

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

August 2016



Cyber-crime part 2; risks your PII doesn't cover

- see p6

Also in this issue: Training Update • Is this the Worst Expert Witness Ever?

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Editorial

As usual, as the summer holiday season approaches, activity levels within the Society drop off somewhat, so there is perhaps less local news in this issue than in the recent past – but that doesn't mean that things are not still going on behind the scenes to produce more newsworthy developments for future issues.

The subs renewal round will be complete by the time you read this – and if you have received your own copy of the Bulletin it means yours has been renewed! – so if a colleague comments that they don't appear to have received their usual copy it suggests that for whatever reason theirs has not been renewed, in which case remind them to contact me at admin@derbylaw.net. Membership is broadly stable but not increasing, and of course the Society can only be active on behalf of the local profession if it is viable, so if there are colleagues within your firm or elsewhere whom you know are not yet members please encourage them to join by contacting me as above for an application form.

You will already have received an email from President Andy Cash advising that at the July Committee meeting I gave notice that I had set my retirement date as May 31st next

year, which will mean by then I will have been Administrator for over 20 years. This will allow me to arrange both the 2017 Annual Dinner and AGM, and send out next year's subs renewal notices, and gives the Committee 10 months' notice to allow sufficient time to consider how they wish to take the Society forward and make suitable arrangements to recruit my successor, should that be the chosen route. The role as currently defined involves 16 hours per week, so if you know of anyone looking for a part-time job whom you feel would be both suitable and interested, I am sure Andy Cash would be pleased to hear from you/them.

More or less at the same time Hon. Treasurer Sue Woodall served notice that she was retiring from full-time practice on Dec 31st and in consequence would wish to relinquish the role of Treasurer – you may recall that she wanted to give up at the last AGM but agreed to stay on as no-one had come forward at that stage. As with my replacement, but with a tad more urgency given the respective timings, the Committee would be delighted to hear from any member (the Treasurer has to be a member) who would be prepared to undertake this important role; I am sure Sue

would be happy to talk you through what is involved – contact details are on p4.

The seminar on PII and cyber-crime held in June was a great success and considerable interest was expressed among attendees in a follow-up event exploring the other insurance issues which may flow from a successful cyber-attack on a firm, bearing in mind that your PI policy only covers losses from your client account. The issues were explored in the last Bulletin in Mike Sayer's article, and he has agreed to present a seminar on this topic on September 20th at the School of Law – fuller details are on p6. It is a regrettable fact that cyber-crime is a growing threat to us all in both our private and professional lives, so I hope firms will see the value of attending – and the value of membership of a Society which arranges such events, the better to help them deal with new and emerging issues in legal practice, which is a prime function of societies such as this.

And with that I will take my Recruiting Sergeant hat off, wait for the rain to stop, and wish you all a pleasant and restful summer break.

Peter Ball
Administrator

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Professional/Regulatory Purposes

Subsumed into the Full Committee – working groups to be convened according to the subject at hand.

Sole Practitioners' Group (SPG)

Tina Attenborough

(Last updated 18th May 2016)

President's Page



My first report as your President was something I had been looking forward to writing. I would be able to tell you about all the formal functions I had attended and how the Society was representing the profession locally. The High Sheriff's reception, Lord Lieutenant's Service for the Queen's Birthday and the University Degree ceremony for example, and yes they all happened and were most enjoyable.

However whenever I listened to the radio or picked up a paper, another national or world event had broken upon us; racial tension in the USA, terrorism in Europe, the attempted coup in Turkey and of course our own referendum and the fall out from that, all conspire to make our local daily efforts appear insignificant. What does it matter how solicitors in the heart of England deal with their affairs? Who cares about the functioning of local courts or local government in the face of such a tidal wave of news?

I hope the answer is obvious, I have no doubt that looking after and promoting the interests of our profession is a vital role. Every part of the life of a solicitor is affected by these events. Immigration lawyers have changing rules and guidance to consider. Conveyancers face a depressed market place and our Company and Commercial solicitors have to advise in unique conditions. Advocates both civil and criminal will watch the first moves of Lord Chancellor Truss, and may even look back with fondness on the time of her predecessor. Our University is at the leading edge of issues of equality, miscarriages of justice and access to the law and looks to work ever more closely with us in all areas.

Changes are upon us all and not always ones we would wish for; Sue Woodall has decided that she cannot continue as Treasurer so if anyone feels they are a candidate for that key role do let me or a committee member know.

At the same time, Peter Ball, our administrator of the last 20 years has announced his decision to retire in May next year. My recent email invited members to contact me if they knew of anyone who could take on all or part of Peter's extensive role, and a sub committee is looking at that important issue. The organisation of the Society in "post-Peter" is now part of the restructuring and re invention that I referred to when I accepted the President's gong. Peter's advice and input over the next months will be critical as it has been throughout his tenure of the role.

We have started a process of reviewing what we do, our website, networking, education and all the other areas we can reach. Our Junior Lawyers group is now actively engaged with the Society and I hope that over the next few years we will see a resurgence of the profile of solicitors and our role.

This starts from small beginnings: our local cricket match with lawyers from Nottingham; the Legal Skills Triathlon next year and our Committee work. I hope each member of the Society locally

will want to get involved in some aspect or other of our work on the profession's behalf.

We cannot progress without support from existing members and new members and I hope that if you know solicitors who are not members you will urge them to get in touch and join us. Equally, if you have ideas for the future of the Society or concerns, do share them with any of the committee members or me.

As I write this, I see from my office by the foot bridge over the River Derwent that several people have removed most of their clothes and jumped in. I am reasonably sure that they are not despairing lawyers, so I hope everyone else enjoys the summer holidays peacefully and safely and I look forward to seeing you all soon.

Andy Cash

President, 2016-17

Committee meeting dates, 2016-17

All are Wednesdays, commencing 4.30 pm.

2016:

Sept 14
November 9

2017:

January 4
March 1
April 26

Please note that these dates also represent the copy dates for each issue of the Bulletin for advertising or articles.

ELIZABETH J. SOILLEUX
MA, MB, BChir, PhD, FRCPath
CONSULTANT PATHOLOGIST

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Dept. of Cellular Pathology, John Radcliffe Hospital, Oxford OX3 9DU
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www.expertwitnesspathologist.co.uk

Training Update

CPD update – Cyber Liability



Following the recent seminar on PII and the PI insurers' attitude to cyber-crime and firms' risk prevention strategies, considerable interest was expressed in arranging a follow-up event dealing with the need to insure against those other potential fall-outs from a successful cyber-attack which are NOT covered by PI insurance, which only protects your client account against losses – not your firm, or your clients themselves.

Cyber Liability Insurance - the risks PII doesn't cover

Thursday September 20th, 2016; Derby School of Law;

5 for 5.30 – 7.00 pm; 1.5 CPD hours;

Members £20.00 + VAT (= £24.00), non-members £30.00 + VAT (= £36.00)

This event will cover, inter alia:

- Pre-claim measures to protect against a breach
- Upcoming legal developments as a result of the General Data Protection Regulations
- What cover is provided by the Cyber Liability policy
- Theft of company/client funds: Professional Indemnity -v- Commercial Crime cover

For a further perspective on this subject please also read the article by presenter Mike Sayers on pages 11-12 of the June 2016 Bulletin; if you no longer have the Bulletin to hand it can be accessed via the Society's website; via Members→Login→Members→Bulletin→June2016. At Login you will need to enter the username member and the password solicitor.

