

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

March / April 2025

WOW - Wykes O'Donnell Williams Quiz Triumph!



Wykes O'Donnell Williams take home their trophies at the 2025 annual quiz night, held at Derby Rugby Club. More details on page 17.

Also in this issue:

SRA Transparency Rules • Derby Dignitaries: Mayor Claire Ward

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Editorial



More varied happenings in this Bulletin. The Tapas Thursday event goes from strength to strength with the lunch on 30th January being one of the best attended yet. Thank you to One Search for their sponsorship. The plentiful and tasty food certainly helps but so does the fact that as there are 30 or so people there it is possible to chat to everyone over the course of the event. The write up of the Quiz is on page 17. This event was more or less sold out so thank you everyone for supporting our social events and any requests just let me know.

Thank you to Smith Partnership who lent us their meeting room so that we could host Truce Mediation for a course on ADR. A reminder that DG Legal, our Silver Patron, supply various courses and also regulatory advice – check out their article on firms falling foul of the SRA's rules on transparency on page 13.

One event that I am particularly proud of is the Derby School Debate Competition which DDLS organises. The final of the competition is on Wednesday 2nd April at the University of Derby Law School at about 3.15pm and anyone is welcome to come along to watch just let me know. The children are 14 and 15 years old and the standard is truly amazing.

By way of background the school competition has been running for almost ten years. We have had 12 teams take part this year. Each team has at least two debates in the heats and the top four go through to semi-finals. Local Lawyers give up their time to judge all the debates and provide feedback for the children. On behalf of DDLS I have built up relationships with the schools to such an extent that I have delivered a 'speaking in public' session in 8 schools this year reaching in the region of 450 children.

In the spirit of giving back to the local community there is an article from **Kevin McGrath** on page 7 about his experience as

a trustee of a charity. If anyone is interested in getting involved in a similar way, please get in touch with me. Since Christmas I have had e-mails from Treetops Hospice asking for solicitors to support them by offering free wills advice, **Paul Burrows** at the Royal School for the Deaf and Derbyshire Law Centre who are looking for governors and trustees. Please let me know if you are interested at all and I shall forward these enquiries on to you.

Advance notice that the AGM will be Wednesday 7th May at 5pm at Flint Bishop on Pride Park. All members of DDLS and DJL are welcome and we will have time for chatting, food and drinks after the formalities.

I hope to see you at an event soon.

Take care.

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Last updated 08.10.24

Pipings from the President



Tina Attenborough

Welcome to the February/March edition of the DDLS bulletin. You will be pleased to hear that we are all in full swing mode with the Annual Awards and Charity Dinner preparations.

We have completed the judging process with our sponsors and look forward to handing out the Awards to those deserving and inspiring candidates on the night.

We have a great package of raffle and auction prizes to be won, some great entertainment and lots of fundraising to be done for our charity SV2 – supporting victims of sexual violence. I didn't know when I chose for us to work with this charity that there would be so much news and controversy over the treatment of some of the more higher profile victims in other parts of the country, and it was a huge shock and surprise to learn that Derby its surrounding areas have had their share of suffering. Consequently, I am so proud and pleased to see the great number of attendees at the Awards Dinner who will be able to support this amazing charity and the work they do for their clients and families.

So, what have I been up to these past few months; well besides a couple of short trips to our beloved Cornwall, I have been helping both Nottingham and Birmingham Law Societies with their judging processes and attending dinners. I will have to go on a serious diet, but not before my year is completed.

I was invited by our Silver Sponsor, **David Gilmore** of DG Legal to attend the Leicester v Arsenal football game in his corporate box at the Leicester ground on 15th Feb last. What a spectacular day it was, even though Leicester didn't win, I was in great company, surrounded by Law Society Presidents from Nottingham, Leicester, Birmingham, Warwickshire, Northamptonshire and our National President, **Richard Atkinson** too, who is going to be visiting Derby on 2nd April as part of the Law Society's celebrations of its bicentenary year; 200 years of supporting solicitors!

I attended our annual Quiz at the Derby Rugby Club, which was very well attended, WOW from Wykes O'Donnell Williams came first and last year's winners the Zimmer takes it all, from Derby City Council came second. The scores were very tight all evening. Thank you to all those who took part and made it a fun evening and great success. Special thanks to **Julia** for organising and setting all the questions.

It's been a busy month professionally, with all the changes taking place in employment law. You may have seen reports of the government indicating that it will introduce paid leave for workers who suffer a miscarriage, and anyone who has suffered this, will know what a difficult that time this can be and it has the support of the opposition, but the opposition have also criticised other amendments to the Employment Rights Bill with comments that the 'flip flopping' is a sign of a rushed job at the legislation's third reading.

In other employment related news, it was disappointing to learn that diversity, equality and inclusion initiatives are being dropped from employers' top five priorities as they prepare for a wave of other employment law reforms, according to new research from Freeths LLP.

And of course I can't finish without mentioning, as a family celebrating our daughter - **Laura Matthews** – qualifying as a solicitor, which as you can imagine was a very proud Mum and Dad moment and we are really looking forward to spending a day in London at the Law Society for her Admissions Ceremony when the weather gets warmer, not least because it's also the bicentenary, but also because I never actually got around to attending one myself.

Also this month, it was an honour to interview 'The Mayor, Claire' aka **Claire Ward**, the East Midlands Mayor for our bulletin this time, so please do take a look at that interview which gives an insight into all the great work being carried out in the region.

We still have lots to forward to in the coming months including the spring, some brighter weather and hopefully lots of sunshine too, but particularly, the visit to Derby by our National President, **Richard Atkinson** and his team from the Law Society. I will report on that in the next bulletin.

And finally, another plug for our Tapas Thursday Networking - A reminder that tickets are selling fast for our next event, there are limited spaces, so if you don't want to miss out, get on Fienta for your tickets for our next Tapas Thursday, taking place at Lorentes in the Darley Abbey Mills on 1st May next.

Tina Attenborough
President, 2022-23

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Conveyancing sub-committee update



Due to the looming Stamp Duty changes set to take effect of 1st April, conveyancers are working under pressure to complete property transactions. It has been incredible to see so many conveyancing teams rise to the challenge and demonstrate dedication and commitment and resilience.

It has been great to experience conveyancing teams across the member firms embracing the importance of collaboration, and we've seen excellent cooperation. It is clear that there is shared goal – helping client's complete before the deadline while ensuring that all legal checks are properly conducted.

However it's important to recognise that demanding times like this can

take it's toll and so many can fall into the trap of neglecting our own mental health and wellbeing. It's important to check in with our friends, colleagues and peers to ensure that we all have a support network to help us through these challenging times.

Some other updates:

- The TA6 consultation is still on going and we wait further updates from the Law Society
- We await the updated practice note from the Law Society in relation to climate change following their consultation in 2024.

In February, we had the conveyancing legal technology software provider Infotrack kindly sponsor our Crazy Golf event. This was a great opportunity for members to get to know each other and enjoy each other's company. A huge thank you to Joe Green and Tom Kerwin from Infotrack for joining and creating such a fun evening.

Upcoming events:

- On Thursday 24th April we have the conveyancing Search Provider The Search Bureau join us for our Pizza and Prosecco event at Fat Cats for another enjoyable social event.
- On 1st May, we have Bell Howley Perrotton LLP join us to deliver an informative update on the changes to Stamp Duty Land Tax.

Rachel Maxwell

Shama Gupta, The Law Society (TLS) Council Member Report for DDLs March 2025



Shama Gupta

TLS Bicentenary celebrations

Throughout 2025, there are lots of opportunities to come together, be inspired and celebrate the profession in towns and cities across England and Wales.

Further reading:

A year-long celebration | The Law Society
1. /01/25 to NLS

https://www.lawsociety.org.uk/about-us/bicentenary-year/overview?sc_campaign=C7F0003414AA4230C6194004E418ACD4

The Diversity Access Scheme (DAS)

This is a unique scholarship programme, designed to address key barriers to the solicitors' profession faced by those from less

advantaged backgrounds. Applications close on **23 March 2025**.

