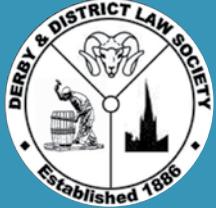


# D&DLS Bulletin

Derby & District Law Society



[www.derbylaw.net](http://www.derbylaw.net)

Nov/December 2021

## Quentin's "Do" P. 6



Also in this issue:

Farewell to Michael Williams • Remembering Solicitor's Finals

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# D&DLS Bulletin

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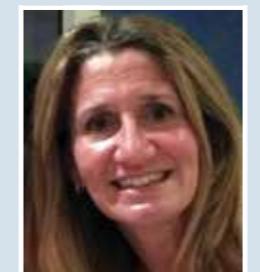


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Front Cover: Nigel Chappell, Quentin Robbins and Chris Sedgwick.

## Editorial



**At last we managed a real live face to face Committee Meeting at the end of October. After 20 months of Zoom it was wonderful to be able to be in the same room as the long-standing members of the committee and some new faces. We have four new committee members but are always on the lookout for more so please contact me if you are interested in becoming part of the committee, one of the sub-committees or Derby Junior Lawyers - which is undergoing a re-vamp to coincide with the emergence from restrictions.**

Please have a look at the information on the Legal Clinic on Page 7 and consider printing off the page to give to your reception team so that they can signpost prospective clients to the clinic. This amazing project should be seen as complementing the service that Solicitors firms provide certainly not as a threat to take work away from us.

Michael Williams final piece for the Bulletin can be found on page 8 and 9 and it has certainly been a pleasure to work with him. More on the handover to our new Council representative, Shama Gupta, in the next edition.

I am grateful to John Calladine for his piece on p 10. Please remember that

articles/ reminiscences/ contributions are welcomed for the Bulletin. Please just e-mail them to me.

I am writing this after a very successful Past President's Dinner and an equally successful Annual Awards Dinner. It really is starting to feel a lot like normal - talking of which and as this will be the last Bulletin you receive this year Happy Christmas!!!

Any requests for events or training courses etc. please just let me know.

Take care.

**Julia Saunders**

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*Tina Attenborough*

# President's Page



When writing this on a cold, wet, dark evening, I am looking forward to putting on my glad rags at the end of next week (5th November) in order to attend the belated DDLS dinner at Pride Park. I will for one night be giving back the title of President to Martin Salt who missed out on the opportunity to host a dinner during this year as President. Due to covid, his term as President will go down in the DDLS history books as unique!

After 18 months of lockdown, face masks, social distancing and gallons of hand sanitiser, it is nice to be able to get out and socialise and spent time eating, drinking and enjoying good company as we used to before our lives all changed beyond recognition.

For those of you attending the dinner, I hope you all have a good time and make the most of being able to mix with friends and colleagues and also hope that you will support me when I host the next dinner which is likely to be in late April 2022.

Since my last article, I have attended the lunch and legal service hosted by the High Sheriff

of Derbyshire which was well attended by the judiciary. It was a lovely sunny afternoon and I had the privilege of leading the procession into Derby Cathedral. This was a special occasion and something that I was very proud to do.

I am pleased to confirm that in recent weeks, we have managed to recruit new members to the DDLS Committee. I would like to welcome those new members who are Sam Robinson and Della



Copley who came to the most recent meeting and hopefully Lucy Tissington and Sayra Dhillon who will be attending the next one.

I would like to reiterate what I said in my last article and encourage members to take a more active role within the Society by joining a relevant sub-committee. Please get more involved with the Society. It would be nice to see some new faces.

I was disappointed to learn that Derby Junior Lawyers will be disbanded due to lack of support. This is a real shame.

We as a Society would like to encourage any Derbyshire Junior Lawyers to put themselves forward to form a new group who can bring other like-minded colleagues together to socialise, get to know other members of the profession and generally have a good time. This opportunity is not only open to qualified solicitors but also paralegals, trainee solicitors and law students with up to 5 years' experience who live, work or study in Derbyshire.

Thank you for your continued support and I look forward to seeing many of you next week.

**Julie Skill**  
President, 2021-22

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Last updated 1.07.21

## Quentin's Robbins' "Do"



Quentin with Vicky Fell and Dawn White from the Court.



Quentin and his wife Karen, Oliver Parr, Judith Claxton and Chris Sedgwick



Quentin with Paul Burtenshaw and Paul McCandless



The team from Broadbents



Chris Gabb with Quentin and Karen

It was wonderful to see 50 or so people attend Quentin's "do" at the Exeter Arms in early October. In fact so popular is the gentleman in question that although a function room had been booked, and an excellent buffet on offer, that the event spilled out into the garden to enjoy the fresh air.

Quentin has been a criminal and family practitioner in and around Derby for more years than it is polite to say and has been a Past President of DDLS and an active member of the legal community for all those years the profession locally are most grateful.

Thank you to Paul McCandless, Chris Gabb and others who organised the event. Quentin wishes to pass on his thanks to everyone who came and who sent good wishes. He said it was a special moment for him.

Quentin's niece, Hannah, is raising money for MND. MND is a disease for which there is currently no cure and the only medication available is to try and control the worst of the symptoms. Please consider following the link below to donate.

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# Michael Williams farewell 19.10.21



Councillor Michael Williams

Although, as some of you already know, I was initially reluctant to accept my accidental election to the Law Society Council, I am actually very pleased it happened and have enjoyed my six or so years on Council. My service has been made all the more enjoyable by the fact that the Derby and District Law Society Committee is such a friendly group, and that your Society is doing such an excellent job to serve its members. This is not always the case in other parts of the Country.

A lot more needs to be done to inform solicitors of what the Law Society can and, more particularly, cannot do. The Legal Services Act established the current arrangements whereby the Solicitors Regulation Authority (SRA) was set up as an independent regulatory body paid for by solicitors out of their practising certificate fees. The SRA is not controlled by the Law Society. For instance, indemnity insurance is a regulatory matter and therefore the Law Society cannot by law take over and run the Solicitors Indemnity Fund (SIF), despite the fact that this would be the obvious solution to the present impasse. It is hoped that the SRA will allow things to be sorted out in the next 12 months.

It is the SRA that is responsible for admission to the profession and has produced the new Qualifying Exam. Some notice has been taken of the objections raised by the Law Society and various academic bodies, but the final decisions and implementation rest with the SRA.

It is therefore very important that people understand the distinction between the

Law Society and the SRA and do not blame the former for matters over which it has no control.

There is a lot the Law Society can and does do. This has been particularly apparent during the pandemic when the Society has had major input into Government in respect of the issues affecting solicitors eg. execution of documents, court safety and practice, and pressing to improve areas where the system is defective.