As Mike says in that article: "Many professionals have to insure against negligent advice they provide to clients, almost all would not consider leaving their assets such as buildings or contents uninsured – equally, it should not be considered acceptable to leave vital infrastructure and our most valuable asset, OUR CLIENTS, exposed"

JEFFREY C. ROSENTHAL
FCI Arb FCCA MAE

•
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As you will see from my advertisement, I am a Chartered Certified Accountant, Chartered Arbitrator, Member of the Academy of Experts and a CEDR Accredited Mediator.

Jeffrey C Rosenthal
FCCA, FCI Arb, MAE

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DERBY & DISTRICT LAW SOCIETY CPD TRAINING PROGRAMME 2016

Area	Course Title	CPD Hours	Date	Level*	Venue	Book Via**
2016		2016		2016		2016
Probate	Contentious Probate - Current Issues & Problem Areas	5	6/9/2016	Intermediate	Derby	CLT
Criminal Litigation	Hot Topics in Criminal Evidence	6	15/9/2016	Update	Chesterfield	CLT
Management	Cyber Liability Insurance - the risks PII doesn't cover	1.5	20/9/2016	Update	School of Law, Derby	admin@derbylaw.net
Wills & Probate	Wills & Probate Update 2016	5	20/9/2016	Update	Burton	CLT
Family	Family Law Update 2016	6	21/10/2016	Update	Derby	CLT
Civil Litigation	Getting to the Money - Proactive Debt Recovery in 2016	6	25/10/2016	Update	Burton	CLT

Details of dates and venues where not shown, and of further courses, will be added in due course

KEY

* Intro = Introduction; Inter = Intermediate; Adv = Advanced; U = Update

** For further enquiries regarding booking or administration of CLT courses please contact CLT COURSE ADMINISTRATOR on 0121 355 0900

** For enquiries/bookings for D&DLS Direct courses, or comments or suggestions for future courses please contact PETER BALL on 01283 815030.

** FOR D&DLS COURSES, PLEASE POST-DATE YOUR CHEQUE TO D&DLS WITH THE DATE OF THE COURSE

Blue indicates new/amended information, or an addition to the programme

D&DLS Members qualify for significant discounts on the above & other CPD courses & will receive details of CLT courses personally 4-6 weeks beforehand. FOR D&DLS Direct EVENTS SEE D&DLS Bulletin FOR DETAILS AND BOOKING FORM.

Membership News

Astle Paterson appoint new head of Wills & Probate

Astle Paterson has appointed Sarah Nash as their new Head of Wills and Probate.

Sarah, a full member of STEP (the Society of Trust and Estate Practitioners), is also a member of the Mencap List of Specialist Solicitors.

Having qualified as a solicitor in 2000, Sarah headed up the private client department at a in Derby firm. She now comes to Astle Paterson from one of Birmingham's leading law firms.



Derby & District Law Society Event Booking Form

PLEASE SEND THIS ENTIRE FORM TO:

**Peter Ball, Administrator, The Old Barn, Hatton Fields, Sutton Lane,
Hilton, Derbyshire DE65 5GQ**

Name:

Firm:

Address / DX:

Tel. No.:

Eail Address.:

Position Partner / Assistant Solicitor / Trainee / Legal Exec / Other (specify):

Event	Date	Venue	Time	CPD		Members*		Non-Member solicitors	TOTAL FEE*
					No.	(incl VAT)	No.	Ⓐ (incl VAT)	
Cyber Liability Insurance - the risks PII doesn't cover	Tuesday September 20th	Derby Law School	5 for 5.30 - 7.00 pm	1.5		£24.00		£36.00	

Suggestions **for future CPD courses**, especially for support staff:

.....

.....

.....

What **other services** would you like to see this Society provide for the profession locally, you and/or your firm?

.....

.....

.....

Signature:

Date:

PLEASE NOTE: if you are booking an event for more than one person or for someone other than yourself, please indicate the name, position and membership status (member / non-member) of the attendees on this form or a separate sheet, and ensure that the VAT-inclusive fee paid is appropriate.

*Please make out a separate cheque payable to Derby & District Law Society for each separate event booked

CRIMINAL DEPARTMENT – MANSFIELD

Elliot Mather is a long established firm with an extensive history of providing criminal defence services in Mansfield. We also have offices in Chesterfield, Matlock, Nottingham and Derby.

The Criminal Department at our Mansfield Office is looking to recruit the following:-

Assistant Solicitor – We are looking for a bright, enthusiastic, committed Solicitor to join our well established Magistrates Court Team. The successful candidate will ideally have 1 – 3 years PQE and be Duty Solicitor qualified. They must be a confident advocate with strong client skills.

The successful candidate will also be required to undertake Police Station attendances both in office hours and as part of our Out of Hours team including weekends and therefore a Driving Licence and access to a vehicle will be required.

Elliot Mather are strongly committed to staff development and there are real career development opportunities in relation to both roles for the successful candidates.

Applications including full CV to be submitted to our Chief Operations Officer, Alan Grant, on alan.grant@elliottmather.co.uk

We are an equal opportunities employer.



We have an opportunity for a **Lawyer with experience in the field of Care/Family Law** to join our well-established and busy team here at Anderson Partnership Solicitors.

We would especially like to hear from candidates that are keen to conduct their own advocacy. Children Panel Membership or working towards would also be desirable.

The applicant will be client - care focussed, hard working, enthusiastic and possess good IT skills.

Salary negotiable, dependent upon experience.

Email applications, attaching personal statement and curriculum vitae, together with details of current salary to:

ashley@andersonslaw.co.uk

Strictly no agencies.

CRIMINAL DEPARTMENT – CHESTERFIELD

Elliot Mather is a long established firm with an extensive history of providing criminal defence services in Chesterfield. We also have offices in Mansfield, Matlock, Nottingham and Derby.

The Criminal Department at our Chesterfield Office is looking to recruit the following:-

• **Assistant Solicitor** – We are looking for a bright, enthusiastic, committed Solicitor to join our well established Magistrates Court Team. The successful candidate will ideally have 2 – 5 years PQE and be Duty Solicitor qualified. They must be a confident advocate with strong client skills.

The successful candidate will also be required to undertake Police Station attendances both in office hours and as part of our Out of Hours team including weekends and therefore a Driving Licence and access to a vehicle will be required.

• **Police Station Accredited Rep/Crown Court Clerk** – We are looking for an enthusiastic person to undertake a combination of Police Station attendances and Crown Court litigation work. This person would join an established team and there is a real opportunity for the right candidate to develop this role and make it their own. Police Station Accreditation would be advantageous but is not essential as full training will be provided.

The role will also involve providing out of hours Police Station cover including weekends and therefore a Driving Licence and access to a vehicle will be required.

Elliot Mather are strongly committed to staff development and there are real career development opportunities in relation to both roles for the successful candidates.

Applications including full CV to be submitted to our Chief Operations Officer, Alan Grant, on alan.grant@elliottmather.co.uk

We are an equal opportunities employer.

EXPERIENCED CONVEYANCER, RESIDENTIAL CONVEYANCING DEPT, DERBY

We are seeking applications from experienced conveyancers to join our team located at our Derby offices.

Applications are invited from candidates at all levels including licensed conveyancers, legal executives or legal clerks with proven experience of working in a busy conveyancing team. You will be expected to handle a wide and varied caseload of residential conveyancing matters including sales and purchases, remortgages, dealing with both freehold and leasehold (including shared ownership properties), new builds, repossessions, deeds of gifts, assents, equity releases, drafting declaration of trusts and other general property related matters.