Further reading:

Diversity Access Scheme | The Law Society

<https://www.lawsociety.org.uk/campaigns/diversity-access-scheme>

The Bar Standards Board (BSB) survey on barristers

The BSB survey seeks to help inform future BSB policy by seeking your experiences and expectations of working with barristers.

Further reading:

Solicitors' Choice of Barristers Research Survey

<https://eu.mar.medallia.com/?e=427586&d=e&h=3CE95324E20446B&l=en>

New code of conduct for investigators

The Association of British Investigators (ABI) has introduced a new code of conduct for members to make sure they uphold the

General Data Protection Regulations. The code was approved by the Information Commissioner's Office.

Further reading:

NEW data protection code of conduct launched for UK private investigators | ICO

<https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2024/11/new-data-protection-code-of-conduct-launched-for-uk-private-investigators/>

TLS welcomes feedback from you and I would like to hear from you about anything you may wish to share concerning your professional needs. Please contact me at <https://www.lawsociety.org.uk/about-us/our-governance/council-constituencies-and-current-members/shama-gupta>.

Don't forget to update your personal information on My LS

Giving Back to the Local Community



Kevin McGrath, the managing partner of Smith Partnership, explains why he volunteers his time with Direct Help and Advice, and encourages other lawyers to join him in sharing their expertise to support local charities.

Four years ago, my friend Rachel Morris DL asked me if I would be interested in becoming a member of the board of trustees for local charity, Direct Help and Advice (DHA), based on Phoenix Street in Derby City centre. While I have been managing partner at Smiths for over 6 years, I had no experience of the charitable sector, and I confess I was more than a little nervous, but I agreed to give it a go. Four years on and I can honestly say it is one of the most rewarding things I have ever done, and I get

back much more than I put in.

DHA is a superb charity that provides advice around debt and housing issues and supports people into work, education and training. I still lament the abolition of the old green form scheme which many readers will remember allowed solicitors firms to provide two hours of legal advice on issues such as debt and housing. The need for advice in those areas is much more pressing than it has ever been but now it largely falls to charities such as DHA to provide it.

The Charity Commission describes a trustee as someone who leads charities and decides how they are run but the reality is that I get the opportunity to support the management

team, the staff and volunteers to deliver much needed help to people in real need. At every DHA board meeting we are presented with statistics for how many people have accessed our services and case studies for clients who have been helped. The details can be both sobering and uplifting.

As lawyers we have a skill set which is desperately needed at board level in the charitable sector. By overseeing areas such as governance and financial stewardship we make sure that the charity can deliver its core services. Not only have I found the experience very rewarding, but it has given me the opportunity to observe at firsthand how a completely different organisation works and learn from that. Several of my colleagues sit on various charitable boards across the city and all echo those sentiments.

Of course, as the readership of this publication is largely made up of lawyers, I wouldn't expect you to take my word for it. DHA are currently on a recruitment drive for new trustees and if I have in any way sparked your interest details on how to apply can be found here: www.dhadvice.org/trusteerecruitment

Direct Help and Advice incorporating The Derby Law Centre currently has contracts to deliver Legal Aid for housing advice and welfare benefits and can accept referrals from law firms if clients meet these criteria.

For more details about how you could get involved please contact Kevin - Kevin.McGrath@smithpartnership.co.uk

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In Memoriam: Simon King



It is with great sadness that we advise the Society that Simon Richard Joseph King, Designated Member at Elliot Mather, passed away on the 2nd of February after collapsing at home. It is testament to Simon's professional skills and abilities and his personality, that the loss was mourned not only amongst the Legal Profession of the East Midlands, but much further afield, even as far as Whitehall.

Simon started at Elliot Smith as it then was, as a fresh faced trainee in September 1985. He very quickly made himself indispensable and remained with the firm, throughout its various guises, until his death at which time he was our Senior Partner and Head of the Criminal Department in Nottinghamshire.

Simon came into the profession at a time when most solicitors were still General Practitioners. Whilst Simon, even up until his death, could still administer an estate or conduct a conveyancing transaction, crime was always his passion. He was a first class advocate and many young Criminal Lawyers who came after him, learned their skills simply by observing him in court, such as his presence, style and delivery.

He had an unwavering enthusiasm for the law and thrived on trying to prove the Prosecution were wrong, more often than not, he was successful. It was this enthusiasm for the law that made him a natural teacher and for many years, along with colleagues, he ran Practical Law Tutors to deliver relevant and practical criminal law courses to defence solicitors up and down the Country. The USP of Practical Law Tutors was delivering their courses from football grounds – we wonder whose idea that was?!!

Simon was also incredibly generous with his time. If you rang him and said "have you got a minute", he always said yes even if he had a to do list as long as one the historical WWII books he was reading or he was due in court 10 minutes ago.

Despite having done the job for nearly forty years, he was never jaded and his enthusiasm never waned. He fought to the best of his abilities for all of his clients but especially for those that found themselves in the Criminal Justice System for reasons beyond their control or because

they had simply taken a wrong path earlier in life. He had a loyal following in Nottinghamshire with his client base now being multi-generational. Because of his excellent client care and advocacy skills he was also frequently recommended by clients when a friend or family member wanted a "Top Brief" – Simon was certainly one of those

Simon embraced technology and recognised the realities of the evolution of the Criminal Justice System. Whilst his Assistant, Karen, might have felt like an IT teacher at times, Simon was never resistant to change. He worked tirelessly through the Covid pandemic even when he himself had been very poorly with the dreadful virus.

Like many Defence Solicitors, Simon firmly believed that many of the changes to the CJS did little to improve it but rather significantly eradicated defendant's rights. He therefore felt very strongly that all defendants should receive the best possible representation and it was for this reason that he was one of the very first Peer Reviewers appointed by the Legal Aid Agency. Simon felt that unlike other audits or quality assurance standards, peer reviewing was about making sure the job was being done right and if it was not, then his role was to help guide and support firms to improve. Even when writing reports for firms that were significantly failing, he was able to identify the positives to give them something to build on.

He was also a long standing and staunch member of the CLSA and campaigned for better pay and conditions for Defence Solicitors. His particular passion project was to encourage young people into Criminal Defence Work.

Never was Simon more conflicted than when Criminal Defence Practitioners were taking strike action and refusing to represent detainees in court. Whilst Simon understood the rationale for taking such drastic action, he was deeply uncomfortable leaving clients unrepresented. This is indicative of the fact that for Simon, being a Defence Solicitor was a vocation not a job.

Simon had a huge personality and could command a social event in the same way he could a court. He was interested in everything from politics and current affairs to music and sport. He always had an amusing story to tell whatever the subject and when you went to the Law Society Dinner, you wanted to be seated next to Simon.

The greatest love of Simon's life was his family. He leaves behind his wife of nearly 37 years **Emma**, his five children, **Lucy, Josh, Rosie, Sam** and **Alice** and his beloved grandson Freddie as well as his extended family and large group of friends. Our deepest condolences go out to them all at this terribly sad time.

Simon's next passion was the mighty Stags (Mansfield Town Football Club) who he followed with unwavering commitment ever certain that they really were in fact a Premiership Team wrongly trapped in League 1!

We like to think that Elliot Mather came next in the list of Simon's great loves and achievements and to make Top 3 in the life of such a great man is no mean feat and something we will cherish as we move forward with the legacy he has left.

Alan Grant,
Elliot Mather

From Missed Calls to More Clients: How Superior Call Handling Transforms Law Firms



Jodie Brady, Richard Roberts & Kavita Oberoi

In the legal profession, every call matters. Whether it's a new client seeking advice, an urgent case update, or an existing client needing reassurance, the way calls are handled can make or break a law firm's reputation. Yet, many firms unknowingly lose business due to missed calls, long wait times, or impersonal interactions from large call-handling providers.

Oberoi Business Hub is this year's gold sponsor of Derby and District Law Society (DDLs). As part of their sponsorship, the Hub is keen to further strengthen relationships with local law firms, many of whom already benefit from high quality services including call handling and conference and meeting room facilities as well as serviced offices.

At Oberoi Business Hub, we've seen first-hand how outsourcing to a dedicated, professional team can transform client experience, improve efficiency, and even save firms thousands of pounds. One such success story is **Lovedays Solicitors**, a well-established firm that recently made the switch from a national provider to Oberoi Business Hub—with immediate and measurable benefits.