There is continual input into legislation by briefing MPs and Peers on the implications of Parliamentary bills and you would be surprised at the number of occasions when the Society's views are mentioned favourably in debate.

I would also single out the regular updating of practice guidance to the profession and the work of specialist committees which bring a very high level of expertise for the benefit of the profession.

Above all, the profession needs a strong voice from a representative body which can speak up for all solicitors in England and Wales, wherever they practice and whatever sort of work they do.

One of the greatest threats the Society faces is the possibility that it will lose the practising certificate income. Government could decide that this income should simply go to the SRA, the Legal Services Board and the Ombudsman. These are of course areas over which solicitors have no control. The Law Society does have statutory obligations in respect of the rule of law and on that basis the present situation is justified but lawyers do not have many friends in high places and the days when the Lord Chancellor was a senior lawyer, quasi independent of the Government of the day, are gone. Since Tony Blair attempted to abolish the position, we have had a succession of minor ministers in the role, several of whom had no legal qualification or understanding whatsoever (eg. Liz Truss and "*enemies of the people*").

If the practising certificate income was lost, the Law Society would be dependent on voluntary subscription, and with the best will in the world when times are hard it is always discretionary expenditure that is cut. We therefore have to get across the message that the Law Society is essential and the

profession needs its help and support.

That is all background. The purpose of this article is to flag up to you issues upon which I think all the profession needs to concentrate, and to warn of ideas that I think would be detrimental and should be resisted. I do not pretend to have all the answers.

The main problem is apathy as we saw when there was a poll last year on changes to the Law Society Council in which less than 7% of the profession bothered to vote. A derisory turnout of this kind plays into the hands of a small well organised group. It was mainly the junior lawyers who proposed that no-one should serve on Council for more than 12 years. I think this change will come to be regretted because, although it affects only a very small number of people, they are the ones with the invaluable experience and knowledge. They have seen the mistakes that have been made in the past and are in a position to attempt to stop them occurring again. It must be remembered that if a group meets only several times a year, it does take some time to familiarise yourself with the issues, never mind the details. Only in the last 2 or 3 years have I felt I knew enough to comment sensibly on various matters of great importance to the profession.

You might like to bear in mind the following points:-

1. The temptation to hold meetings remotely should be resisted. This may have worked perfectly well during the pandemic and does save time and cost. There is however no substitute in my view for face to face meetings and in particular, you cannot get to know new people remotely. Email is not the be all and end all whatever people say. A recent statistic produced to the Council Membership Committee from which I have just retired, showed that of out of 20 million emails sent out by the Law Society, 14 million were unopened. Teams and Zoom are very helpful but we must meet in person on a regular basis.

2. It should be regarded as an essential part of every Council member's job to engage with his or her constituents. This will inevitably happen mainly through local Law Societies and so it is important that these thrive locally. The picture throughout the Country is very mixed. There are those who would like to reduce the size

of Council, but bear in mind that Council members are volunteers and cannot be expected to have to cover large areas of the country, something often ignored by those in London. Although our seat has been merged with Nottinghamshire in the recent reorganisation, I argued very hard for adequate geographical representation and was largely successful. I am just sorry I failed to stop Nottinghamshire and Derbyshire being amalgamated. However, I have to admit when you look at the areas that other Council members have to cover, the amalgamation of the two seats was probably reasonable in the circumstances.

b) A better division of responsibility between Council and the Board. The former cannot micro manage an organisation as large as the Law Society on a day to day basis, but Council must not become a talking shop simply noting what other people have decided. There is a danger of this at the moment and the current senior executive I think regard Council as a bit of nuisance. Recent meetings discussing the budget have demonstrated how important the input of Council members is and how vital it is that they are taken notice of.

1. Local Law Societies must play an important part in acting as a bridge between Chancery Lane and the membership.

We are fortunate in Derbyshire but other areas need to get their act together. It is all too easy to think that someone else will do what needs to be done. It is in everyone's interest that the profession generally respects and values what its representative body does. We all need to trumpet the message very loudly.

a) Council large enough to provide sufficient cross section of members for selection

important, are peripheral to the day to day issues affecting solicitors, Climate change is a good example. However important it is generally, I cannot see that it affects solicitors any more than everyone else. When it was suggested in Council that The Law Society should make the right sort of noises on the subject, not surprisingly no one objected. However, we now have a Climate Change Resources Adviser on the payroll (a post of which I think Sir Humphrey Appleby would be proud).

At my last Council meeting I warned that we must not allow resources to be diverted from the main task of representing our members in respect of matters which affect their practices. We are a member's organisation. We all need to stay focussed on the main priorities.

May I conclude by thanking all those who have been so supportive of me during the last 6 or so years and wish you all every future success, in particular of course my successor Shama Gupta.

