyers. Their approach is likely to be similar, constructive and solution driven, as opposed to a litigation-first-and-talk-second style.

Sometimes, court is inevitable. It may be that both parties insist that this is the only avenue they wish to pursue, or there is a complex issue and a third party is needed to make a decision. Yet even then, it will be more beneficial to all those involved if both lawyers are collaborative, as they can help to ease the situation and will both be keen to cause minimum emotional damage to the family.

As a distress purchase, divorce is an expense that cannot be budgeted for, and with the withdrawal of legal aid for most family law matters, couples are having to fund the money to fund them. While some couples are able to dip into savings and investments, others are borrowing from litigation funding firms, paying on their credit cards, taking out bank loans, seeking help from family or finding divorce lawyers offering a Sears Tooth Agreement.

With statistics from insurers Aviva suggesting that the final cost of a divorce, taking into account a range of expenses, could be as high as £44,000, it is easy to see why a court based process to resolve financial and children’s issues is beyond the means of most couples. Divorcing couples typically face not only their legal costs, on average £4,000, according to the Ministry of Justice, but also have to find the money to set up new homes, buy another car and secure additional childcare if children are involved.

It is unfortunate, however, that the Government’s message is failing to reach its audience, particularly after the latest study by relationship counselling charity Relate has revealed that those couples worst affected by the recession are eight times more likely to suffer relationship breakdown.

The research showed that people who suffered financial hardship during the recession were more likely to experience relationship problems and are continuing to endure them despite the economy recovering, potentially creating a toxic atmosphere for any children in a tense and unhappy household.

The charity analysed data which focused on how people were affected by the recession between 2009 and 2012. They were grouped according to their experiences – job loss, optimism for the future, perception of current and future financial situation, working overtime, satisfaction with employment and being behind with their bills. The couples’ experiences were then analysed to see how relationships fared in each group.

Light at the end of the tunnel

On the upside, the organisers of a government-funded scheme, At-Court Mediation, have announced that it has successfully been helping parents stay away from court by helping them to negotiate instead.

The programme is half way into its year-long pilot and is operating in West Yorkshire, Herefordshire and Berkshire. Specialist mediators work with couples who have been separated for more than two years and have resorted to court over child-related issues.

Early results show that 90% of couples who have taken part have embraced the scheme and are engaging in full mediation with the aim of finding long-term solutions to their disagreements. Government, family lawyers, professional advisers and relationship organisations all have a duty to promote and encourage non-confrontational divorce options. Only then will divorce courts be cleared of the number of unrepresented couples clogging up the system.

Leeds collaborative law pod

Norman Taylor is a member of the Leeds Practice, Organisational and Development Group (POD) which comprises collaboratively trained lawyers and other professionals such as independent financial advisers (IFAs), forensic accountants, mediators and life coaches who share an interest in providing the good practice of collaborative law.

The aim of POD is to debate issues arising in family law practice with a view to improving standards and dealing with problems arising in cases so that the best outcome can be achieved for clients. This ensures that when couples are acrimonious, their lawyers are not.

POD Liaison Officer Norman Taylor can be contacted on 0113 246 055 or at norman.taylor@jonesmyers.co.uk.
The decision maker

AmTrust Legal Europe’s Jacqueline Harvey talks to Leeds & Yorkshire Lawyer about her role as an underwriter for the insurer

How did you end up working as an underwriter?
I qualified as a solicitor in 1988, and was a commercial litigator in private practice for some years. After having children I went back to work on a part-time basis. When I was looking at taking on a full-time role again, although dispute resolution was in my blood, I wasn’t sure I wanted to revisit the very long 24/7 type working hours that can sometimes be the lot of a litigator.

In 2010, I saw an advertisement for an assistant underwriter in the legal expenses team at AmTrust. Whilst at that point I had no underwriting experience, they seemed to be looking for someone with the skills that I had. I made the application and the rest, as they say, is history.

What does your role involve at AmTrust?
I underwrite commercial after the event (ATE) legal expenses insurance. In simple terms, I consider applications for cover, from a legal and a commercial perspective. Having done the necessary diligence I decide if it’s a risk we would be prepared to cover, and if so for what premium.

The ATE and BTE insurance market has changed radically recently, how has that affected you?
LASPO brought in some significant changes notably for ATE, the abolition of recoverable of premiums for most policies. Litigants continue to want and need it but are taking a much closer interest in premium levels. There is more choice now with premium options including upfront as well as the more traditional contingent options and a range in between. As a result underwriting here has become individual and it’s good to be able to be more creative in looking at the way a premium can be structured.