How Lovedays Solicitors Upgraded Their Call Handling and Client Experience

Lovedays Solicitors, with offices in **Matlock, Bakewell, Wirksworth**, and now **Buxton (via Brooke-Taylor's)**, is a growing firm that prides itself on personal, face-to-face service. However, like many expanding legal practices, they faced challenges in managing a high volume of incoming calls while maintaining excellent client care.

Their previous national call-handling provider struggled to deliver the service quality Lovedays expected. Frustrated with inconsistent performance and high costs, the firm sought a **more tailored, responsive, and cost-effective solution**—leading them to **Oberoi Business Hub**.

Managing Director **Richard Roberts** explains: *"As a firm, we pride ourselves on face-to-face personal service and decided to outsource call handling some time ago to enable our reception teams to focus on clients coming into the offices rather than their attention being diverted elsewhere."*

Keen to use a local firm, we recently moved this important function from a national provider to Oberoi Business Hub, where we now receive a far superior quality and more cost-effective service.

Investment in marketing is pointless if you cannot maintain consistently high levels of customer service, including ensuring that every call is answered quickly and efficiently. Having a dedicated call-handling service provided by a professionally trained team is therefore vital in this day and age. The move to Oberoi Business Hub has been seamless, with results proven from day one."

Why Big Call Handling Providers Cost More Than You Think

Many law firms assume that outsourcing to a **large national call-handling provider** is the most cost-effective solution. However, what they often don't realise is that these providers typically charge **by the minute**—and additional fees apply for every transferred call. This quickly adds up, leading to unpredictable, inflated monthly bills.

Oberoi Business Hub takes a different approach. We charge **per call rather than per minute**, ensuring complete transparency in billing. Our pricing model means:

- ✓ **No hidden costs** – You know exactly what you're paying for.
- ✓ **No inflated call transfer charges** – Unlike larger providers, we don't add unnecessary costs.
- ✓ **More control over budgets** – Law firms can predict their expenses without worrying about unpredictable call durations.

With Oberoi Business Hub, firms like Lovedays **save thousands of pounds** while receiving a **superior, tailored service** that seamlessly integrates with their operations.

What Makes Oberoi Business Hub Different?

Unlike large, national providers that operate on a one-size-fits-all model, **Oberoi Business Hub provides a personalised, high-quality service that seamlessly integrates with each law firm's operations.**

Our **Pride Park-based call handling team** ensures that every call is answered quickly, professionally, and in a way that reflects the law firm's brand values. Our services include:

- ✓ **24/7 call handling** – ensuring firms never miss an important inquiry
- ✓ **Live online chat support** – providing real-time assistance for website visitors
- ✓ **Regular management reports** – monitoring call trends and efficiency
- ✓ **A dedicated team that acts as an extension of the firm**

Jodie Brady, Call Handling Manager at Oberoi Business Hub, explains:

"Whatever our clients' requirements, our call-handling services are designed to be cost-effective and flexible. Our highly trained team essentially becomes part of the customer's in-house team, ensuring client communications are handled efficiently and professionally."

Creating the right first impression on behalf of our customers is crucial, and our service relieves the pressure on staff—allowing them to focus on their workload without constant interruption."

Why Law Firms Are Switching to Oberoi Business Hub

Lovedays Solicitors isn't alone in making the switch. More law firms are realising the **hidden costs of poor call handling**—both financially and in terms of client satisfaction. A missed or poorly handled call can mean:

- **Lost revenue opportunities** – Potential clients may turn to a competitor if they can't get through.
- **Reputational damage** – A law firm's credibility depends on professional and efficient client communication.
- **Operational inefficiencies** – Internal staff being disrupted by calls that could be handled externally.

Oberoi Business Hub has successfully helped firms **reduce costs while improving service quality**, providing a return on investment that far outweighs the expense of inefficient, impersonal call handling from larger providers.

Kavita Oberoi OBE, Founder & Managing Director of Oberoi Business Hub, adds:

"Lovedays Solicitors are very clear about the service they require, and we were able to prove how our structured and professional approach stands up to stringent monitoring and evaluation."

We have many years of experience working with law firms, both through our serviced office network and back-office support, including call handling. We are delighted to welcome Lovedays to the growing Oberoi Business Hub community."

Ready to Improve Your Call Handling?

If your law firm is currently using a large call-handling provider and is experiencing **high costs, missed calls, or inconsistent service**, it's time to consider a **better alternative**.



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Hub can help you improve efficiency, enhance client service, and ultimately win more business.



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Firms in Focus: Simpson Jones LLP



Simpson Jones LLP was established in Derby in 2010 by Founder and Partner Joanne Jones. Specialising in Residential and Commercial Conveyancing with the addition of a Private Client Office. Joanne has been a constant within the Derby and District Legal Community for nearly 30 years, she is committed to Derby and has long been a keen advocate for maintaining her office base in Derby City Centre.

Joanne commenced her career on a training contract under the supervision of Senior Partner David Ling at Bemrose & Ling Solicitors and worked in the various departments, qualifying as a Solicitor on the 2nd November 1998. In 2004 Joanne joined Moody & Woolley working with Partner Ian Griffiths as a Solicitor specialising in conveyancing, both residential and commercial. She was made a Partner of the firm whilst at Moody and Woolley.

Having recently reached its 15th anniversary in Derby Simpson Jones has successfully looked after client property matters stretching into the tens of thousands and providing employment for up to 40 colleagues at any one time. Joanne's passion for the

Law and her Clients has developed Simpson Jones into a business specialising in delivering excellent service to a solid and expanding client base from both the Business and local communities.

Joanne is supported in Conveyancing by fellow Partner Elly Tavener, Conveyancer Kimberley Slater and Senior Solicitor Taesho Smith along with their respective support teams; Former President of the Derby and District Law Society Solicitor Martin Salt is Head of Wills and Probate and Solicitor William Ho is responsible for all Commercial matters. There is a strong learning ethos at Simpson Jones, Joanne is the SRA registered training principle, with a trainee Solicitor Katie Bowler currently under her tutelage and two other colleagues working towards their CLC accreditation.

In 2022 and after nearly ten years running the business as a sole equity partner, Joanne took the bold step to bring in two Partners from outside the Legal Profession in Paul Chapman and Paul Wareham to accelerate the development of Simpson Jones. Both Paul's have a background in Professional,

Property and Financial Services having established their careers at Halifax plc, HBOS, Lloyds Banking Group and Countrywide plc. Since their arrival the Simpson Jones business has developed new workflow practices and operating platforms and has been digitally enabled for the future benefit of clients, introducers and colleagues. The business has also consolidated all operations into their offices at Stuart Street in Derby City Centre.

More recently, in 2024 the partners at Simpson Jones have launched a new subsidiary business Curve Conveyancing Solutions, a Joint Venture between Simpson Jones and MSS/Stonebridge Mortgage Network, distributing Conveyancing Instructions on behalf of over 1200 Mortgage Brokers to a panel of Conveyancers Nationwide. In tandem with the values built at Simpson Jones, Curve delivers to service led principles and after 5 months of trading has already attracted instructions from over 150 new introducers and their respective clients helping to secure future instruction volume into Simpson Jones.

www.simpsonjones.co.uk

www.curveconvey.co.uk

SRA Transparency Rules

The SRA Transparency Rules apply to all firms, regardless of the categories of law provided. The rules require firms to display on their website a full complaints procedure, prices and descriptions of a select range of legal services, the SRA Digital Badge and the firm's SRA number. If a firm does not have a website; this information must be readily available upon request in another format.

The SRA regularly conduct firm website checks and can take enforcement action against non-compliant firms. They have issued 439 official warnings and 36 fixed penalty fines for transparency rule breaches since May 2023.

SRA Digital Badge and SRA ID

The SRA Digital Badge and the firm's SRA ID must be shown in a prominent place on the website. The badge is clickable, opening a new webpage to verify that the firm is regulated by the SRA and therefore clients are afforded protections against poor service or loss of a client's money. The badge is not an image file, but a bespoke snippet of software code made available by the SRA to firms who have registered their website through mySRA. The badge must be at the minimum size (or larger) set by the SRA of 275px by 163px.