It is essential that you have the ability to work in a demanding team environment, manage a caseload effectively, and have good computer skills with the ability to use a case management system. You must be confident, enthusiastic and have a pro-active approach to your work with a keen interest in Residential Conveyancing. You should be capable of working with minimal supervision whilst delivering the highest levels of service.

Successful candidates should also possess strong organisational and management skills to maintain the service standards of the individual caseload being covered. Proven experience of dealing with clients and their estate agents and introducers of business is essential.

Interested Applicants should email CV's to Alan Grant, Chief Operations Officer, on alan.grant@elliottmather.co.uk or by post to Elliot Mather LLP, The Courtyard, 49 Low Pavement, Chesterfield, Derbyshire S40 1PB.

We are an equal opportunities employer.

Junior Lawyers



The year so far...

1. Drinks Event 28th January

Our first event of 2016 was also our first ever event with the new committee. Nineteen people turned up to the Greyhound from 18:15, with one unnamed member of the committee somehow turning up late after getting lost between the Geldards Derby office (family department) and Friargate.

The group represented an impressive mix of Derby firms including Cartwright King, Knights, Swindell and Pearson, Freeths and Geldards.

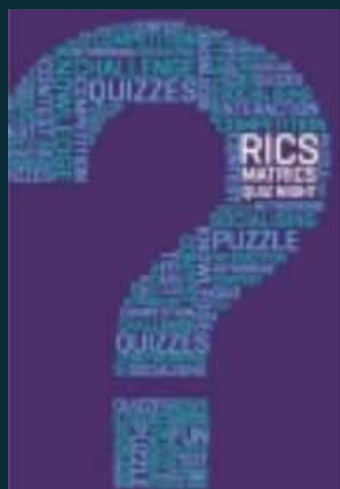
When all the attendees had all arrived, the group ate substantial portions of greasy food and then went on a bar crawl that included the Friary and Bar No 5. The night also featured a quick quiz run by Laura Sephton and Natalie Yeung, with the teams occasionally being helped by passing locals- not always correctly!

2. Derby and District Law Society Dinner- 29th April

The next event on our social calendar was the D&DLS annual dinner at the iPro. In addition to the usual rag-tag bunch from Geldards,

Knights, Freeths and Swindell & Pearson we were joined in force by a healthy contingent from Smith Partnership, who made up one of our two tables.

The event proved to be a success with some good friendships made, some dodgy Diane Copestake masks displayed and quality photos taken. We fully look forward to coming back next year (if we're invited!).



3. RICS MATRICS networking and quiz- 12th May

Fast off the back of the D&DLS dinner the DJL were back into the thinking and drinking game with a joint event with RICS MATRICS- the group for members entering or new to the field of surveying- in the shape of

a quiz held at the Brunswick Inn on Railway Terrace.

In fairness to RICS, DJL did very little of the legwork for the event but did contribute a question to the quiz, ("According to the Law Society, how many lawyers are there in the UK? (To the nearest 10,000)") and were able to boast the winning team in the shape of Flint Bishop Solicitors (another welcome debutante to our events).

Perhaps more importantly the event was a lot of fun and on the back of the connections made we fully expect to host another event with RICS in due course.

4. Summer BBQ - 8th July

Following a short break for exam season, the next event in the DJL event calendar was a summer BBQ on the new rooftop bar at the Pitcher and Piano.

In glorious sunshine a slightly smaller crowd enjoyed burgers, chips- a recurring theme it seems- salad and two-for-one cocktails in our own private VIP space.

5. UPCOMING EVENT - Cocktail Making Masterclass 2nd September

Although there are other events in the pipeline, our next confirmed booked and paid for event will be on 2nd September which will be a cocktail making class at the Slug and Lettuce.

The event is shaping up to be our largest to date with 28 confirmed attendees and more waiting in the wings.

Following a prosecco reception, the DJL members will learn to make and drink (more to learn on the former than latter probably), two cocktails and eat at another buffet.



If you are interested in getting involved with the Derby Junior Lawyers, please ask to join the mailing list by sending an email to derbyjuniorlawyers@outlook.com, and look us up on Facebook and LinkedIn.





Robert Bourns' speech at the Lord Chancellor's swearing in ceremony 25 July 2016

On 21 July, president of the Law Society Robert Bourns delivered a speech at the Lord Chancellor's swearing in ceremony.

Introduction

As president of the Law Society of England and Wales, I welcome you to the post of lord chancellor and look forward to working with you.

Following the referendum, at a time of unprecedented change, it is now more important than ever that we work together to promote:

- the law of England and Wales
- our jurisdiction
- and our legal profession, for its independence, its flexibility and its strength.

The law of England and Wales and this jurisdiction are properly viewed as centres of excellence, which are and will continue to be used around the world. They remain unaffected by the recent EU referendum and are ready to support and enable the opportunities available for international trade.

To this end, our largest law firms have established a world-wide infrastructure and have the expertise and technical ability to support the government, businesses and the public to maximise the benefits in their dealings.

Upholding the rule of law

Respect for the rule of law is demonstrated through the promotion of the principle of access to justice. The lord chief justice stated that he has a shared responsibility with the lord chancellor: 'to ensure justice is at the centre of our society; to secure access to justice for all whatever their means or abilities; to provide the where-with-all through which the judges can administer justice openly and swiftly without fear or favour affection or ill-will.'

We believe that this duty also extends to the legal profession. As officers of the Court, our profession has a responsibility to advance the principle of justice for all and we will engage with the lord chancellor and her officials, as well as the judiciary, in pursuit of this common aim.

The solicitor's profession strives to adopt innovation in practice, to the benefit of its clients and the public, leading on the development of services for the community with the aspiration that everyone in the country should be able to access early legal advice and contributing to make our justice system accessible to all.

Through this work we are supporting the programme of court reform while at the same time playing our part, and as the lord chief justice stated:

'to affirm our world leadership in the delivery of justice and to underpin the common law's international role.'

Diversity and the law

Equality, diversity and inclusion are the pillars of a robust justice system. The Law Society believes that if we are to remain a cohesive society, it is absolutely essential that our profession, reflects the society and communities we represent and of which we are a part.

Background, ethnicity, sexual orientation and gender are no bar to a career in the law, we want to ensure that those with the merits, skills and abilities are encouraged to step up, join this profession and develop their careers. As someone said, we must send the lift back down after us.

For these reasons, we must promote social mobility and the values that we share, so that our democracy thrives, is strengthened, maintained and inclusive for all. We want to

work together with the lord chancellor and her team to make this vision a reality. Lord chancellor, once again may I welcome you to your new role.

Law Society releases practice note about e-signatures for contracts

Solicitors will be able to make greater and more confident use of technology in their day-to-day work following the release of a new practice note on the use of e-signatures for commercial contracts.

Released today by the Law Society of England and Wales, the note clearly sets out the relevant law around the use of e-signatures on commercial contracts, and addresses issues around their use.

'Commercial contracts drafted by solicitors operate in every aspect of our economy and can govern deals worth millions, or even billions, of pounds,' said Law Society president Robert Bourns.

'There is no room for error when so much is at stake, therefore it is vital that solicitors can have confidence in the legal framework surrounding such innovations.

'This practice note will provide them with greater certainty when using electronic signatures on commercial contracts.'