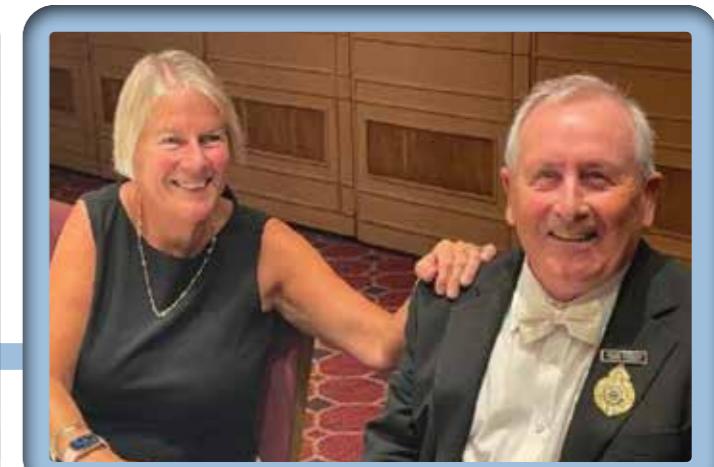
Michael Williams

## Past President's Dinner 22<sup>nd</sup> September 2021



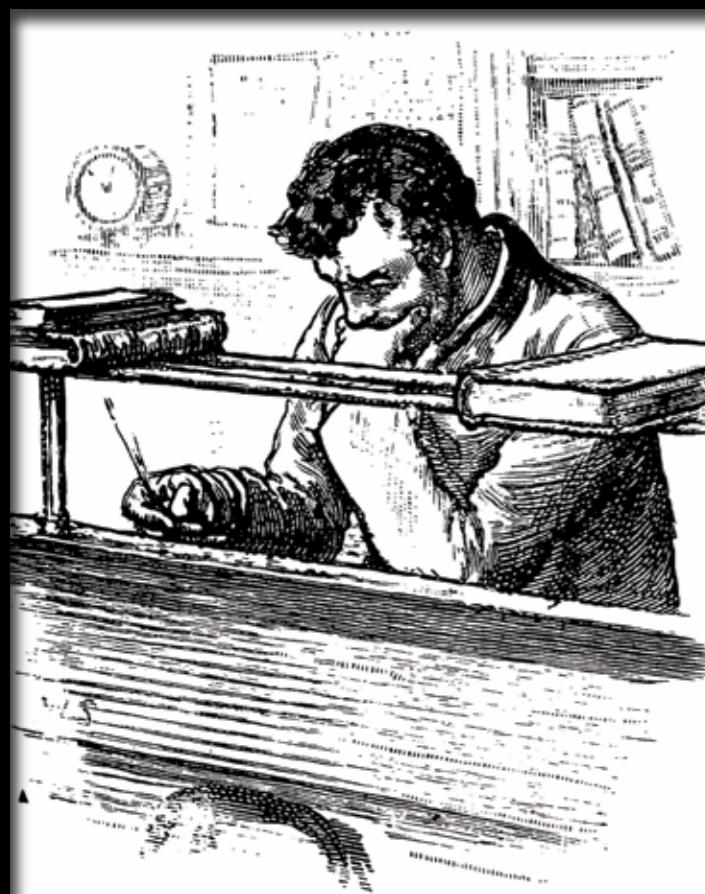
At last an event that was able to go ahead. Thirteen of the recent (well relatively) past presidents of DDLS attended at the dinner at the Mickleover Court Hotel on Wednesday 22nd September.

Altogether a most enjoyable evening and a pleasure to actually catch up face to face.



Left: After a brief welcome Julie Skill, the current President, was able to give Martin Salt his Past President's badge.

# Those were the days... Solicitor's Finals



Otherwise it was necessary to resit all papers in one future Sitting. There was no limit to the number of resits - some candidates began their first Solicitors Finals fit and active in the first flush of youth and continued to resit until old, grey-haired and broken down.

Apart from the above there was much else that an aspirant solicitor in 2021 would not recognise from their own experience of trying to enter the profession. Firstly, the relatively small number taking the Finals: just enough to fill two small examination rooms. In the late 1960s there were only 25000 solicitors on the Roll, whereas in 2021 there are some 200000, of whom 160000 have Practicing Certificates. That the study of Law in the late 60s did not have the popularity it now enjoys is further illustrated by the following stark statistic - the year I graduated (1966) from a (reasonably) respectable and, even for its time not small, redbrick university there were only 32 (this is not a misprint!32) graduates in Law. Secondly, a similar statistic from that year highlights the sea change that there has been in the composition of the profession over the last 50 years- of those 32 law graduates only 5 (approx. 15%) were female. None, male or female were persons of colour. Those sitting alongside me in the examination room, wrestling with the Solicitors Finals paper were overwhelmingly male, and white.

I managed to pass my Finals, if not with flying colours, at least by the skin of my dentures. But as many readers will know that would not be the end of the tale. I still had to find Articles of Clerkship - and that is a story for another day!

John Calladine



"Solicitor's Finals" - even as I write those two words it brings me out in a cold sweat and my hands shake, although it is over 50 years since I took the exams which, for solicitors of my generation, were "the exams to end all exams". Sitting in the examination room to undergo the Solicitors Finals was like entering the Ninth Circle of Hell.

It would be invidious to suggest that the Solicitors Finals in the late 60s were easier or harder than the LPC of recent date - but they were certainly different. They were purely "black-letter law" exams, the skills of advocacy, interviewing and negotiation formed no part of the course. The first time a budding solicitor encountered an interview or negotiation was when he/she was trying to find Articles at a salary above the breadline. The exams were in a common format for all those looking to enter the profession, not unique to an individual provider. Indeed there was only one provider of pre-exam tuition, The College of Law, and only two places where tuition was provided, in London and Guildford. The course of tuition was short, a little less than 6 months, usually beginning in September and intense with the exams in the following February. For university graduates who had taken their own university's final Exams in the immediately preceding May or June it was a jump out of the frying pan and into the fire.

If I recollect correctly, the Solicitor's Finals exam consisted of 7 papers, including Solicitor's Accounts, to the aspiring solicitor what Becher's Brook is to a novice National Hunt Jockey. To pass the examination one had to pass all seven papers at the same Sitting. Only if you had a "Fail" in no more than two papers (including Solicitor's Accounts) was it possible to resit those individual papers.



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# CLSB issues consultation on draft competency statement that sets minimum standards

The Costs Lawyer Standards Board (CLSB) has issued a consultation on a draft competency statement that aims to "articulate the knowledge and skills that a competent Costs Lawyer is expected to possess and apply when they enter the profession".

The statement will set a benchmark against which it can judge training courses, both for trainees and CPD, and establish "a de minimis standard of work for qualified Costs Lawyers", the regulator said.

It should also provide providers of the Costs Lawyer qualification with "more flexibility in the way they deliver the course and ensure that students receive the training they need to prepare them for costs practice in the modern world".

The statement sets out the categories of legal and technical knowledge that a Costs Lawyer will possess at the point of qualification; the skills that a Costs Lawyer will demonstrate; the minimum standard to which the Costs Lawyer's knowledge and skills will be applied; and the professional attributes that will help a Costs Lawyer meet the minimum standard and progress successfully beyond qualification.

The CLSB said its research identified nine core areas of legal and technical knowledge that all qualifying Costs Lawyers should possess: civil litigation, other litigation, legal aid, contract law, tort, budgeting, bills of costs, points of dispute and replies, and professional standards and ethics.

The competency statement does not detail the specific topics that should be covered within each area of knowledge, but it indicates the relative depth and breadth of knowledge required in each one.

The seven core skills comprise: relationship management, case management, self-management, agile thinking, effective communication, negotiation and advocacy. Behavioural indicators provide examples of what each skill looks like when someone displays or lacks it.

The minimum standard then sets the bar against which competency will be measured and assessed.

The consultation said: "It is important to recognise that the minimum standard is a gateway to qualification, and thus to the profession. It must be set sufficiently high to achieve the purposes of regulation, including protecting the interests of consumers and promoting adherence to the professional principles."

"However, it must not be set so high as to impose a disproportionate regulatory burden or be counter to the regulatory objective of encouraging a strong, diverse and effective profession."

The statement goes on to list eight professional attributes that are "particularly important" for enabling Costs Lawyers to apply their skills and knowledge in a way that meets or exceeds the minimum standard: self-sufficient, diligent, accountable, curious, proactive, professional, commercial and inclusive.