Complaints Procedure

All firms must publish information about their complaints handling procedure, including details about the criteria for making a complaint to the Legal Ombudsman and the SRA. Stating that the firm's full procedure is 'available upon request' is not sufficient. The complaints handling procedure must be published in full, including step-by-step guidance with specified timescales regarding how to complain and the contact details of the staff member responsible for complaints handling. The procedure must be easy to locate, such as through a link in the website footer.



Pricing and Service Information

The SRA's Transparency Rules require firms to display prices and service information for the following areas:

- **Conveyancing** (residential) including:
 - - freehold sale or purchases
 - - leasehold sales or purchases
 - - mortgages or re-mortgages
- **Probate** (uncontested and relating to UK assets) including:
 - - obtaining grant of probate
 - - assistance with the collection and distribution of assets
- **Motoring offences** (summary offences at the Magistrates Court dealt with at a single hearing)
- **Immigration** (excluding asylum)
 - - preparation and submission of immigration applications
 - - provision of advice and representation at the First-Tier Tribunal (Immigration and Asylum Chamber) in relation to appeals against Home Office visa or immigration decisions
- **Employment Tribunals**
 - - bringing of claims against an employer for unfair or wrongful dismissal
 - - employment advice to employers in relation to defending claims before the Employment Tribunal brought by an employee for unfair or wrongful dismissal
- **Debt recovery** (up to the value of £100,000)
- **Licensing applications** for business premises.

These rules do not apply to publicly funded work.

For each of the areas of law offered, firms must publish:

- typical cost of the service, including the

rate and amount of VAT

- basis of charging (fixed fee, hourly rate)
- possible disbursements, including an estimated cost for each plus rate and amount of VAT, if applicable
- information about the services included in the quoted price
- typical key stages of the matter
- typical timescales for each key stage
- details of any services not included in the price
- experience and qualifications of staff members carrying out the work in that area of law and their supervisors.

UK General Data Protection Regulation & Data Protection Act

In addition to the SRA's transparency rules, firms are expected to comply with the UK General Data Protection Regulation (GDPR) & the Data Protection Act 2018. You must publish a privacy policy on your website explaining how you treat personal data. A shorter privacy notice should also be included near any contact form or enquiry box situated on your website where consumers can input data.

Free Website Check

It's easier and cheaper to ensure the rules are met before the SRA arrive at your door. Please contact us by email, consultants@dglegal.co.uk, if you would appreciate a free audit of your website.



Silver patron

A memorial to HHJ James Orrell



Judge Orrell at his retirement party in Derby Museum with staff

Judge James Orrell died on 13th January, this year. We held a hugely well attended event to celebrate his life here at the court he worked in for so long as the Designated Family Judge on the 7th February 2025

His wife **Margaret**, and one of his two sons, also **James**, came and enjoyed hearing tales about his working life.

His wife and family were the undoubted cornerstone to a happy life well lived.

James was 80 when he died. Before taking up the law he did a history degree and remained passionate about this – as those who have ever raised a historical reference with him would know.

He became a Barrister at Fountains Court, called in 1968. His Practice was a general one, he was successful and highly regarded and made many friends. The President of the Family Division, an old friend, spoke on the 7th about how well regarded he was, with utmost integrity, a very good advocate and intelligent with great humanity. He also recalled **Judge Orrell** then was the source of much gossip and known as Orrell Information Services!

In 1984 he became an Assistant Recorder and by 1989 was a Circuit Judge, sitting in

crime and family. He became the Designated Family Judge here in 1992 and remained so until he retired in 2016 when he reached the compulsory retirement age.

He then began to work for the Parole Board and his contract was renewed last year for a further three years. Taking on a new area of work after retirement was a challenge he enjoyed

I have met no one who does not immediately recall many stories about him; he was a memorable figure in our lives .

His length of service in this job is remarkable, but even more so is the work that he did. His lists were famously busy and long, the length of cases unpredictable and on occasion final hearings ran in tandem well founded rumour has it.

This was only possible because of his extraordinary memory, the work he did in preparation and his determination to get cases resolved for children.

While he might amble into court at the very last minute, he was almost always the last person out of court most nights.

He was always determined that children's

cases should and could be dealt with in a focused and timely way – and he would be cross about poor presentation, ill thought out plans and particularly extending cases for longer than he felt necessary, I know an issue that often occasioned tension. At the eulogy **Chris Gabb** reminded us of the “*walk of shame*” that required lawyers who sought to move a case out of a timeframe he approved to come over to the Morledge and wait to see him.

He was a determined, at times stubborn man. Many people will have their own memories of interesting “*debates*” they will have had or observed in court with him.

He was a great raconteur, always interested in everyone and loved to tell and hear a story.

He was kind and compassionate. His judgements were clear, empathetic and concise.

The staff loved to work with him and he loved them. Nothing would make him more furious than someone being rude to a member of staff.

Andrew McFarlane rightly described him as a “*fine, fine man*” and “*a great champion for the law and for Derby*”.

HHJ Sue Williscroft

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Derby Dignitaries: Mayor Claire Ward



Derby (and the wider East Midlands) has some admirable plans for its immediate and long-term future, do you have any thoughts on them?

I would say that I am particularly excited about the arrival of Great British Railways in Derby, as well as the Derby Rail Campus, as this represents a landmark opportunity, not just for the city but for the entire East Midlands. From engineering to manufacturing and beyond, the economic impact will be felt across our region. Local people in Derby, and particularly our young people, will benefit from the jobs and careers this project will generate.

The Derby City Urban Quarter is another fantastic project that I am excited to see come to fruition. Now that we have a Mayor, as well as a Combined County Authority, we have been able to award £3.75 million to the project which will go towards creating a vibrant, sustainable, and accessible urban quarter for the people of Derby. The funding will also help revitalise a number of our great historic buildings, enhance transport infrastructure, as well as create much needed new homes right in the city centre.

What do you love most about the East Midlands and in particular Derby?

I chose to live in this region because it has so much to offer. Great outdoors, visitor attractions, east and west coast mainline rail and commutable to many other big cities outside of the region. Derby has a growing cultural offer too with the imminent opening of the Beckettwell Theatre.

On your journey to the top who would say has influenced you the most and how has that person's influence shaped your leadership style?

I have had lots of great role models in my life - my parents who supported and encouraged my ambitions especially in qualifying as a solicitor and becoming an MP. I have also worked with great people inside and outside of politics who have helped me develop my leadership skills, including the influence of **Tony Blair** during the time before he was Prime Minister and when I was elected as an MP in his government.

What do you love the most about your role as the East Midlands Mayor?

Being Mayor allows me to shape the future

of this region and put the funding into places that will help to deliver my ambition to make this the best place to live, work and learn.

What is the biggest impact you have had on the East Midlands and in particular Derby, since taking office?

Now we have an East Midlands Mayor, we, as a region, are sitting round the table with the other Mayors, and we know in places like Greater Manchester and West Midlands, having a Mayor has made a real difference to the investment that has been brought in. We are just getting started, the past few months since I was elected have been about establishing the Combined County Authority, employing the right people and deciding how we want to spend the money we now have devolved from Westminster. We've got a huge job on our hands, but already we are starting to put the East Midlands on the map.

Given your success in business/life, would you mind sharing your top 3 life hacks or lessons for our readers?

Value people and their experiences. We can all learn from each other - good and not so good lessons. Give back to your community in whatever way you can. If you want a better community, get involved in helping to shape and support it. Finally, work hard and play hard.

Bio:

Claire Ward is Mayor of the East Midlands, representing 2.2 million people across Derbyshire and Nottinghamshire. Mayor Claire has responsibility for transport, skills and adult education, housing and land, net-zero and economic development.

Before being elected Mayor in May 2024, **Claire Ward** was the Chair of Sherwood Forest Hospitals in North Nottinghamshire, as well as other roles at the Pharmacists' Defence Association and the Institute of Collaborative Working. From 1997 to 2010, Mayor Claire was MP for Watford and served as a Justice Minister under both **Tony Blair** and **Gordon Brown**.