The practice note has been developed by a joint working party from the Law Society, the City of London Law Society and leading City law firms, and reviewed and approved by leading counsel Mark Hapgood QC.

'Solicitors are eager to take up any opportunity to innovate, and this practice note will help guide them in making ever-increasing use of this small but significant improvement,' said Bourns.

Law Society Company Law Committee chairperson Elizabeth Wall commented:

'Although e-signatures have been in use for some time, there has been no consensus among the legal industry on their validity. This practice note will help the industry get comfortable with electronic signatures and embrace the practical benefits of e-signing.'



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A Soft Market, but is it really?

Most Industries experiences both growth and contraction over a period of time, the Insurance Industry is no different, often described as cyclical in its nature, and referred to as either a "Hard" or "Soft" market. A hard market is where sourcing cover is quite difficult and often premiums are more expensive, a soft market is generally where obtaining insurance is easier and often more competitive.

The characteristics of a hard market include

- Higher insurance premiums
- More stringent underwriting criteria is adopted
- Reduced capacity, meaning insurers write less insurance policies
- Less competition among insurers

The characteristics of a soft market include

- Lower insurance premiums
- Broader coverage is offered
- Reduced or more relaxed underwriting criteria
- Increased capacity, which means insurance carriers underwrite more policies and offer higher limits
- Increased competition amongst Insurers

The majority of PII brokers and even the Law Society backed MGA seem to be suggesting that the Insurance market is softening for Solicitors in England and Wales, however I am not sure that this will be the case for all firms. Furthermore, when you review the characteristics of a soft and hard market it can be argued that for Solicitors PII this year it is more likely to be a combination of the two, especially given the New Insurance act and the recent decision by the British electorate to leave the European Union.

Regardless of the point in the cycle, and whether or not it is a "soft or "hard" market, for those firms that have performed well (from a claims perspective), have a strong business model, and demonstrate that they control and mitigate the risks associated with the work they undertake, competition has and will *always* be there from Insurers for those firms. The same can also be said for firms who undertake what Insurers perceive as lower risk categories such as criminal and family law. The majority of these firms have experienced competitive pricing for a number of years. The Insurance cycle impacts negatively or positively more on those firms that have experienced claims, and undertake more "risky" areas of work, like conveyance and commercial work, it is these firms that I believe benefit more from a soft market. Firms that cannot show that they have strong risk management controls in place and/or have an extensive claims history may struggle to benefit from a soft market as will those firms who don't conduct a reasonable market exercise.

Many firms, particularly smaller firms experienced a softer market last year, as we saw new Insurer entrants along with established Insurers focusing on providing further solutions and being far more protective of their portfolios. That said I am not sure all firms would have experienced this, particularly firms with conveyancing exposure.

I am sure you will agree there are various factors to consider this year, when deciding on your firms strategy for this year, we recommended that you get your broker to seek more than one option for you to provide you with peace of mind. Ask your broker, who they can directly access and review the Law Society's Insurers guide to make sure you are covering off all of the insurers that you may wish to seek an alternative from. I hope that many firms experience a satisfactory renewal this year, please be mindful that in order to fulfil this you will need to cover all bases.

Brian Boehmer, Lockton Companies LLP
+44(0) 20 7933 2083 | brian.boehmer@uk.lockton.com

How could the Insurance Act impact on you?

'The Insurance Act 2015', the legislation applies to ALL solicitor practices in England and Wales when you are seeking renewal of your Minimum Terms and Conditions (MTC) PII policy on or after the 12th August 2016.

Similarly to the recent changes in regulation to the legal profession, the Act, rather than being a rigid code, sets out principles to be followed, with the aim of being suitably flexible regardless of the size of a firm.

(i) More detailed due diligence required

The duty of fair presentation of risk requires you to act differently in respect of your disclosure investigations than you did under the duty of disclosure and we would recommend that you start this process early and collate evidence of your investigations. You should present information clearly and flag material issues to insurers. 'Data dumping' is prohibited.

Effective due diligence and a comprehensive proposal form response is likely to assist ensure a faster renewal process in the long-term with fewer subjectivities.

(ii) Changes to MTC wording: insurers maybe more likely to seek reimbursement from insured practices who fail to disclose properly.

The Act has no impact on the extent of coverage that PII insurers will be offering: the priority of the policy continues to be the protection of the public. The SRA have issued an amendment to the Minimum Terms and Conditions citing the Act, It now provides insurers with broader grounds for seeking reimbursement from an insured practice, where information has not been fairly disclosed. It is therefore important that you fully comply with the Act.

For more information please contact myself or one of Lockton Solicitors team on 0330 123 3870, or alternatively please visit our website www.locktonsolicitors.co.uk

A forever gift

You can help make sure Derbyshire's beautiful wild spaces can be enjoyed by future generations. Derbyshire Wildlife Trust's corporate and major gifts officer, *Carol Phillips*, explains.



Photo: Guy Badham



It was because of a bequest made in 1973 by Miss Mandahl of Sheffield that the Trust changed forever as her legacy allowed us to employ our first member of staff.

Legacies have also allowed us to extend the nature reserves at Gang Mine, Hartington and Erewash Meadows, as well as enabling us to preserve species rich grassland on the White Peak plateau, protect lead tolerant

plants and save an area of floodplain grasslands in the Trent Valley. In fact, our first ever nature reserve, Overdale was purchased using a legacy.

It's not all about land purchases though, legacies have also allowed us to introduce thousands of children to the joys of nature and remind thousands of adults of the delights it brings.

But did you know that whilst three quarters of Britons give to a charity, only 7% leave a gift in their Will?

Legacies have made a real and important difference

So, we are pleased to announce that we will again be working with solicitors from across the county who have kindly offered to give our supporters a discounted Will writing service in recognition of Remember a Charity Week 2016.

Every gift, whether large or small, counts. We've been dedicated to looking after Derbyshire, its landscapes, habitats and wildlife, for over 50 years, so you can be assured that every penny you choose to leave in our care will be well invested for the future. It really makes a difference.

Should you decide to leave a gift in your Will, or already have done so, we would love to hear from you so we can have the chance to say thank you and tell you what we are achieving together.

For more information, contact **Carol** at Derbyshire Wildlife Trust on **01773 881188**, enquiries@derbyshirewt.co.uk

or visit: <http://www.derbyshirewildlifetrust.org.uk/how-you-can-help/remember-us-your-will/remember-charity-week>



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Chris Makin

CPR35 and the family and criminal equivalents are quite clear: the expert has an overriding duty to the court, irrespective of who instructs them or by whom they are paid. That seems quite straightforward, and the vast majority of experts (including me, I fervently hope!) is very careful to meet such requirements.

But for a blatant example of the “expert” who failed in every respect, one need only look at the case of *Van Oord Ltd & Anr -v- Allseas UK Ltd [2015] EWHC 3074 (TCC)*, where Mr Justice Coulson took pains to explain the twelve – yes, twelve! – respects in which an expert had failed in his duty. They included:

- not even considering or formulating the costs as incurred by the claimant;
- admitting in cross-examination that he did not even agree with his own report (this is amazing!) and
- admitting that the views he had expressed in his report were merely the assertions of his clients, who themselves had resiled from such assertions in their own cross-examination.

So with experts of such low calibre, where is the litigation lawyer to find reliable experts?

In the last edition of this journal, you may recall having read an article by **Phillip Taylor MBE** about the Expert Witness Institute (EWI), referring to it as “*the leading organisation for expert witnesses in England and Wales*” (my emphasis).