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## Levelling the legal services playing field



We have never before seen a time when so many consumers are looking for professional legal services, with many now driven online as a result of the COVID-19 pandemic.

A YouGov consumer survey cited “*quality of legal advice*” to be the most important factor (87% of consumers) when choosing a legal services provider.

Aside from cost, “*ease of obtaining legal services*” was important to 86% of those surveyed; 85% asked for “*experience and qualifications*,” and 70% wanted “*local offices*” and/or “*face to face*” contact.

As we start to exit the most challenging 18 months many of us can ever remember there will be opportunities.

Many of us have cut costs and reduced overheads. Some have been busy; many, many conveyancers and private client practitioners have been inundated, with the property market booming as a result of the Stamp Duty Land Tax holiday, and an increase in estate planning enquiries.

As we move into what feels like the next phase of the “*new normal*” it is vital that you continue to invest in winning new work.

We are already seeing a dip in new properties coming to market; private client enquiries have plateaued; we are now returning to a sense of normality and our activity must reflect this.

### YOUR SLICE OF THE PIE

Legal services remains incredibly fragmented, still very focused on delivery on a local level, despite the pandemic. Yes, it has driven clients online, but they are still searching for local search terms.

“*Solicitor in Woking*”; “*write a will near me*.”

When you search on search engines like Google and Bing one of the first automated search terms pre-populates the question with “*near me*.” “*Plumbers near me*,” “*electrician near me*.”

The results now incorporate a whole host of sources including websites, video and social... so,

it is increasingly important that you have an online presence which will enable you to capture this traffic.

We often forget about our own experiences when it comes to applying the same principles in our businesses. What do we really want when we’re looking for something... an answer!

Increasingly we are using longer search terms to find what we want. And in order to capture this interest we need to be able to answer the questions people are asking.

The search engine algorithms are geared toward finding answers. Google themselves have given us some guidance on their philosophy of EAT. The acronym stands for expertise, authority, and trustworthiness and each search result is ranked against these measures of credibility to try and deliver back the answer to the question being asked.

### IMPROVING ONLINE ENGAGEMENT

Our objective when we’re writing online then is to try and answer the questions that are being asked about legal services.

We need to be able to engage people so that they start to feel that they know, like, and trust us before they commit their hard-earned cash. In the same way you might hold a conversation with a client face to face, or over the phone, you need to be able to convey your authority, expertise and credibility on the subject to foster confidence.

In the absence of face-to-face communication how do we establish this rapport and credibility in an online environment?

### COMING OUT FIGHTING

Instead of burying their heads in the sand, we are seeing businesses coming out fighting and looking at how they can best approach the uncertainty to come out the other side stronger... you might recall those that came out of 2007/08 strongest were the businesses that continued to invest in communicating with clients and prospects.

We are seeing businesses adopt new (and old!) ways of communicating with their clients and users, using video, direct messages via Facebook, e-newsletters

and even going back to traditional paper mailers. Our online content, whether that is video, blogs, website content, social media posts etc, should all convey our expertise on the subject matter. We should be setting out to help people find out answers to questions they want to know about legal services.

Using tools like **Moz**, **Google Keyword Planner** and **Semrush** you can research the terms that people are searching for around the subject matter. This will help to inform and prioritise what you write about.

### CUTTING COSTS WITHOUT CUTTING OPPORTUNITY

To help you deliver expert, authoritative and trustworthy online content, here are 6 quick tips we think will help you build up your online credibility without spending a fortune:

- Demonstrate knowledge by providing informative articles and case studies on your website and to local newspapers and press. Be the “*subject matter expert*” and demonstrate your expertise through carefully written, “*tell, not sell*” articles and blogs.
- People buy locally. You can raise awareness in your local area publishing articles and on social media about the methods you have put in place to provide your services without face-to-face contact.
- Ask for client testimonials to prove your experience, ask for happy clients to post on your social media pages and on Google reviews
- Update existing customers with a newsletter, or even brief e-shots with informative information which your customers won’t have read elsewhere. Encourage recipients to share with their friends and family.
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- Results in 30 mins

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#### Where can I get tested?

360 wellbeing centre is 131 Chatsworth road, Chesterfield, Derbyshire.

#### Do appointments have to be prebooked?

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**Can young people and children get tested?**  
Yes, primary school aged children can get tested at testing sites listed above if accompanied by a parent or guardian. Children and young people under 18 will need parental consent.

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This means it's likely you were infectious when the rapid test was done. You must take a different follow-up test PCR as soon as possible, to confirm the result.

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# Landmark Moment for Gifts in Wills

## 1 Million Charitable bequests donated over 10 years

Consortium celebrates landmark legacy moment at start of Remember A Charity Week

06 September 2021, London: A landmark goal for charitable bequests has been reached with over one million gifts in Wills donated to charities over the past decade, according to figures released to coincide with the launch of Remember A Charity Week (06-12 September 2021).

With over 100,000 charitable bequests left in Wills each year, more than one million gifts were donated from 2010/11 to 2019/20, data from Smees & Ford shows. Over that time, cumulative legacy income to UK charities exceeded £23 billion, funding vital services across the country. Appetite for legacy giving continues to grow and, despite recent delays at probate, the number of charitable bequests is predicted to rise by 30% over the decade.\*

The 200-strong charity consortium Remember A Charity launches its week-long public awareness campaign today, encouraging people across the country to consider leaving a gift in their Will. A collaborative initiative, the campaign brings charities together with 1,300 legal professionals to champion legacy giving across the UK. Head judge of Dancing with the Stars, Len Goodman, is supporting the campaign, having altered his own Will to include a charity.

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FRAME Fund for the Replacement of Animals in Medical Experiments.  
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[hello@frame.org.uk](mailto:hello@frame.org.uk)



**Rob Cope**, director of Remember A Charity, says: "Legacy giving can be transformational for UK charities and it's wonderful to consider the phenomenal impact of those gifts. Donations have long been on the rise, but the global pandemic has accelerated that growth, shining a spotlight on the critical role of charities in our communities and the importance of Will-writing. This funding is critical for the sector as we strive to build back and strengthen resilience for whatever the future holds."

"Remember A Charity Week is a great opportunity for legal advisers to open up conversation about gifts in Wills and to help ensure that all clients are aware of the opportunity of including a gift in their Will, after taking care of family and friends."

Remember A Charity runs a Campaign Supporter scheme for legal professions, offering information and resources for solicitors, Will-writers and professional advisers about raising the topic of gifts in Wills with clients.

Find out more at: <http://www.rememberacharity.org.uk/solicitor>

\*Source: Legacy Foresight, 2021



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British  
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Society

## Legacy bodies welcome Government actions to resolve probate backlog

Charity legacy bodies have welcomed a statement from HM Courts & Tribunals Service (HMCTS), which sets out its plans to resolve the delay and backlog of Wills passing through probate.