You can follow Mayor Claire on social media @MayorEastMids

DDLs Annual Quiz 26th February 2025



Well done to all those teams and firms that took part in the annual DDLs Quiz. Thank you to Derby Rugby Club for hosting us again. Hopefully everyone who attended enjoyed themselves as ever the difficulty is getting the level of questions right to suit the various demographics that I am pleased to say the annual quiz attracts. The final scoresheet revealed many teams mid table with the winners scoring an amazing 155 out of 185.

The night was won by WOW from Wykes O'Donnell Williams. They managed to just pip the Zimmer Takes It All team from Derby City Council in the last few rounds. Well done all. The chocolate orange

bonus rounds were won by one of the four teams from Alexander & Co who managed to get their heads round the paintings, cities, unusual car logos and James Bond movies.

Thank you for supporting DDLs and the social events. I hope that you all had an entertaining evening. Special thanks to **Tina Attenborough** for helping present and score the quiz on the night and to **Laura Matthews** and **Amelia Sutcliffe** for collecting the score sheets all night.

The top five teams are listed below -

Team	Company	Points
Wow	Wykes O'Donnell Williams	155
The zimmer takes it all	Derby City Council	153
We're going to need a bigger brain	Alexander & Co	141
Thick but slick	Alexander & Co	140
Divorce force	Family Law Group	140

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5-10 years PQE in private client and professional will and LPA writing experience is essential. You must have excellent verbal and written communication skills, be able to work quickly and accurately and have high level IT skills. The ability to work to deadlines, meet targets, manage your own workload and have a caring and empathetic approach is also essential.

In return we offer a range of benefits including a health cash plan scheme, wellbeing support, 24/7 advice and information line, a range of learning and development opportunities, generous annual leave plus Christmas closure, enhanced maternity, paternity and adoption leave, sabbatical leave scheme, a supportive work environment and the opportunity to join a company that cares.

We are a multi-disciplinary high street legal practice serving clients in Derbyshire and Nottinghamshire for over 130 years and our mission is to establish lifelong relationships with all our clients by anticipating and responding to their needs for quality legal services.

For an informal conversation about the role please contact Grace Steele, Director and Head of Department, on grace.steele@ellis-fermor.co.uk

For more information about the role and about Ellis-Fermor and Negus Solicitors please visit <https://www.ellis-fermor.co.uk/contact-us/careers/>

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Reports to: First Junior Clerk

About Us

St. Mary's Chambers is one of the very few specialist Family Law Chambers outside of London. Chambers is based in the historic Lace Market area of Nottingham from where over 40 barristers practice in all areas of family law across the East Midlands region and beyond. Members of Chambers are regularly recommended in the Chambers Guide to the UK Bar and the Legal 500.

Role Overview:

The Third Junior Clerk will work closely with the rest of the clerking team to assist with the smooth day to day running of Chambers. This is an exciting opportunity for someone who wants

to progress their clerking career in a settled and well-established team.

Key Responsibilities:

- Handling enquiries from instructing solicitors and clients by telephone and email.
- Assisting with the management of the diary and practices of all barristers in Chambers.
- Carrying out regular checks to ensure that the diary is kept up to date and accurate.
- Assisting with the management of shared mailboxes and ensuring all enquiries are dealt with efficiently.
- Updating records, logging and uploading of inbound documents on to our case management software.
- Chasing up paperwork on behalf of barristers and other clerks.
- Checking and updating the daily court lists for barristers and sending them notification of their next day's diary. Liaising with court staff where necessary to query listings.
- Welcoming clients and visitors into Chambers, and preparing meeting rooms for client meetings, conferences, and private hearings.
- Assisting with the preparation and submission of Private, Legal Aid & Local Authority billing, following set processes and protocols with a high level of accuracy.
- Supporting with the practice development of individual barristers.
- Representing Chambers at networking and social events.

- Assisting the Senior Clerk and Finance team when required with recurring and ad-hoc tasks.
- Assisting with the general administration and day to day running of Chambers.

The following experience, knowledge and skills are preferred:

- Good written and verbal communication skills.
- Good interpersonal skills.
- A team player who is flexible and willing to assist all areas of the business where required.
- Strong admin and organisational skills.
- Experience of working in a barristers' chambers, or other legal environment is preferred.
- Knowledge and experience of the legal services market in relation to Family Law is preferred.

Hours: 37.5 hours per week. Start and finish times may vary but will normally be within 9-00am until 6-00pm Monday to Friday. Out of hours work will be necessary on occasion.

Start date: As soon as possible.

Please apply with a c.v. and covering letter by email to Senior Clerk, Tim Smith: tim@stmarysfamily.co.uk

The closing date for applications is 21 March 2025. Early applications are encouraged.

Legal sector continues to grow despite rising costs

Law firms saw steady growth in 2024, according to the Law Society's Financial Benchmarking Survey.*

The research shows that the legal sector remains resilient even in uncertain times, providing stability and contributing to the UK economy and overall prosperity.

Law firms' average earnings grew by 6.1% last year. While earnings are still growing, the rate of increase is slowing down (from 6.8% in 2023) and costs are rising.

The legal sector has a combined direct and indirect contribution to the economy worth £74.4 billion and exported £9.5 billion in 2023**.

The legal sector also continues to be a big employer supporting more than half a million people either directly or indirectly.

The number of solicitors and other legal professionals increased by 3.4%.

Total salary costs as a percentage of fee income also increased by 1.1 percentage points as well as the number of chargeable hours.

Richard Atkinson, president of the Law Society of England and Wales said: "Despite rising costs and a slowing growth rate, law firms are still performing well. The legal sector remains healthy, continues to be a powerhouse of the UK economy and a significant employer. Solicitors and law firms are committed to helping to build a robust economy that competes internationally while contributing to the country's prosperity and supporting local communities."

Key findings from the Financial Benchmarking Survey include:

- law firms' earnings grew by 6.1%
- income growth is slowing down from 6.8% in 2023
- the cost per legal professional has increased on average to £67,476 up from £63,614 in 2023
- a growing workforce, with the number of legal professionals increasing by 3.4% and total salary costs as a percentage of fee income rising by 1.1 percentage points
- business costs are increasing as overhead expenses grow to £45,796 from £42,844. Lock-up days, which is the time it takes to collect payments, rose from 143 to 146

.....
[*https://www.lawsociety.org.uk/topics/research/financial-benchmarking-survey-2024](https://www.lawsociety.org.uk/topics/research/financial-benchmarking-survey-2024)

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SSAFA, the Armed Forces charity exists so that no one in our Armed Forces is left to battle life's darkest problems on their own. Together, with the help of our volunteers and supporters, we are close at hand for any member of our Armed Forces family in their time of need. We provide welfare and wellbeing support to serving personnel, veterans, and their families across the UK and abroad. All tailored to individual needs, helping people get their lives back on track. We do not judge – we offer a helping hand and a listening ear, for as long as we are needed.

SSAFA relies on the generosity of our supporters to provide our vital services. With a gift in your Will, you could help us be there for future generations of the Armed Forces family.

Gary is a veteran of the Scots Guards. He is also a triple amputee.

His life – and his family's – changed forever when he lost three limbs in a devastating explosion while serving in Afghanistan. The years in between and the road to recovery have been long and challenging, but SSAFA was there for him and his family.

From adapting their family home to accommodate Gary's needs, to providing logistical and financial support during many medical operations, SSAFA has been there whenever and however he and his family needed us.

Not everyone that SSAFA supports has the challenges Gary lives with, and we do not know how our Armed Forces will be needed in the years ahead. But one thing we do know. With a gift in your Will, you will help us be there for our Armed Forces family in the future, providing welfare and wellbeing support to those who need us. So that they never battle alone.

Last year, due to the kind generosity of supporter donations, including those who left a legacy to SSAFA with a gift in their Will, the charity was able to support an incredible 54,000 people from the Armed Forces community. Each person helped had their own unique challenges and battles.

You can help us face the uncertainty in the years ahead with confidence and change so many lives. By leaving a gift in your Will to SSAFA, your kindness can ensure that they never battle alone.

With a gift in your Will, you will stand alongside our future Armed Forces, always and forever.

.....
To find out more, visit ssafa.org.uk/gifts-in-wills.



There are over 10 million people in the UK living with arthritis. No two people experience arthritis in the same way.