I agree with him that the EWI is a worthy body, doing a very worthwhile job of increasing the calibre (and therefore the value to the court) of expert witnesses, but I disagree with his pronoun “the”. The fact is that other expert witness bodies are available (to misquote marketing spiel), and I ask the reader to consider these facts about The Academy of Experts, of which I can say with pride that I am one of only about 60 fellows, and where I sit on the Investigation Committee and act as an examiner in mediation and expert determination.

So, as you may deduce, the Academy is dear to my heart:

1. The Academy of Experts (TAE) was formed in 1987 in response to the need for standards for those acting as experts.
2. TAE is run by Experts, on behalf of Experts, by an elected council and officer team drawn from the membership.
3. There are rules in place to ensure that the governance structure is not dominated by any one profession.
4. TAE has always had a good working relationship with the judiciary and has a Judicial Committee, members of which are appointed or approved by the Lord Chancellor. Members of the committee are drawn from a variety of jurisdictions and currently include:
 - a. A former judge of the Supreme Court UK – Lord Saville (the “Bloody Sunday” chairman)
 - b. A current judge of the Supreme Court UK – Lord Reed

- c. Court of Appeal – Lord Justice Jackson (yes, he of the Jackson report)
- d. Court of Appeal – Lady Justice Hallett
- e. Court of Sessions (Scotland) – Lady Anne Smith
- f. Court of Appeal Northern Ireland – Rt Hon Lord Justice Weatherup
- g. High Court Hong Kong – Mr Justice Harris
- h. Mr Justice Bokhary (a non-permanent judge of the Court of Appeal HK) who also participates in the committee’s work.

5. The Judicial Committee has been responsible for a number of publications including:

- a. Model Form of Expert’s Report
- b. Model Expert Witness CV
- c. Guidance notes on Contingency Fees

6. TAE provides accreditation of its members as Expert Witnesses – its vetting procedure for new members is known to be extremely rigorous and effective (and I can confirm this with feeling, since one of my honorary tasks as a fellow is to vet the accountancy applicants).

7. As well as accreditation and training of Expert Witnesses, TAE trains and accredits Mediators and Expert Determiners.

8. The membership is broadly based:

- a. TAE has a wide spread of members from Accountancy to Zoology with no one area dominating
- b. Members come from a wide range of firm sizes – from individuals/sole traders to large multinationals
- c. Membership is international – members come from across the UK, Europe, America, Asia and the Antipodes.

Now, in selling a product or service, many people fall into the trap of setting out features rather than benefits. To distinguish one from the other, it is useful when being told of a feature to say “So what?” The answer leads one to the benefits. And the benefits of using an expert from The Academy are that one can be assured:

- that a member has been vetted,
- that they be well trained as experts as well as experienced members of their primary profession,
- that they are highly likely to perform well as experts, even under cross-examination and
- that if they do fall below the accepted standard, they will likely be appearing before my Investigation Committee – though that’s rare, and we don’t want to go there!

Now the litigation lawyer is aware of two excellent expert witness bodies. I couldn’t possibly say which I prefer, but you do now have the choice.

Biog: Chris Makin was one of the first 30 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness – see www.icaew.com. He is also an accredited civil & commercial mediator and an accredited expert determiner. He has performed about 100 mediations, given expert evidence at least 100 times and worked on a vast range of cases over the last 27 years. For CV, war stories and much more, go to www.chrismakin.co.uk.

Chris Makin

Chartered Accountant
Accredited Civil Mediator
Accredited Expert Determiner

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

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- Employment
- Contractual Failings
- Inheritance Act and ToLATAs

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- Criminal & Commercial Fraud Investigations
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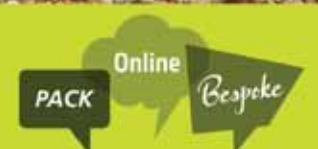


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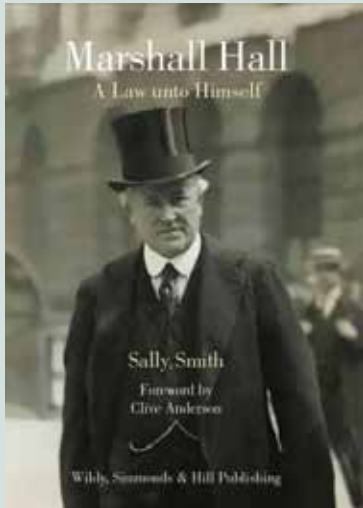
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MARSHALL HALL A Law unto Himself

By Sally Smith QC



ISBN: 978 0 85490 187 6

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A COMPASSIONATE MAN WHO WILL REMAIN MOST SPECIAL TO ALL ADVOCATES AND TO THE GENERAL PUBLIC

This important biography is a book about yesterday for today's readers before everything changes with the way we do our legal business.

It's quite possible that the art of the advocate will be modified again very rapidly in the twenty-first century as we see the creation of new ways to resolve disputes with emphasis on the written word and online decisions.

However, Sir Edward Marshall Hall will always remain top of the advocate's tree as a man who fitted into a particular part of our more recent legal history during that winding down period of what was a particularly brutal and insensitive judicial past.

Sally Smith QC gives us the twenty-first century view of an Edwardian barrister following on the seminal work from Edward Marjoribanks which people of my vintage read as part of our legal studies decades ago.

Counsel today are not (thankfully) viewed in the same way as they were in the early 20th century. The Bar has rightly moved away from its heavy newspaper emphasis on "celebrity lawyers" in a different media age although we do have a few contemporary contenders whom we all know and love!

The bitchiness and downright hostility and grudge-holding which permeated the Bar of the past are well documented in this thoughtful and well-constructed new biography. Smith has not been constrained by sycophancy which has been the problem of so many biographies when the subject has recently passed on. So we have a reasoned and meticulous analysis for 2016.

That is not to say that Marjoribanks produced a work with only the good points covered because he did not so his work should always be read for the excellent points of advocacy and speech detail covered in 1930s. He had to leave certain matters out which were and remain common knowledge about Marshall within the Bar and made him the man he was. We now have a better picture of Marshall the man thanks to Sally Smith.

I am sure most judges are delighted not to have to sit through a modern day Marshall Hall, if she or he could ever exist now. It's highly unlikely as they would probably be disbarred if not sent to Coventry pretty quickly if they tried some of the splendid devices Marshall used (which still work, actually, but be very, very careful).

Not everyone can be such a good advocate because one cannot, as Marshall's life shows, learn such an attribute or facility: it has to be experienced. Yes, experience does count but the very frailty and vulnerability of the human condition makes the successful advocate that very special person who was needed at a time of judicial homicide and massive public interest in capital trials.

Fortunately, we can decline the services, generally, of a modern day Marshall because the sanctions are all most moderate in comparison with his time yet the crimes were just as

gruesome. There's something about a capital trial which is always going to be different and the nearest we get to it today here is the death sentence passed on a pet (non-human) unless one has actually represented parties in capital proceedings abroad.

One can reflect, when reading Sally's exceptionally crafted account of Marshall's life, why he was the way he was irrespective of the outcome of his cases and those clients who lied to him: it has happened to all of us, of course.