Do you miss life as a solicitor?
Not really. What I do here is brilliant for me, I get to make use of my litigation experience to the full, and I really enjoy my job.

If you weren’t doing what you do now, what would you be doing?
I think being a costs judge that would be a very interesting job at the moment, and knowing about costs is part and parcel of what I do. Then again, looking at the growing stacks of my son’s speakers and sound systems in the living room, I could always go into business selling or hiring those. Or maybe I could be his roadie.

How do you relax out of work?
Shotokan Karate – I have challenged myself to take part in a tournament before I am too old and grey. As an antidote to that I play violin in a late starter orchestra – for people who take up playing as adults. I love it. It’s filled with people from every walk of life you could imagine and is totally refreshing.

Is there anything you would change about your job?
Not really, I’m very happy in my role here. We have a great team here. We enjoy what we’re doing and we’re good at it. I certainly wouldn’t change the most amazing views we have from our office here overlooking the Thames and the Tower of London.

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Tom MacDonald is the director of the University of Law’s new flagship centre in Leeds. He was previously the head of the Leeds Law School at Leeds Metropolitan and is a former barrister. The centre has opened up in the city after moving from York.

I was in chambers doing a mixture of criminal and prosecution and defence work and I thoroughly enjoyed it. But as a criminal barrister your earnings are very unpredictable and I’d always been interested in education and someone in my chambers happened to be teaching one of the bar vocation courses, as it was then, at BPP in London.

I found out that they would be interested in me teaching at the weekends. It soon became a regular thing.

There’s something very satisfying about being in court and seeing a judge handing down a judgement that is not only pro your client but actually quoting your arguments. And I found the same level of satisfaction from dealing with students. To work with, and encourage students who at times find it really difficult, but then go on to get a training contract or pupillage makes you realise that you’re having a real impact.

In 2005 a lot of prosecution work around London started to be taken in by the CPS and they began a recruitment campaign to take in counsel in-house as well. I was doing a lot of youth court prosecution work and the large proportion of that had moved in-house. So I had to make a decision. Do I move into a new area of work, become an employed barrister with the CPS, or go into education full-time?

I was very lucky. I moved from one thing I loved and found another thing that I loved and hopefully am good at.

One of our biggest strengths at the University of Law is that the majority of our tutors retain an exposure to practice. When you’re in front of a University of Law tutor they will say to a student, ‘this is what the rule says, but this is how it works in practice’ because they’ve just dealt with it. Some law can be quite dry, but when a tutor can give a practical example of how someone’s life or business has been affected by that rule, then it brings it to life.

We have an unashamedly professional focus on our courses. They have the academic rigour but there is always a professional skills bent to them. It’s one thing to know the law, but the law is a business. It’s about people as well and students need to know how to build relationships.

My hope is that we don’t just make connections with firms in terms of our course provision. It’s about becoming an active part of not just the legal, but also the wider business community. So students have the chance to listen to guest speakers from various sectors for example. And firms and chambers can then potentially judge negotiation competitions and the like.

About 50% of law degree students do not become lawyers. It’s a very popular degree subject and people understand that there’s a certain skill set that comes from doing a law degree. Being able to handle a huge amount of information, time management, getting to the kernel of an issue. It’s trite to run that list off, but it’s true.

What I would say to people who say that the law is oversubscribed is to challenge them to find a profession that isn’t oversubscribed. Lots of people want to be doctors, vets and accountants. Many people try but fail. But for some reason the law seems to come in for a lot more criticism than others for the fact that there are a cadre of people who have tried and not managed to become barristers.

I always say the same thing to students that I said when I first started teaching the Bar course. I tell them that this is a course which gives you a skill set which should see doors open for you all over the place. Look at me, I’m not a lawyer anymore, but I’m still using all the same skills.

The law is a great meritocracy if you can prove yourself. Anyone from a standing start can build a CV that demonstrates that they are worth seeing for an interview, after which all bets are off. It all depends on how you perform in that room.

Leeds is a fantastic student city. One of the best things about moving from York to here is that you have around 60,000 students here in Leeds. There’s a huge melting pot here of students and ours will mix with others. They’re part of a wider community.

This is also a wonderful place to live and work in. Hopefully we’ll be producing graduates who see their futures here in Leeds and the surrounding area.

The amount that students have to pay in fees now means they have to look at studying as an investment in themselves. So it’s up to them how they use their time. It’s not just about passing your exams – it’s about having a transformative experience.
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