Arthritis Action has worked tirelessly for over 75 years to ensure people living with arthritis gain the knowledge and confidence to self-manage their condition and live life to the full. Whether that's a warm welcome at one of our local groups; someone at the end of the phone to provide advice; a tailored nutritional plan; or a consultation with one of our clinicians.

Gifts in wills have been critical to our work and are the only way we will be able to reach the increasing number of people living with arthritis.

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You will help us be there for generations to come, providing welfare and wellbeing support for our Armed Forces family. Because no one should ever battle alone.

Protect their future by leaving a gift in your Will to SSAFA.

**TO FIND OUT MORE INFORMATION
CONTACT OUR LEGACY TEAM:**

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Chris Makin

Some time ago, I had to write an article explaining that in matrimonial cases it is not possible for me to investigate a party's financial affairs and present my finding to the court unless I were to act as Single Joint Expert, and that it would be most unlikely that a wife (typically) could persuade her husband (typically) that I should act as his expert as well as hers.

I had to give that explanation so many times to ladies ("I want you to go in there and find out exactly what that [deleted] is doing with all his money") that when I received three such requests in one morning I decided something had to be done. So I wrote a blog explaining the situation, and I now direct the caller to that blog and ask them to ring back if they think I can still do anything. They never do.

I regret there is a similar problem with accounts obtained from searches at Companies House. A solicitor, say in a divorce case, does a search from Companies House, sends those accounts to me, and expects me to do a company valuation.

Well I'm sorry, but this is just not possible.

A good 90% of limited companies are micro companies, and the information they have to file is very sparse. To qualify as a micro company, it must fall below turnover of £632k, balance sheet total of £316k and fewer than 10 employees. The company has to breach two of those limits to lose its status as a micro company. And in April 2025 it will be even higher: turnover £1million, balance sheet total £500k and employees 10. The vast majority of companies I come across in matrimonial cases are micro companies; obviously, since it is the small family company which will have to be valued for clean break purposes.

The advantage of being a micro company is that one has to file very little information on public record at Companies House. And it is surprising what little information we can see.

Typically, the accounts on public file will comprise a front sheet with the name of the company, a sheet showing addresses, directors' names, sometimes accountants and bankers, then the balance sheet, and then a couple of notes giving such details as accounting policies (standard stuff), fixed assets, analysis of creditors... And that's it.

From an old case I worked on some time ago, which of course I have anonymised, the balance sheet from Companies House looks like this:

ABC Engineering Ltd Balance Sheets	As at 30/04/15 £	As at 30/04/16 £
FIXED ASSETS		
Tangible assets	3,565	2,668
CURRENT ASSETS		
Stocks	27,176	18,735
Debtors	143,112	128,902
	170,288	147,637
CREDITORS		
Amounts falling due within one year	160,588	138,078
NET CURRENT ASSETS	9,700	9,559
TOTAL ASSETS LESS CURRENT LIABILITIES	13,265	12,227
CAPITAL AND RESERVES		
Called up share capital	100	100
Profit and loss account	13,165	12,127
SHAREHOLDERS' FUNDS	13,265	12,227

What is its turnover? Its prime cost? Its overheads, including anything suspicious? Directors' salaries? Dividends? Tax charged? I have no idea. Yet these are the details I need to be able to even start a company valuation.

When I receive copies of the detailed accounts from the directors (and these full accounts must exist), I always summarise them to see the above details and to plot trends etc. The difference in what I learn from these detailed accounts is remarkable. Look at this, compared with the sparse figures above:

ABC Engineering Ltd Trading and Profit & Loss Accounts	Year to 30/04/13 £	Year to 30/04/14 £	Year to 30/04/15 £	Year to 30/04/16 £
Sales	391,732	472,125	655,597	724,645
Cost of Sales				
Opening stock	24,154	17,204	25,707	27,176
Purchases	246,827	300,627	422,148	483,768
Carriage & consumables	19,740	22,569	30,175	23,008
Closing stock	(17,201)	(25,710)	(27,176)	(18,735)
	273,520	314,690	450,854	515,217
Gross Profit	118,212	157,435	204,743	209,428
Gross profit rate on sales	30.18%	33.35%	31.23%	28.90%
Sundry Income				
Deposit account interest	-	-	-	76
Expenditure				
Rent	6,180	6,193	5,665	6,180
Rates & water	(14)	77	84	84
Insurance	3,162	1,833	3,138	2,660
Light & heat	274	226	301	300
Directors' salaries	7,488	7,714	7,956	7,956
Directors' social security	-	-	-	226
Wages	6,745	15,584	19,461	20,853
Telephone	2,583	2,533	3,274	4,649
Postage & stationery	7,837	3,647	3,569	2,632
Advertising	8,853	11,752	14,890	15,418
Mileage/Travel & entertain	-	-	504	-
Motor, travel & subsistence	6,689	6,009	6,356	6,750
"Maintenance"	-	-	-	-
Repairs & renewals	286	287	342	2,763
Website expenses	-	2,673	-	-
Computer expenses	120	743	748	117
Training costs	365	15	-	-
Subscriptions	200	203	262	365
Sundry expenses	1,424	1,221	3,617	6,865
Accountancy/Professional fees	1,000	1,000	1,000	1,200
Bookkeeping & payroll	930	1,552	1,192	1,737
Bad debts	-	118	-	-
	54,122	63,380	72,359	80,755
Finance costs				
Bank charges	3,626	4,021	6,171	8,299
Bank interest	931	1,017	546	623
	4,557	5,038	6,717	8,922
Depreciation				
Plant & machinery	54	30	18	73
Fixtures & fittings	21	21	98	287
Computer equipment	305	275	676	1,019
	380	326	792	1,379
Net Profit	59,153	88,691	124,875	118,448
Taxation	11,810	17,706	24,594	24,217
CT rate	19.97%	19.96%	19.69%	20.45%
Net Profit after tax	47,343	70,985	100,281	94,231
Profit & loss balance brought forward	(48,974)	(47,061)	(34,276)	13,165
	(1,631)	23,924	66,005	107,396
Dividends	45,430	58,200	52,840	95,269
Profit & loss balance carried forward	(47,061)	(34,276)	13,165	12,127

ABC Engineering Ltd Balance Sheets	As at 30/04/13 £	As at 30/04/14 £	As at 30/04/15 £	As at 30/04/16 £
Fixed assets				
Plant & machinery	29	-	467	394
Fixtures & fittings	42	21	662	501
Motor vehicles	-	-	-	-
Computer equipment	471	632	2,436	1,773
	<u>542</u>	<u>653</u>	<u>3,565</u>	<u>2,668</u>
Current assets				
Stocks	17,201	25,707	27,176	18,735
Trade debtors	49,951	88,883	71,227	58,377
Other debtors	1,722	2,000	71,885	70,525
	<u>68,874</u>	<u>116,590</u>	<u>170,288</u>	<u>147,637</u>
Creditors short term				
Bank loans & overdrafts	28,990	38,670	48,135	5,943
Trade creditors	52,794	65,873	63,158	86,314
Corporation tax	13,810	23,515	29,594	24,217
Social security & other taxes	-	-	540	318
VAT	15,023	17,780	16,848	15,305
Other creditors	1,758	2,541	653	1,084
Directors' current accounts	2,129	818	-	-
Accrued expenses	1,873	2,222	1,660	4,897
	<u>116,377</u>	<u>151,419</u>	<u>160,588</u>	<u>138,078</u>
Net current assets/(liabilities)	<u>(47,503)</u>	<u>(34,829)</u>	<u>9,700</u>	<u>9,559</u>
Total assets less current liabilities	<u>(46,961)</u>	<u>(34,176)</u>	<u>13,265</u>	<u>12,227</u>
Capital & reserves				
Share capital	100	100	100	100
Profit & loss account	(47,061)	(34,276)	13,165	12,127
	<u>(46,961)</u>	<u>(34,176)</u>	<u>13,265</u>	<u>12,227</u>

Moral: don't waste everyone's time in sending Companies House accounts to me as if they will tell me all I need to know. They won't; they are useless. I have to have the full detailed accounts from the directors.

Biog: Chris Makin has practised as a forensic accountant and expert witness for 30 years, latterly as Head of Litigation Support at a national firm. He has given expert evidence about 100 times. He also performs expert determinations.