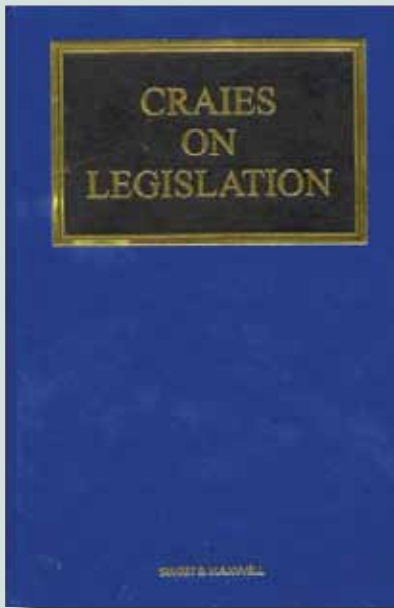
There is always a bit of Marshall Hall in all of us as advocates even today when we are heavily constrained by what we say and do. The recommendation is that all budding advocates should ensure they read this new well-researched version of Marshall's life afresh, especially trainee lawyers at any level.

If he was nothing else, Marshall lives as a man with a warning about how we should do things in our forensic world: with care, meticulous planning and checking, relevant specific expertise and a special flamboyance so often sneered at by some both then and now... but it does work!

And this book also works for modern Counsel today and should be compulsory reading for all lawyers and general readers for the future.

Final words are left to Smith at the end of the 19 chapters when she writes that "*Marshall was the ultimate exponent of total advocacy: he lived his entire life as though the world was one huge courtroom and its inhabitants a universal jury to beguile. He cared little or nothing for the restraints of his profession, or for the discipline of the law; be he introduced the concept of compassion into a legal system in which it was lacking, was universally adored and trusted by those whom that system is meant to serve, made speeches of such extraordinary power that they have lived on for more than a century and, more important of all, saved many lives. No other lawyer could claim that.*"

Absolutely!



CRAIES ON LEGISLATION

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9th EDITION

Editor: Daniel Greenberg

ISBN: 978 1 847 03138 9

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“CRAIES” JUSTIFIES THE STATUTES A CENTURY ON!

The distinguished Edwardian, W.F. Craies, launched the first edition of this work on statutes 100 years ago founded on ‘Hardcastle on Statutory Law’ which Lord Browne-Wilkinson comments “have been with us from the beginning of English law and, although the emphasis of judgments varies over the years, give or take a little, the basic principles remain much the same”. Then he contradicts himself! And rightly so!

This is a splendid piece of legal expertise guiding professionals through the various kinds of primary and subordinate legislation with a twenty-first century flair which made Lord Browne-Wilkinson recant immediately- the making and constructing of legislation has fundamentally altered in the last 30 years and ‘Craies on Legislation’ sets us on the best path for the future.

This is an essential work for all involved in the legal and political processes. It provides a practical guide – 32 chapters in five parts plus judgment extracts – to understanding and applying legislation of all kinds. Additionally, it gives practical information

about the legislative process itself which will be extremely helpful for learners, trainees, tutors and highly experienced lawyers alike.

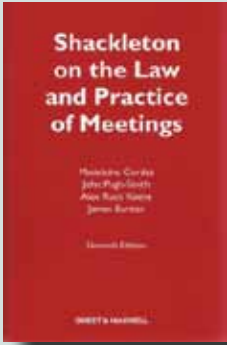
Mr Greenberg is by far the best choice to edit this work with his distinguished background as Parliamentary Draftsman at the Office of the Parliamentary Counsel. He has also deployed the skills we find on show in the excellent “Stroud” with its brilliant detail.

The ninth edition of ‘Craies on Legislation’ is a re-writing which gives us the following contemporary guidance:

- it is designed to provide answers to questions that are likely to occur to the users of legislation;
- it describes the legislative process, including important innovations such as legislative reform orders and Public Bill Committees;
- it includes a practical guide to drafting, for legislative and other legal purposes;
- it covers questions of the timing of legislation including technical issues such as retrospectivity;
- it explores issues about the extent and application of legislation, including areas such as the consequences of new legislation on existing law and the effect of errors in legislation;
- it covers Acts of Parliament, rules, regulations, orders, other subordinate legislation, the devolved legislation of Scotland, Wales and Northern Ireland, and European legislation;
- it examines the different rules of statutory interpretation and the consequences of the Human Rights Act 1998, section three on statutory interpretation;
- it looks at the consequences of the controversial rule in *Pepper v Hart* and the case law which has since developed from that decision;
- it describes recent trends in statutory interpretation, including purposive and contextual construction;
- it follows recent developments in particular areas of legislation, such as burdens of proof in criminal legislation and constitutional legislation;
- it includes coverage of European legislation, including examining the nature of European legislation, its effect and interpretation; and it contains useful extracts from judgments and other documents in the excellent appendix at the back.

Greenberg’s formidable task in explaining where we are today with modern legislation has been executed with a masterly command of the subject-matter Browne-Wilkinson says it has been written by a man with a profound and perspicacious knowledge of his subject and that it will be indispensable- it is!

SHACKLETON ON THE LAW AND PRACTICE OF MEETINGS



By Madeline Cordes, John Pugh-Smith, Alex Ruck Keene, and James Burton

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www.sweetandmaxwell.thomson.com

ISBN: 978 1 84703 637 7

MEETING THE BEST PRACTICE OF THE MODERN AGENDA

It's welcome news to read through the new 11th edition of 'Shackleton' which remains the most authoritative source of information on the law relating to both company and non-company meetings, and very handy for a range of cases which the paralegal might encounter.

It's now 75 years old and I recall first hearing about the book at a Parish Council meeting some 25 years ago when we had a major planning dispute and the chairman, being of a nervous disposition, wanted something by way of a comforter in case the objectors became unruly (which they did!) so he brought along 'Shackleton'! He didn't need it, but it was there with his gavel as a reminder of what to do if the occasion arose

Probably its greatest value for many people is the clarification of the roles of those at meetings and the sorts of procedures to be followed. All the details and the circumstances are covered. Companies will always be the leading user so the work has been primarily updated to include the Companies Act 2006 which is now coming into force.

Other heavy users will be local authorities, mainly trying to devise ways of dealing with the big problem of 'consultation' at public meetings. For instance, where Parliament has decreed bans on morality issues when discussing sex establishments, or health issues over mast sitings - the book is excellent as a precedent statement of what can actually be done. So, you can see, it has its uses although any potential objectors will soon find that 'Shackleton' sets out the structure of meetings so beautifully that there really is little in the way of manoeuvring to get round procedures!

Apart from the role and function of public meetings and the transaction of business, important additional areas are included: defamatory statements at meetings, the preparation of minutes and breach of the peace.

The four authors, Madeleine Cordes, John Pugh-Smith, Alex Ruck Keene and James Burton, have provided a step by step account of

meetings with useful practical overviews, and I liked the highlighting of problems which can potentially arise with suggested ways of resolving tricky issues.

There are 30 chapters with a detailed table of cases at the front and a concise index which I found very user friendly. There are no web links although I suppose they will come in future editions whilst the footnotes are the usual mine of excellent detail.

I feel I can say that 'Shackleton on the law and practice of meetings' covers everything you would ever need to know about in one volume of 400 pages. John Pugh-Smith describes the work as 'authoritative' (which it clearly is with all the detail) and contains 'a complete statement of the law with detailed practical guidance' which he hopes readers will find of 'particular help as a reference resource'. Yes, it is all those things.

There is just one thing more. When I read the first few pages, I realised that the book has one additional attribute on 'the legal right' with its historical view of what is the 'right' of a public meeting today covering issues such as freedom of expression, human rights and the excellent chapter 10 on the principles of natural justice which are nearly always misinterpreted.