During the pandemic, rising death rates, an increase in incomplete grant applications and challenges to the usual working practices have all put added pressure on the probate system, which had already been struggling due to a surge in applications in spring 2019, as well as the introduction of a new case management system. These pressures have created a bottleneck in terms of legacy notifications and funds. This has a significant impact on UK charities, many of which rely on gifts in Wills for over 30% of their annual voluntary income[1]. With 29,000 estates currently

held in the system, HMCTS has been working collaboratively with the Institute of Legacy Management (ILM) and Remember A Charity to monitor and address the situation and its impact on the charity sector.

In this statement, HMCTS announces that several measures have been put in place to address the backlog and minimise future delays. This includes taking on and training more staff, reducing the waiting time on digital applications and trialling a new digital notifications solution with Smee & Ford. Regular progress data on applications and grants will be published on a monthly basis via the HMCTS website.

ILM and Remember A Charity welcome the resolutions and the commitment of HMCTS to continue to collaborate, taking

action to ensure that legacy income and notifications can be processed as swiftly as possible.

**Matthew Lagden**, CEO, Institute of Legacy Management, says:

*"It has been a priority for ILM and Remember A Charity to work closely with HMCTS to keep our members informed, looking at the ways in which we can track and help to resolve delays, particularly during such a challenging year. We are delighted to see that HMCTS has expanded its probate team to help increase capacity, and that Smee & Ford's digital service is speeding up the current process of notifications. These steps give us confidence that HMCTS has the capacity in place to deal with the backlog and the expected rise in applications through the winter."*

ILM and Remember A Charity will continue to work closely with HMCTS and other partners to ensure that members and the charity sector are kept informed of further progress.

hampered by the pandemic this year, making legacies all the more important in enabling charities to keep their frontline services going. HMCTS recognises how much the sector relies on gifts in Wills and we are hugely grateful for their continued commitment to work with us to resolve the backlog. This commitment not only helps charities to forecast future income, but to plan their vital services going forward."

For more information, see the HMCTS statement here:  
<https://www.rememberacharity.org.uk/media/wxdfn2nn/probate-hmcts-statement-november-2020.pdf>

  
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## One in five people writing wills now include a charity

The global pandemic is changing the way people approach end-of-life planning and inspiring more people to write charitable gifts into their Will than ever before, but myths around how it works can impede that growth, according to the charity consortium, Remember A Charity.

### Growth of gifts in wills

In 2020, many legal firms recorded an uplift in wills, with the Law Society reporting a 'striking shift' – that 7% of UK adults had written a will during the first lockdown. But the crisis prompted another notable shift; heightened awareness of the critical role of charities in our communities, inspiring the public to use their will to give back.

The same Law Society poll found that one in five people writing wills are now including a charity. Industry data reflects this shift too with new figures released by Co-op Legal Services showing that almost a third (32%) of the wills they created in 2020 included a gift to charity. This equates to a 61% increase in the number of people leaving a gift to charity in their will through the Co-op, with cancer charities (42%) and local causes (21%) most widely named as beneficiaries.

**Rob Cope**, Director of Remember A Charity, says: "The pandemic has had a devastating impact on people across the country, and it's hardly surprising it's inspired us all to reflect on what matters most and what we can do to help."

"Family and friends will usually be our first consideration in a will. But leaving a charitable bequest is also something that many people find incredibly empowering – a statement about who they are and what they believe in – and a way to

shape the world they leave behind. It's wonderful to see how much appetite there is for giving in this way."

### Role of professional advisers

Solicitors and will-writers play a critical role in inspiring gifts in wills, with the large majority proactively asking relevant clients whether they wish to include a charity in their will, with 68% regularly doing so, up from 58% in 2012<sup>1</sup>. Even the simplest reference to the option of including a gift has been found to double the propensity for giving in this way.

Typically, professional advisers raise the topic during the standard will-writing process or estate planning, alerting clients to the relevant Inheritance Tax breaks. Any legacy gift to charity is currently exempt from Inheritance Tax (charged at 40%), and a lower rate of tax (36%) is applicable on estates where 10% or more is donated.

Cope adds: "The Inheritance Tax framework makes legacy giving all the more appealing, but we're conscious that there are many myths among the public around donating from your will and this can prevent supporters from doing so."

These myths were highlighted in a recent survey of over 170 financial advisers, carried out by the Personal Finance Society. Advisers reported that clients were often unaware they could donate to charity and still pass on the bulk of their estate to their family. Similarly, clients often perceived bequests as being a form of giving for "the rich few" rather than something that everyone can do.

Cope adds: "We're fortunate that, here in the UK,

it's easy to include a donation alongside gifts for family and friends. People can choose to donate any sum to any charity – there's no need for it to be a large amount – and any gift really can make a difference."

"This is where professional advisers are so important; being able to give clients impartial information so that they can ensure they are making the best decision that allows them to remember all the things they care about in their will."

After more than a year of crippling funding shortages to the charity sector (amounting to an estimated income loss of £10 billion<sup>2</sup>), income from charitable bequests has been all the more crucial in helping charities survive periods of uncertainty. Gifts in wills raise over £3 billion for good causes each year and – despite the delays in probate during 2020 – they have remained the largest source of voluntary income for UK charities throughout the crisis.

### Free campaign supporter scheme for legal advisers

Remember A Charity runs a Campaign Supporter scheme for solicitors and Will-writers, including a free listing on the public directory which receives tens of thousands of visits a year. Remember A Charity Week takes place from 6th-12th September 2021, with Campaign Supporters receiving free materials to celebrate the week and help open up conversations with clients about the option of leaving a charitable bequest in their will. Find out more at [www.rememberacharity.org.uk](http://www.rememberacharity.org.uk).



<sup>1</sup> Future Thinking, 2019

<sup>2</sup> ProBono Economics 2021

## PAIN RELIEF FOUNDATION RELIEVING CHRONIC PAIN THROUGH RESEARCH



### CHRONIC PAIN - THE SILENT EPIDEMIC

- 1 in 10 people in the UK suffer from chronic pain – which does **not** go away.
- Over half of sufferers endure chronic pain all day, every day of their lives.
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- Thousands of sufferers lose their jobs because the pain is so bad that they **cannot** work.
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# It's criminal!



Practitioners need to be aware that the authorities are taking a hard line with those who abuse the courts. We see this in two recent matters where straightforward personal injury cases turned into very serious criminal proceedings.

Interestingly, both of them concern my home town of Huddersfield, though I stress we are not all criminals here.