Chris is a fellow of the Institute of Chartered Accountants where he has served on the Forensic Committee, and as an ethical counsellor; he is a fellow of the Chartered Management Institute, a fellow of the Academy of Experts where he serves on the Investigations Committee, and a mediator accredited by the Chartered Arbitrators. He practises as a mediator, from his home in West Yorkshire and his rooms at 3 Gray's Inn Square, London WC1R 5AH, telephone 020 7430 0333. He has mediated 100+ cases so far, on a huge range of subjects, with a settlement rate to date of 80%. For more see his website with videos:

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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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- Company Sale & Purchase
- Professional Fees
- Rights of Way & Boundaries
- Construction
- Intellectual Property
- Professional Negligence
- Business Interruption
- Defamation
- Housing Disrepair
- Very Expensive Motor Cars
- Employment
- Contractual Failings
- Inheritance Act and ToLATAs

Civil and criminal experience as expert for over 20 years in:

- Loss of Profit and Consequential Loss
- Business & Share Valuations
- Matrimonial Valuations
- Partnership & Director Disputes
- Professional Negligence
- Criminal & Commercial Fraud Investigations
- Personal Injury & Fatal Accident
- Drug Trafficking etc. Asset Tracing & Confiscation
- Section 994 Disputes
- Director Disqualification
- Expert Determinations



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MA, MB, BChir, PhD, FRCPath
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Expert Witness Certificate (Civil Law),
 Bond Solon / Cardiff University

- Biopsy Pathology (esp Lymphoma & Leukaemia)
- Autopsy Pathology (esp Cardiovascular Pathology)
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When expert evidence falls well below the standard of a competent expert witness

Summary

The judge found that the evidence of the claimants' psychological expert, Dr A, fell well below the standard to be expected of a competent expert witness, both as to form and as to substance.

Learning points

- Make sure that you understand and comply with the relevant procedural rules, practice directions and guidance, including all required statements and declarations.
- The EWI recommends that expert witnesses periodically undertake training to refresh their practice and eradicate any errors that may have crept in.
- You can also use a report best practice and compliance checklist, such as the one in the EWI Knowledge Hub, to ensure that your report is compliant.
- Always reference any sources you have relied on in forming your opinion and make sure you refamiliarise yourself with those sources as part of your preparation for any joint meetings or cross-examination.
- If you are quoting from an article or any other document, always clearly acknowledge the source of the quoted passages.
- Make clear in your report if a source you rely on represents a minority opinion or if the author has a vested interest in the acceptance of their views by the court.
- Do not include anything in your report that you would not be able to explain fully to the court.
- Make sure you are fully prepared for cross-examination. You should have at least reviewed yours and your opposing expert's reports, reviewed any joint statement, and made sure you are familiar with the evidence bundle.
- If, during cross-examination, you are confronted with a compliance error you have made, avoid excuses or statements that can sound dismissive like *"It's just an error"* or *"My reports are normally compliant"*. It is better simply to accept that you have made an error, apologise to the court, provide a genuine explanation as to why the error was made, and clearly explain what, if any, impact you believe the error would have had on your opinion.

The case

The case concerns claims arising from allegations of sexual and financial abuse and exploitation against the defendant, who is the priest and founder of the Temple to Baba Balak Nath in Coventry. Baba Balak Naith is a sect of Hinduism originating in the Punjab.

The expert evidence

Both parties called expert psychological/psychiatric evidence. Dr A, a consultant psychologist, acted on behalf of the claimants, and Professor Andrew Maden, a consultant psychiatrist, acted on behalf of the defendant.

Dr A's evidence

Dr A produced four reports and an agreed joint report with Professor Maden. Dr A told the court that the contents of her reports were true to the best of her knowledge and belief. When cross-examined, she confirmed that she had provided reports previously in cases under the Civil Procedure Rules and she was

familiar with CPR Part 35, the Practice Directions to Part 35, and the Guidance for Experts in Civil Claims ('Guidance').

Compliance errors

Despite her assurance that she understood her duties, Dr A made a number of significant compliance errors. Her reports only included the statement of truth and did not include the specific statements required in Part 35.10 (2) and the Part 35 Practice Directions 3.2 (9).

35.10 (2) At the end of an expert's report there must be a statement that the expert understands and has complied with their duty to the court.

3.2 (9) contain a statement that the expert –

(a) understands their duty to the court, and has complied with that duty; and

(b) is aware of the requirements of Part 35, this practice direction and the Guidance for the Instruction of Experts in Civil Claims 2014.

When asked why her reports did not include these statements, Dr A did not provide an explanation, simply stating that *"It's just an error."*

When asked why one of her reports did not include a list of documents or an appendix as required by paragraph 55 of the Guidance, Dr A replied *"I don't know. I normally do that as well"*. Dr A had also failed to include a summary of conclusions in the report as required by paragraph 62 of the Guidance.

Errors of substance

Matters got worse for Dr A when it came to the substance of the report.

Dr A accepted that there were factual issues and that there was a dispute as to whether the defendant could have sexually abused the claimants in a room at the back of the Temple, when the defendant argued that the room was visible from the Temple and there was no privacy. However, Dr A set out in her report that that room could have been disassembled, a supposition that was not based on any clinical evaluation or any evidence. Dr A conceded that she should not have made that statement, and she would not have included it if instructed by the defendant. The judge found that in relation to that passage in her report, Dr A *"had been partisan and lost sight of her role as an expert and her duty to the court."*

Dr A confirmed that she believed she had cited all the literature she had relied on in support of her report as required by paragraph 13 of the Guidance. Counsel for the defendant pointed out that five paragraphs in her report were plagiarised from an article by **Dr Amanda Lucia** of the Department of Religious Studies, University of California- Riverside. These paragraphs had been lifted straight out of that article and passed off in Dr A's report as if they represented her opinion.

Continues over the page...

Connect with **Dr. Heather Harris**
MBBS FRCS FRCR

Consultant Radiologist



Dr Heather Juliet Harris is a Consultant Radiologist based in Chesterfield, Derbyshire

She has extensive knowledge of general radiology and radiology practice including policies, procedures, IR(ME)R, IRR17 and day-to-day issues working in a radiology department in a District General Hospital. She was governance lead for 5 years and clinical director for 3 years. She has attended the coroners court on behalf of the hospital on a number of occasions to present an overview of the radiology in a case. She also has experience of writing reports for complaints and incidents.

Her work covers general radiology with subspecialist areas of interest of gastrointestinal and hepatobiliary imaging, urology, non-vascular intervention and emergency work. She has experience working for an outsource radiology reporting company from 2014-2019. Dr Harris is a Technical Assessor for UKAS, assessing for the Quality Standard for Imaging, and also undertakes work for the Parliamentary Health Ombudsman

Dr Harris has undertaken medicolegal work since 2020 and has written over 70 reports, all for the claimant. She is able to take on work for the defendant. She has attended 8 conference calls and attended the coroners court as an expert witness. She currently accepts work from the UK including NIreland, and the Republic of Ireland.

Training

Medico-Legal Expert Witness Essentials Course, SpecialistInfo, Birmingham, 21.11.18 – 5 CPD credits
Clinical Negligence Course, Specialist Info, Online, 21.01.21 – 5 CPD credits

Membership

GMC, Royal College of Radiologists,
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Eur Ing Dr Robert Brown

BEng (Hons), PhD, CEng, MIET, IntPE (UK)
Chartered Electrical Engineer



Dr Robert E Brown is an expert witness in the fields of electrical, electronic and control engineering.

Achieving a first class honours degree (BEng), in Electronic Systems and Control Engineering, a Doctor of Philosophy degree (PhD) in Electrical Engineering, and attaining Chartered Electrical Engineer status, Dr Brown has worked extensively within the manufacturing, utility and construction

sectors, as a consultant engineer with many large blue chip organisations as well as small OME and start-up companies.

Robert is an acclaimed expert in the operation and design of electrical fault protection systems. He has appeared several times on national television presenting expert opinions in consumer affairs related stories. He also has extensive experience in the operation, design, manufacture and testing of electrical and electronic control systems for domestic and industrial environments.