However, there is no misinterpretation about 'Shackleton' which meets all the requirements of the modern meeting as the definitive statement of what to do...and what not to do!

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Another bill bites the dust

Senior Courts Costs Office decisions are not binding, although they may be persuasive, there is always opportunity to appeal to the High Court or a Circuit Judge, as recently shown when Senior Costs Master Gordon-Saker was successfully appealed to the High Court with DJ Latham sitting with the Judge as an assessor. On that occasion, dealing with proportionality, The Senior Master had reduced an ATE premium, but his decision was overturned.

The harsh impact of the proportionality test was shown again last week after Master Rowley reduced a 'reasonable' £100,000 bill to just £35,000.

In doing so, he also warned that lawyers should tell clients in cases where costs significantly exceed damages that the new test of proportionality means they will receive "no more than a contribution" to those costs if they are successful.

He was ruling in *May & Anor v Wavell Group Plc & Anor* [2016] EWHC B16 (Costs), a private nuisance case brought by Queen guitarist Brian May and his wife Anita Dobson, which settled after they accepted a £25,000 part 36 offer prior to the defendants entering their defences.

Master Rowley initially reduced their £208,000 costs bill to a shade under £100,000 on an item-by-item assessment, and then cut it to £35,000 on the basis of proportionality. He ruled that, in cases where the sums in issue were modest, "the amount that can be recovered from the paying party is not the minimum sum necessary to bring or defend the case successfully. It is a sum which it is appropriate for the paying party to pay by reference to the five factors in CPR 44.3(5). It is not the amount required to achieve justice in the eyes of the receiving party but only a contribution to that receiving party's costs in many modest cases".

Going through the five factors, he found that the case was worth in the region of £25,000 and for which there was a "modest prospect" of an injunction at least early in the case. There was no "noteworthy complexity" of either a legal or factual nature, no additional costs caused by the defendant's conduct, nor any wider factors to be considered, as the claimants' "celebrity status" was not material, he said. "In these circumstances, the reasonable costs allowed of £99,655.74 are undoubtedly disproportionate."

He rejected the argument that costs should never exceed the damages, but also bore in mind the stage at which the case settled. "The proportionate amount of costs must inevitably be smaller for a case which concludes early than one which reaches a final hearing." He also said that the "revisiting of individual items does not appear to be what was intended when the judge 'steps back' to consider whether the reasonable sum is also proportionate".

The defendants also sought to persuade the judge that he should remove the costs of drawing the bill (as well as the VAT) when considering whether the sum was proportionate. Having decided upon a proportionate figure, they said he should then allow a reasonable and proportionate figure for drawing the bill in addition. This was not to penalise the receiving party's drawing of the bill, but instead to avoid the paying party having to pay the full price for a bill to be drawn when only a proportion of the bill has been allowed.

Master Rowley said: "I appreciate that the approach proposed by Mr Carpenter [for the defendants] is standard practice when considering proportionality at the beginning of an assessment under the Lownds test. There is also some superficial attractiveness in the separation of the costs involved in the proceedings from the costs effectively relating solely to the detailed assessment proceedings. It may be that, in some cases, such a separation is useful to the court when considering whether the costs claimed are both reasonable and proportionate.

"But if this case is anything to go by, in my view, it is an unnecessary refinement. There is only so much finesse that can be employed when using a broadsword rather than a rapier. A concluding global assessment of proportionality as envisaged by the new approach involves the court wielding a blunt instrument rather than a precision tool."

Master Rowley expressed hope that "cases such as this one, which are in the transitional phase of understanding the new proportionality test, will be relatively rare".



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Law Society Council meeting summary

Council's July meeting saw a busy programme of reports and papers. It lasted 1.5 days and, in line with tradition, was followed by the Annual General Meeting of the Law Society, at which Robert Bourns took office as president, Joe Egan became vice-president, and Christina Blacklaws became deputy vice-president. Jonathan Smithers stood down as president, and gave a comprehensive report on his many activities, particularly in relation to the rule of law, access to justice, technology and the law, and business and human rights.

One major decision taken by council was to set the level of the Net Funding Requirement (NFR) - effectively, the amount to be recovered from the profession, which funds the SRA, the Law Society, the Legal Ombudsman and the Legal Services Board. Council was pleased to be able to agree a Practising Certificate fee for individuals of £290, which is £30 lower than the fee in 2015-16. Overall levels of fees paid by law firms have also reduced.

Another topic discussed at council was the ongoing review of the governance of the Law Society. We have welcomed contributions from members who responded to our dedicated email address - further development work will be happening with the contributions over the summer.

Promoting the profession - market and regulatory change

There has been a lot going on in the wider environment, including the succession of Theresa May MP as Prime Minister, and Liz Truss MP as Lord Chancellor (the first woman to hold this office).

Brexit will obviously be a major issue for the Law Society and the profession as a whole over the coming months. Council heard of plans to support members during this time of unprecedented change to ensure that England and Wales remains a centre of excellence and the jurisdiction of choice. The Law Society has offered expertise to government, through our expert committees and our access to networks across the EU and globally. A staff task force, alongside a task and finish group of elected and appointed members and other experts, will work on these issues.

The chief executive Catherine Dixon reported

that she gave evidence to the Justice Select Committee on regulation of the legal services sector, alongside Paul Philip and representatives of the Bar Council and Bar Standards Board. The Law Society welcomed the conclusion of the Competition and Markets Authority study on the supply of legal services that a full market investigation was not required, though recommendations on a number of matters - including regulation, transparency of pricing, and service quality - would have an impact on the profession. It was noted that there was still no date fixed for the issue of the consultation on separating legal regulators from their professional bodies.

The chief executive also commented on the Solicitors Regulation Authority (SRA) consultation on a new handbook and accounts rules. She noted that the proposals raise significant issues about the protection of buyers of legal services: solicitors employed by unregulated entities who provide advice to the public may not be able to provide advice that is legally privileged, will not be subject to the same conflict rules and will not be required to have Professional Indemnity Insurance or be able to hold client monies.

This risks creating in effect a 'two-tier' profession which has potentially serious implications, and the Law Society is engaging with members across the country to seek views to inform our response to the consultation.

Representing and supporting the profession

The chief executive updated council on the various ways we are engaging with, and seeking to influence, key decision makers on the Brexit agenda, including building on many contacts made as a result of the Law Society's EU report and economic analysis.

Council was reminded about the ongoing work to ensure that threats to legal professional privilege are robustly countered, particularly in the Investigatory Powers Bill. It was updated on the work the Law Society is doing, together with others, in response to the proposed reforms to the treatment of clinical negligence and personal injury claims; this has included targeted contacts with MPs and peers. Council also heard about the Society's influence in raising concerns about the proposed privatisation of the Land Registry.

The chief executive reported on a wide range of activity and events. These included the in-house division conference and a well-attended GC350 event, several roundtables and consultation meetings on proposed pro bono initiatives, and a recent conference on technology in law: 'Robots and Lawyers - Partnership of the Future'. The recent re-launch of the updated Clinical Negligence Accreditation was also noted.

Equality, Diversity and Inclusion

The chair of the Equality, Diversity and Inclusion Committee presented the committee's annual report to council. Among other things, this drew attention to the Diversity and Inclusion Charter, to which 462 law firms are now signed up; the range of events engaging members, including speed networking and tailored forums for City firms; and the Diversity Access Scheme which gives financial support to talented LPC students who would otherwise be unable to continue their studies.