The full details of the first may be found in my blogs, at <https://chrismakin.co.uk/can-your-expert-truly-sign-the-statement-of-truth/>, and the case is *Liverpool Victoria Insurance Company Ltd -v- Dr Asef Zafar* [2019] EWCA Civ 392. The basic facts were these: a taxi driver was involved in an RTA when he complained of whiplash. He went to a Huddersfield solicitor, who instructed Dr Zafar, a GP who had a side business in mass producing expert reports; one every 15 minutes including examination of the patient; he wrote 5,000 reports a year!

He examined the taxi driver, who said his whiplash had been resolved, so Dr Zafar put that in his report. But later, the driver told the solicitor that he was not satisfied, because he had continuing whiplash problems. The solicitor asked the doctor to amend his report, which he did without further examination of the patient.

Regrettably, a paralegal who put the case papers together disclosed the first report. Liverpool Victoria were so concerned that they took criminal action. The solicitor (now ex-solicitor) was jailed immediately and the court said that the doctor should have been jailed, too; he was given six months suspended. But the court made clear that firmer action would be taken in future against expert witnesses who signed a Statement of Truth which they knew to be false.

More recently, we have the case of *Calderdale and Huddersfield NHS Foundation Trust -v Linda Metcalf* [2021] EWHC 611 (QB).

37-year old Linda Metcalf lodged a claim for medical negligence causing delay in diagnosing cauda equina syndrome, a very painful complaint where all the nerves in the lower spine suddenly become compressed.

The Trust admitted liability and made an interim payment of £75,000. But, as so often happens, there was covert surveillance, and it was seen that Mrs Metcalf went out alone, went driving, shopping and walking without aids. She got into a wheelchair only to attend appointments with the defendants' medical experts.

There was ample mitigation to avoid a custodial sentence:

- Ongoing health problems, especially difficulties with her catheter if in prison;
- She was primary carer of her 2-year old daughter;
- Remorse and engagement with the process;

## Chris Makin

Chartered Accountant  
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- The interim payment had been repaid in full;
- She had lost the ability to make a valid claim for her injury, of about £350,000;
- Previous good character;
- The pandemic making conditions in prison worse and
- This threat of prison had been hanging over her for more than two years.

The judge was unimpressed, and jailed her immediately for 9 months, with a discount of 3 months for early admission of the contempt.

The interesting thing about these two cases is that it was the defendant in the primary case (or their insurers in the first case) who took criminal action for false claims.

I'm sure that none of my readers, upstanding members of the legal profession, will need any warning against signing a false Statement of Truth or falsifying medical evidence, but there may be occasions when it would be appropriate to mention to their clients that this could be a very expensive hobby.

Chris Makin is an independent forensic accountant, mediator and expert determiner. [www.chrismakin.co.uk](http://www.chrismakin.co.uk)

# Judicial review reform plans would have chilling effect on justice



Judicial review is an essential part of our justice system which keeps government accountable, the Law Society of England and Wales said after giving evidence to the Judicial Review and Courts Bill committee in parliament.

"Our primary concern is that changes are being proposed which make life easier for government at the expense of accountability and justice," Law Society president **I. Stephanie Boyce** said.

"Today, if any one of us successfully challenges the government in an independent court then the government must make good."

"This helps make sure the government acts within the laws created by parliament and holds it publicly accountable where it fails."

"Judicial review allows government decisions to be overturned where they are not within the law, which encourages government and public bodies to make good decisions."

So-called prospective-only remedies are proposed, which would lead to judgments that would apply only in the future, leaving past wrongs to stand. The Law Society strongly opposes these. A statutory presumption in favour of these future-only remedies –

which puts legal limits on when judges could make an alternative judgment that would right a past wrong – would further entrench the injustice of these changes.

I. Stephanie Boyce continued: "One of the changes the government wants to make is to push judges towards rulings that would leave people who suffered because of unlawful state actions without full redress. This is plainly wrong and would have a chilling effect on justice."

"Individuals and businesses should have confidence that where public bodies breach the law or infringe on legal rights they will be able to enforce their rights and secure redress."

"We support the introduction of suspended quashing orders, which would allow a judge to give the state time to make necessary arrangements before their decision takes effect. However, this should only be at judges' discretion and not, as is proposed, the norm which could only be deviated from in prescribed circumstances."

"All in all, the ultimate consequence of these proposals would be that more unlawful actions by public bodies could go unchallenged or untouched. The root purpose of judicial review – to ensure good, lawful decision-making by public authorities – would be lost, undermining this vital check against executive overreach."



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# Book Reviews

by **Elizabeth Robson Taylor MA** of Richmond Green Chambers  
and **Phillip Taylor MBE**, Head of Chambers, Reviews Editor, *The Barrister and Mediator*

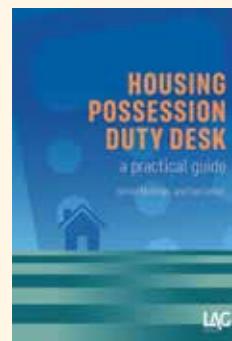
## HOUSING POSSESSION DUTY DESK A Practical Guide

By Simon Mullings and Sue James  
ISBN 978 1 91364 816 9

LEGAL ACTION GROUP  
The access to justice charity  
[www.lag.org.uk](http://www.lag.org.uk)

'THE PRACTICAL GUIDE THAT IS SO MUCH MORE'

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Housing repossession is quite obviously one of the prime causes of homelessness, the human consequences of which are not only horrific, but also -- ironically enough -- very expensive, particularly for local authorities in ways that are too numerous and complex to be listed here.

Housing law, predictably, is a continually evolving discipline which, for advisers in this area, has become increasingly complex. Fortunately, the Legal Action Group (LAG), the access to justice charity, has come to the rescue -- particularly of those threatened with repossession -- with clear and authoritative texts on the subject, the best known of which is 'Defending Possession Proceedings', which has become the definitive guide to this area of law.

But for those who provide beleaguered tenants or mortgagees with timely and pertinent advice -- under strained circumstances and in a large hurry (like 20 minutes before a hearing) -- LAG has produced a new title: 'Housing Possession Duty Desk', supported by Therium Access.

This new and certainly indispensable guide is aimed at 'those on the frontline of defending possession proceedings', namely duty advisers, whether new or experienced, who are 'faced with the challenge of keeping a roof over peoples' heads,' usually at the very door of the court.

The publication of this book is undeniably timely in the time of pandemic and its aftermath, when threats of repossession are reaching record levels. Writing in the foreword, Knowles J points out that 'there are many, many thousands of possession cases,' adding that 'It is too easy to create a conveyor belt, to base assumptions on inferences.'