Robert continues to work as a consultant engineer and researcher, whilst in the main undertakes to help in litigation and insurance claims where an understanding of electrical circumstances and phenomena are sought for settlement.

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Dr A had not acknowledged the source of these passages or listed Dr Lucia's article in the list of materials she had relied on.

Dr A said she was presenting these paragraphs as if they were her own because she held the same opinion as Dr Lucia. However, she accepted that she had not changed the wording, except in places where she had added her own words to make it look as if the section represented her own opinion.

The judge noted that:

"[i]t is difficult to imagine a more blatant breach not just of the provisions of Part 35, the Practice Direction and the Guidance, but, more fundamentally, an expert's obligation to the court because these passages were, in effect, a deception practised on the court by Dr A in pretending that these passages were her own words, representing her own opinions, rather than the repetition - regurgitation if you like - of the views and opinions of Dr Lucia."

In one instance, Dr A was unable to explain the meaning of a term in the passages copied from Dr Lucia relating to the "guru's prasad". Dr A could not recall what this term meant, saying she had been told lots of things during interviews with the claimants which she wrote down, although this couldn't recall if that was the case with this term. The judge noted that *"[t]his was a further attempt to deceive the court... Dr A knew perfectly well that she wrote those words because she lifted them from Dr Lucia's article, not because they were spoken to her by any of the claimants."*

It also became clear that Dr A was not fully familiar with the contents of her report. Under cross-examination, she initially stated that she did not believe that the claimants were suffering from Religious Trauma Syndrome ('RTS'), she had just stated that is what some professionals believe. However, when it was pointed out that her report stated that *"[t]he damage that [RTS] or spiritual abuse has caused these claimants has been vast and even debilitating"*, she acknowledged that her previous reply was wrong.

When asked why she said she couldn't remember this report, she acknowledged that she had not read it before she came to give evidence, suggesting that this was because she had had problems with her computer and printer. She acknowledged that it was not acceptable for an expert to come to court and attest to the truth of their reports without having reminded themselves of their content.

The origin of Religious Trauma Syndrome is an article by **Dr Marlene Winell**. Dr Winell is the only academic writer Dr A was aware of who recognises RTS. Dr A had referenced Dr Winell's article on RTS (although dating it incorrectly), however she did not acknowledge in her report that Dr Winell had a vested interest in identifying RTS as a bona fide symptom as she has a business running weekend retreats and an ongoing recovery group for people recovering from RTS.

Dr A also noted in her report that RTS had been compared to complex PTSD which was untrue as Dr Winell had compared it instead to PTSD but not Complex PTSD.

There were also other instances of inaccuracy or, at worst, misleading passages in Dr A's report such as a statement that there was evidence in the medical records of one claimant starving herself, when there was

no such evidence in the medical records. The judge considered this statement was *"a pseudo-endorsement of [the claimant's] account by reference to medical records which did not exist."*

The evidence of Professor Maden

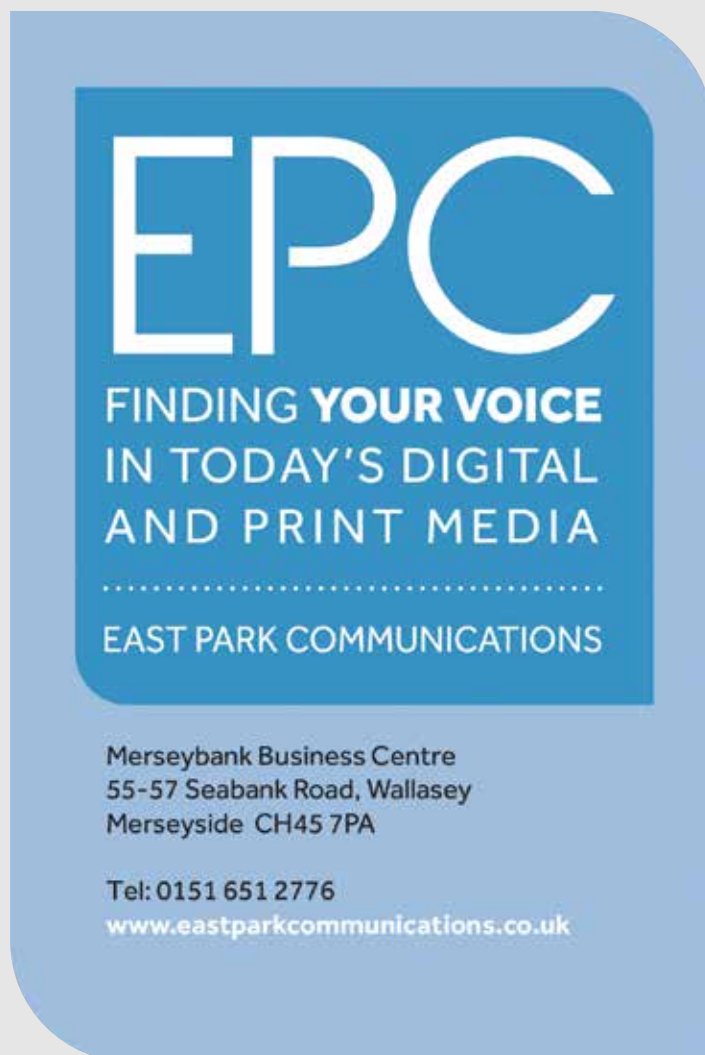
By contrast to that of Dr A, the judge found **Professor Maden** to be a careful, considered and truthful witness and he accepted his reports and evidence without hesitation. Where they differed, he preferred Professor Maden's views to those of Dr A in every respect.

Judge's conclusion on Dr A's evidence

The judge concluded that:

"no reliance whatever can be placed on the reports and opinions of Dr A. She demonstrated herself to be an expert who had little or no regard to the provisions of Part 35, the Practice Direction and the Guidance in preparing her reports and who was prepared materially to mislead the court by passing off the views of another person as her own by lifting large passages from that person's article and setting them out in her report as if they represented her own views without acknowledgement or reference to the originating source. In the circumstances, I consider that I have no choice but to reject Dr A's evidence in its entirety."

Sean Mosby
EWI



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Consultant in Accident & Emergency Medicine

Mr Richard Bailey has over 20 years experience as a consultant and clinical lead in Accident & Emergency Medicine at a busy DGH. He instructs on advanced trauma courses.

He advises his NHS trust on cases pending litigation and has attended courses aimed at improving the court skills of an expert witness. His expertise covers the whole remit of emergency medicine, but he has a special interest in trauma.

Mr Bailey can act for either claimant or defendant or as a Single Joint Expert and he has been preparing personal injury, medical negligence and medical reports for the Police/CPS for over 10 years.

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Consultant Ophthalmic, Oculoplastic & Orbital Surgeon

Mr Leatherbarrow has been preparing specialist expert witness reports since 1994. He prepares over 100 reports per year, for both Claimants and Defendants. Reports are produced within 2 to 4 weeks of receipt of all relevant information.

Mr Leatherbarrow has specialist expertise in:

- Complications of cosmetic eyelid surgery (blepharoplasty)
- Eyelid disorders and eyelid reconstructive surgery
- Ptosis surgery
- Eyelid and orbital tumours
- Eyelid and orbital trauma
- Loss of an eye/ eye socket reconstructive surgery
- Thyroid eye disease
- Watering eye surgery

Resumé

Consultant Ophthalmic, Oculoplastic & Orbital Surgeon Manchester Royal Eye Hospital 1992-2014. Full time private practice 2014-2023.

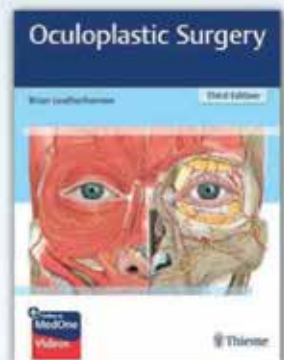
British Oculoplastic Surgery Society (BOPSS) Founder Member (and President 2011-2014).

Cardiff University Bond Solon Expert Witness Certificate 2015 and regular medico-legal CPD.

British Association of Aesthetic Plastic Surgeons (BAAPS) inter specialty member (2014-2023).

Over 100 publications in the medical literature and 6 book chapters.

Single author of the major textbook 'Oculoplastic Surgery' (3rd edition published October 2019).



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