Solicitors urged to contribute to new legal professional privilege guidance 26 July 2016

Legal professional privilege (LPP) is the cornerstone of our justice system, guaranteeing confidentiality between client and lawyer - yet it is under threat, the Law Society of England and Wales said as it launched a consultation about its new guidance on LPP.

'LPP belongs to clients. It helps legal professionals protect them and is fundamental to the delivery of impartial advice that enables our justice system to operate effectively,' said Law Society president Robert Bourns.

'Now the Solicitor Regulation Authority (SRA) has proposed changes to its handbook which could result in two tiers of solicitor: those working in a regulated entity and those who are not. Advice from solicitors in unregulated entities may not be legally privileged.

'Because of the importance of LPP to the rule of law and the effective working of the legal system, the Society has prepared a practice note on LPP and would welcome feedback from the profession.'

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If you opt to take the course part-time you will study for both stages 1 and 2 over two years. You will be required to come in for just one day a week, allowing you the rest of the week to gain valuable work experience to enhance your CV and employability. The part-time course also runs from early September to June.

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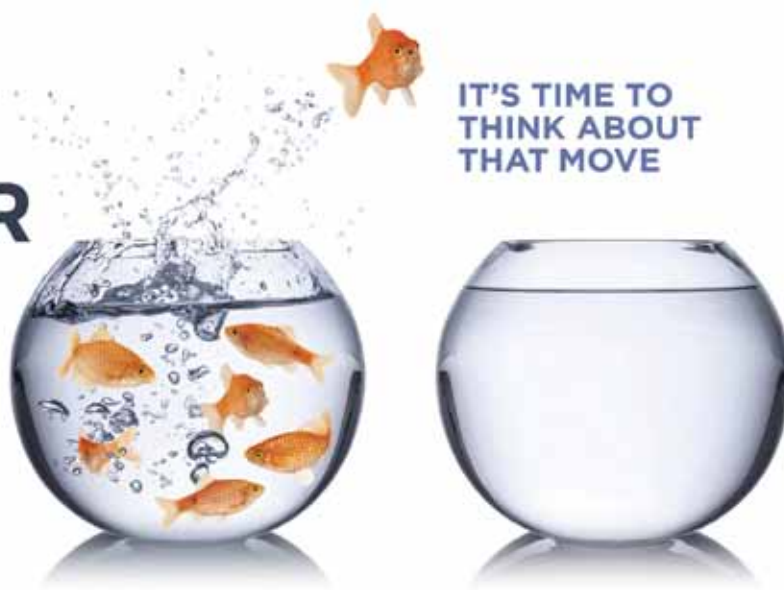
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Vet charity PDSA launches nationwide Free Wills scheme

Veterinary charity PDSA, which provides care for sick and injured pets of people in need, has launched a nationwide Free Wills service for pet lovers and is seeking solicitors to join its programme.

The charity's vets and nurses provide over two million treatments every year, helping 300,000 owners who would otherwise be unable to afford veterinary care for their pets. Two out of three treatments are funded by gifts in wills, making the charity one of the UK's most popular beneficiaries among legators.

Ruth Lister, PDSA's Legacy Development Manager, says: "Legacies make up a vital part of PDSA's funding. When we piloted our Free Wills scheme, we had a fantastic response from animal lovers who chose to leave a gift to us. This lasting legacy shows their love for pets by helping us provide our life-saving veterinary services across the UK."

PDSA will pay participating solicitors a fee to write a simple or mirror will. Clients may then choose to leave a gift to PDSA in their will although this is not compulsory.

"PDSA has been saving, protecting and healing pets for nearly 100 years and we are one of the most popular animal charities to offer this free will service," said Ruth. *"We hope solicitors will add us to their current list of Free Will charities, or work with us to provide free wills for the first time."*

PDSA's offer of a free simple will or codicil is available to individuals or couples over the age of 50, with solicitors building up 'will banks'.

Dominic Mackenzie of Ison Harrison Solicitors, Leeds, said: "Partnering with PDSA on their Free Will offer has given us the opportunity to secure long-term business with clients who require executor and other services."

It is also a great way to demonstrate our commitment to corporate social responsibility, supporting a charity that helps hundreds of thousands of pets each year."

Solicitors across the UK can join PDSA's Free Wills offer, and right now the charity is especially keen to hear from firm in the following areas;

- Leicestershire
- Derbyshire
- Northamptonshire
- Cambridgeshire
- Worcestershire
- Hertfordshire
- Suffolk and North Essex
- Norfolk

For more information about joining PDSA's Free Will scheme, please visit www.pdsa.org.uk/freewill or contact Ruth Lister on 01952 797 274 or lister.ruth@pdsa.org.uk.

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The Future of Conveyancing

Adam Bullion, General Manager of Marketing at InfoTrack explores how we have embraced technology and how technology needs to be employed to reduce the time between instruction and completion.

Looking back, it's probably fair to say that the processes associated with conveyancing haven't changed dramatically, other than the failed HIPS scheme almost 10 years ago. However, you're probably aware that the Department for Business, Innovation and Skills (BIS) will soon issue its 'Call for Evidence' as they look at the future of conveyancing. This is in response to home buyer experiences where there is an unknown outlay of costs due to delays within the process.

Conveyancers themselves would admit to sharing similar frustrations with the process. Presently, conveyancers are visiting a plethora of websites to complete matters. That means rekeying the same information repeatedly into unrelated systems that look completely different. And with each site requiring a different log in and password, it's simply inefficient when you compare it to the aggregated technology in our personal lives.

Consider how we manage our day to day lives now we're living in a 24-hour society. We all have a myriad of useful 'apps' on our smart phone or tablet which is technology that we enjoy using. It's these experiences that change our expectations – to the point where we now demand more. Having been exposed to clever

and intuitive technology we now have an elevated expectation of instant results.

Unfortunately, the same can't be said of the conveyancing process, a process that some consider as being suffocated by regulation. Conveyancers' frustrations are clear – too many steps in the process to manage risk. Too many forms to complete. Too much rekeying of data. And too much time spent managing clients who don't understand the conveyancing procedure. Taking into account all these frustrations, we simply need functional, enjoyable technology that ensures the process is made smoother, faster and easier.

The simplest answer is to use technology that reduces the time between instruction and completion, keeping both the conveyancer and homebuyer happy. Companies that offer technology for the conveyancing industry need to focus on incorporating all steps of the conveyancing process, including AP1 Transfer, SDLT Submissions and even the Contract Pack, in order to make it easier to manage; simple steps that reduce the stress of a transaction for both the conveyancer and their client.

Providing the industry with the ability to complete all relevant searches, transfers, form

submissions and contracts within a single website means that conveyancers will start saving time from the moment the quote is issued, and we all know that time is money. Utilising a single website where all aspects of the process link together eliminates any rekeying of information and accessing of multiple sites simplifying the various tasks.

The future of conveyancing is very much a change of technology rather than the home buying process. And that's why it is now important that conveyancers adopt technological change. In the crowded market of suppliers, there are technology innovators but it's up to the conveyancer to take a step back and look objectively at technology solutions that deliver against their needs.

InfoTrack already has a fantastic heritage of delivering superior information services in Australia and has brought that same vision to the UK market, with a fast growing base of happy clients working with a more efficient platform. InfoTrack are applying forward thinking technology that truly challenges the traditional methods of completing a matter, ensuring all tasks – from instruction to post-completion – can be completed within a single system.

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