'In a fairer system', write authors Sue James and Simon Mullings, 'this book might not need to exist.' In the meantime, tenants and borrowers need help, which is amply provided with erudition and precision in this book, which -- in the words of Knowles J --- is so much more than a practical guide.

Rather, it is an essential reference, not only for duty advisers, but barristers, solicitors, legal professionals and indeed anyone representing a tenant or mortgagee facing repossession in these difficult times.

*Publication of this new paperback guide was 5th March 2021.*

## FAMILY LAW LEAVES THE EU A Summary Guide for Practitioners

By Professor David Hodson OBE  
With specialist Public Child Law contribution  
by Maria Murphy

ISBN 978 1 78473 475 6

LEXISNEXIS/FAMILY LAW  
[www.lexisnexis.co.uk](http://www.lexisnexis.co.uk)

A WELCOME STATEMENT ON WHERE FAMILY LAW WILL STAND IN 2021



This new guide from the Family Law imprint of LexisNexis is most welcome at a time when so much confusion reigns in the world caused by the coronavirus pandemic. Any practitioner who is faced with trying to understand where we will be with family law matters on leaving the European Union

on the last day of 2020 will be relieved to read this innovative sort work from Professor David Hodson OBE. We welcome the important additional section on public child law written by Maria Murphy for those specialists involved with local authorities.

We feel that this short paperback will be highly relevant to all family law practitioners as a quick accessible guide to the law and practice which will apply on the UK's final departure from the EU on 31 December 2020. The government has indicated that the UK will not be party to any further EU laws from January 2021, instead relying on existing international laws such as the Hague Convention, to which we will be a party in our own right.

There will also be new provisions to cover issues of national law, where previously EU law existed. Inevitably, some court procedures will need to change once the final break with Europe has taken place. This invaluable title gives us an overview of the legal position and the practical issues which are judged to arise in all areas of family law, including the preparatory steps which lawyers should take in readiness for departure, to advise clients as effectively as possible in the future.

The key topics cover the main substantive family law areas depending on what you are looking for: the governing laws; divorce; financial aspects including remedies; the Hague Convention 2007; the Lugano Convention; private children law; public children law; domestic violence; the service and the taking of evidence; Alternative Dispute Resolution (ADR); and legal aid; and potential areas of EU/UK future co-operation in the post-Brexit era.

When we woke up early on that morning of Friday 24th June 2016, many of us were looking at a most uncertain future. Hodson's "Family Law Leaves the EU" bridges an important gap for family law practitioners as we grapple with the post Brexit era whilst fighting a world pandemic. Thank you.

*The date of publication of this paperback edition is cited as 20th October 2020.*



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# Marketing your service in the new conveyancing landscape

Once the conveyancing industry emerges from the current high numbers of instructions and stamp duty deadline, what's next?

Ensuring your practice remains competitive in the face of online conveyancing, panels and agency referrals can see like an uphill battle, and, without a dedicated marketing resource, you may feel that your business development efforts can be limited. Luckily there are plenty of approaches and tools that all the conveyancing team can take advantage of, and many of these can be managed in-house. We present some clear steps to help you reach new and previous homebuying customers, whatever the marketing budget and resource you have available to you.

## Branding and differentiation

In this digital age it can be easy to forget the importance of brand in conveyancing. There are thousands of definitions of "brand" but, keeping it simple, it's really about differentiating your service, adding to the value that your service offers and communicating this effectively. Whilst building a strong brand may seem more relevant to heavy-lifting consumer companies, it's not out of reach to smaller, more traditional businesses and, no, not even to conveyancers!

Buying a property is a significant commitment and the nature of the conveyancing process presents lots of opportunities for the conveyancer to build and communicate value to their customers. Customer insight is key to this. As a conveyancer you'll be used to dealing with different types of client, but can you truthfully say that you know what your clients look like, what's important to them and structure this information in a useful way?

If you have a marketing team, some of this work may have been completed, but even without a marketing resource, a lot of useful information can be gleaned from customer feedback. This can come to you directly or via Google, but if you're not getting that all-important insight, why not consider a quick customer satisfaction survey, or hand out a short questionnaire to new customers or at any local events you may attend? The findings can often surprise you and can help you shape your brand, content and messaging to the needs of your market.

There's often a wealth of knowledge hidden within the company so working with colleagues to structure this can be invaluable, supporting brand building and possibly even a simple customer client segmentation to inform the experience for different types of home-buying clients.

## Optimising the value of client enquiries

All businesses can lose sight of the quality enquiries that they receive about their service and, for busy conveyancers in particular, it can be difficult to find the time to analyse enquiries in a useful way. In the same way as the branding exercise, however, it's amazing what can be learnt from reviewing different

conveyancing enquiries received by your practice. All members of the team can be involved in this exercise and can brainstorm how responses ought to be handled. Ask colleagues to come up with ideas on the main benefits of instructing your firm and the best of these ideas can be incorporated into different approaches used for outbound calling.

## Having the right skills

It's also worth considering whether you are using the right people to follow up enquiries. Administrative staff may be highly skilled in providing conveyancing information and quotes, but may not be engaging with customers particularly well. Analysing the success of different colleagues involved in responding and callbacks can be useful in identifying if any have a natural talent for converting enquiries into business. Successful approaches can then be replicated. Although universally unpopular, role-playing different phone conversations can be really good for training staff and helping them to optimise calls to potential clients. If you don't have anyone with the right skills internally though, this is an area where investment in external sales training can really pay off. There are some very simple techniques that used to improve confidence and raise conversion rates.

## Timing

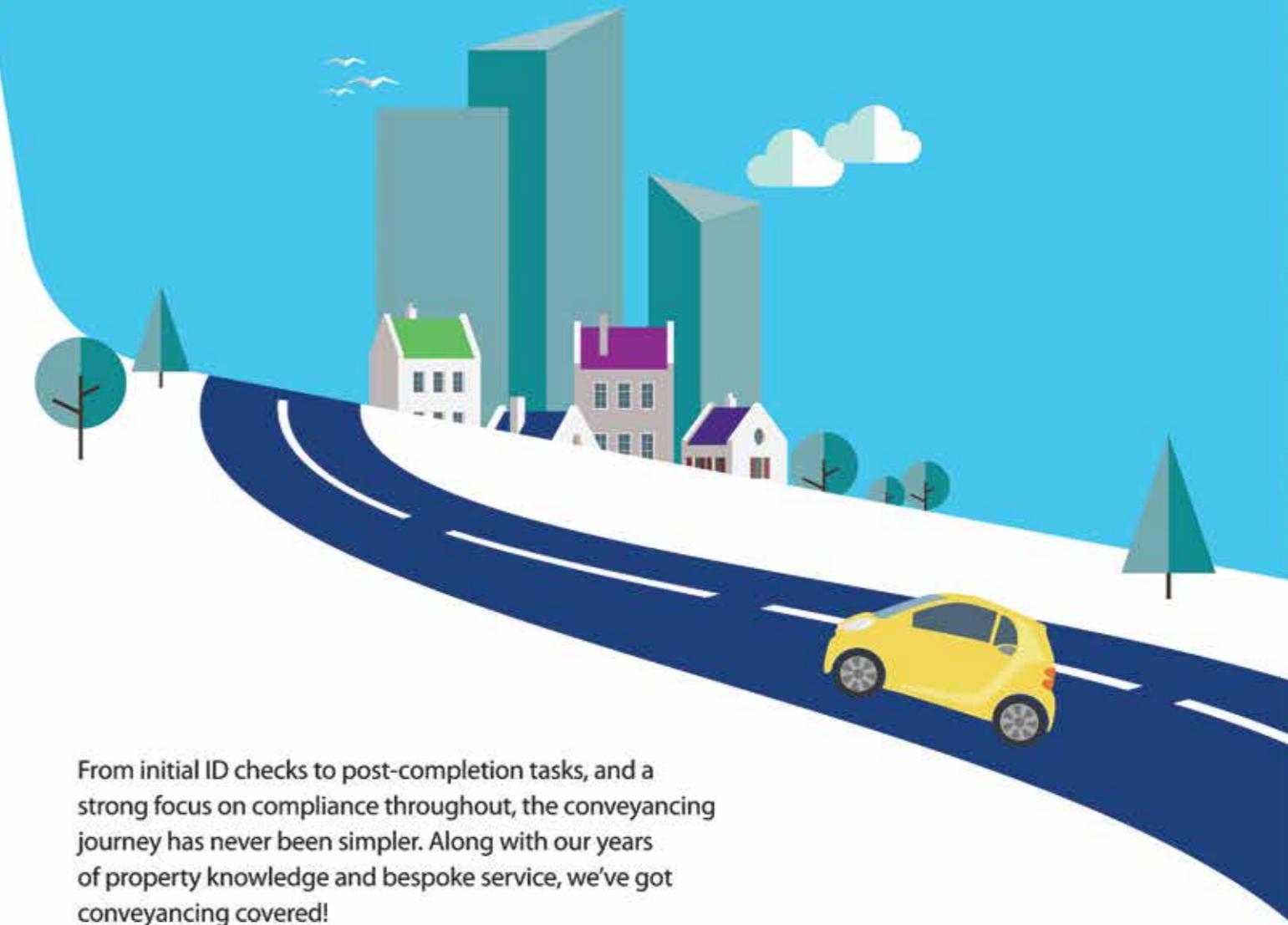
As mentioned above, customer experience is incredibly important when dealing with a conveyancer. If your team has been providing a great customer experience, you should have no problems in attracting back former clients, but the key, of course, is to know when they are back in the market for your conveyancing services.

Using a service to alert you to former clients listing their property for sale allows you to contact them at precisely the point they require a conveyancing service. And neither GDPR nor the SRA Publicity Codes are barriers to using such a service. Conveyancers can use Legitimate Interest as the basis for processing former client data, and Version 19 of the SRA Code excludes current and former clients from the prohibition on unsolicited approaches.

Conveyancing Alert services are often offered by search providers and can be tailored to your budget.

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# Landmark Planning: A Clearer View of Future Plans



Allie Parsons

Here at Landmark Information, we have provided planning application insights and data for residential property conveyancing for many years. I recall the now legendary Bird & Bird transaction case, in which the conclusion found that 'Changes to the surrounding environment, brought about through development are an important factor in protecting a client's investment pre-acquisition'.

Of course, a preference or indifference to planning proposals in its various forms is very much a personal view. Property lawyers and conveyancers may air on the side of caution following guidance, preferring to simply understand the proposed purchase property and to rely on the seller's information.

Homebuyers, however, have a right to understand any impact, positive or negative, that a nearby development may have before they commit to a purchase.

It is important to be aware of any potential changes within the surrounding area that would affect the use, enjoyment or even value of a property from planning and building regulation decisions. But how do you make the extent of a development application clearly understood?

As part of Landmark's ever-evolving data and technology provision, we have

recently merged our Plansearch reports into a newly enhanced **Landmark Planning**.

Uniquely, the report displays data on the majority of the UK's large planning applications, such as a new housing estate, as polygons (boundaries). This means both conveyancer and client will benefit from a visually clearer, more realistic view and understanding of the extent or potential impact of larger planning applications, rather than relying on a list, single mapped point or buffer to work it out.

The report not only delivers details of planning applications from extensions to large developments but also provides information on what future uses of land are being proposed for the surrounding area, alongside the Local Authority policies and constraints. It also includes key neighbourhood information such as:

- Housing
- Demographics
- Schools
- Local amenities
- Rights of way

To help both property conveyancer and client, all the data within the report is supported by easy-to-understand guidance and next steps.

Determining what is important to the home buyer with regards to planning can be difficult and can lead to large amounts of time being spent on reviewing data which is not of interest or concern to the home buyer. Large volumes of data can also lead to the homebuyer missing important information about their purchase.

Landmark's gold standard all in one enviro-report RiskView Residential removes this pain for the legal conveyancer and home buyer by presenting planning applications, including the large sites as polygons and constraints through its advanced, simple to use, dynamic online viewer. The viewer includes a date filter which allows the homebuyer reduce the amount of data presented and helps to

provide focus on what really matters to them. In some cases, reducing hundreds of applications down to just three or four.

The Riskview viewer includes (where possible) a clickable weblink for each recent planning application. The homebuyer can then look further into the application via the authority planning portal. Together, RiskView's unique time-saving features help the property professional add value to their home-buying client whilst reducing time spent dealing with planning related enquiries.

The Government is committed to 300,000 new homes per year even these unprecedented times. The Prime Minister's 'Build, Build, Build' speech in July last year was followed by a series of new laws that came into effect on 1 September 2020. The aim is to deliver new homes and revitalise town centres across England alongside a permanent extension to the existing permitted development rights.

In the current climate, who can guess the impact of these laws? To what extent will they change the places we live, or want to live?

Whatever the future holds, surely the best outcome for conveyancers and homebuyers is a more transparent transaction, which provides the insights needed for informed decisions.

Selecting the Landmark Planning report or Riskview Residential as part of the transaction process demonstrates good due diligence in taking all practicable steps to reasonably identify information that the homebuying client would want to know.

**Allie Parsons,**  
Customer Success Consultant,  
Landmark Information (Legal)

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