

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

July/August 2019

**£1800
raised for
Derbyshire
Children's
Holiday
Centre.**

Details on p. 6



Ben Lawson hands the cheque to Bill Tomlinson of Derbyshire Children's Holiday Centre

Also in this issue: After the Annual Dinner • Words of Wisdom: Forgotten Pensions

Gold Patrons of the Society



Contents

| | |
|---------------------------------------|--|
| 3 - Contents & Editorial | 17 - News from Derby University Law School |
| 4 - List of Officers | 18 - Changing attitudes to gifts in Wills |
| 5 - President's Page | 20 - Foundation Derbyshire |
| 6 - After the Annual Dinner | 22 - Navigating the challenges ahead |
| 10 - Coleman Cup Golf Day | 25 -Expert Evidence and Life Expectancy |
| 12 - Situations Vacant | 26 - The Worst Expert Witness... |
| 14 -Criminal Litigation Sub-Committee | 27 - Law Society News |
| 16 - Words of Wisdom | 30 - Solving the back office puzzle |

Editorial



For a quiet time of year this Bulletin is full of articles on what everyone has been up to. Just shows the workings behind the scenes of the DDLS and what you get for your membership fee if you choose to. Subscriptions are coming in – thank you. I will send a final reminder and over the Summer go through the lists to remove those who have not renewed.

Linda Lee very kindly stood in for Pearl Moses to do the Risk and Compliance talk on the 27th June. Linda is very knowledgeable and the talk was useful and informative for those who came along. Attendance of members of DDLS was disappointing though, especially as half the people signed up to attend didn't then come. Please support these events. Free courses are something that I would like to provide more of but need

engagement from members to make it worthwhile. I am happy to do the admin to organise courses so if you have any requests or contacts then let me know.

Please bear in mind that I will be away for a couple of weeks over the Summer. There will not be an "out of office" on for obvious reasons.

The DDLS cricket match against Notts Law Society will be held at Attenborough Cricket Ground on Thursday 15th August about 4pm. Supporters welcome, the bar will be open! Advance warning of the DDLS Quiz this year – booked for Thursday 14th November.

Julia Saunders
admin@derbylaw.net
01283 734989

No waiting lists.

We won't keep you waiting.

At Nuffield Health Derby Hospital you don't need private medical insurance, you can just pay for the treatment as and when you need it.

We're open to everyone and our treatment prices are all-inclusive*, covering everything from your procedure through to recovery.

Call **01332 898 202** for further information.
Or visit: nuffieldhealth.com/hospitals/derby

*Initial consultation(s), diagnostic scans/tests and investigations required to establish a diagnosis are not part of your procedure price.

Officers and Committee Members for 2019-20

Officers

President*

Martin Salt
Martin.salt@chapsol.com
Tel: 01773 540480

Vice-President*

Julie Skill,
Elliot Mather LLP
Chesterfield
Tel: 01246 231288;
julie.skill@elliottmather.co.uk

Deputy Vice-President*

Manesha Ruparel
Alexander & Co
mra@aandco.co.uk
Tel: (01332) 600005

Honorary Secretary*

Fiona Apthorpe
Geldards LLP,
Derby
Tel: 01332 378335
Fiona.Apthorpe@geldards.com

Honorary Treasurer*

Ellis Pugh
Geldards LLP
01332 331361
ellis.pugh@geldards.com

Immediate Past President*

Ben Lawson
Geldards LLP, Derby
Tel: 01332 331631

(* = Ex-Officio)

Parliamentary Liaison Officer

Julie Skill,
Elliot Mather LLP
Chesterfield
Tel: 01246 231288
julie.skill@elliottmather.co.uk

Public Relations Officer (+)

Vacant

Derby Junior Lawyers

Natasha Hybner
Swindell & Pearson
01332 367051
natashahybner@patents.co.uk

Constituency Council Representative, Derbyshire (+)

Michael Williams
Tel: 01298 24185
mwilliams@bemerton.co.uk
(+) attend Committee by invitation

Other Committee Members

Tina Attenborough
Attenborough Law, Derby
Tel: 01332 558508
tina@attenboroughlaw.co.uk

Andy Cash
Cartwright King, Derby
Tel: 01332 346111
andy.cash@cartwrightking.co.uk

Andrew Cochrane
Flint Bishop, Derby
Tel: 01332 340211
Via nikki.rennie@flintbishop.co.uk

Diana Copestake
Freeth Cartwright LLP
Tel: 0845 2725674
diana.copestake@freeths.co.uk

David Hardy
Tel: 01332 842008
david.hardy1630@gmail.com

Natalie Haydon-Yeung
Geldards LLP
01332 331631
natalie.yeung@geldards.com

Sue Jennings
Tel: (M) 07946 609436
robskelding@squarise.co.uk

Oliver Maxwell
Nelsons
01332 378696
oliver.maxwell@nelsonslaw.co.uk

Claire Rudkin
Flint Bishop, Derby
Tel: 01332 340211
claire.rudkin@flintbishop.co.uk

Simon Stevens
Eddowes Waldron
01332 348484
sws@ewlaw.co.uk

Solicitors' Benevolent Assoc. area representative

Peter Lord
9 Larkhill,
Swanwick DE55 1DD
Tel: 01773 541753

Administrator / Bulletin Editor

Julia Saunders,
14 Risborrow Close,
Etwell,
Derby
DE65 6HY
Tel: 01283 734989
Mobile: 07964 358042
Email: admin@derbylaw.net.

Sub-Committees *(Secretary in italics)*

Criminal Litigation *Simon Stevens*

Andy Cash
Quentin Robbins

Andrew Oldroyd
(01332 225225)

Nick Wright
(01332 364751)

Education & Training *Sue Jennings, & all Sub-Committee Secretaries*

Employment and Business Law *Sue Jennings*

Family Law *Fiona Apthorpe*

Vince Beckworth (Elliot Mather)

Diana Copestake

Joanna Jarvis (Bhatia Best)

Jane Lakin (Derbyshire County Council)

Ben Lawson

Manesha Ruparel
(01332) 600005

Julie Skill

Melanie Bridgen
(01283 2264440)

Claire Dean
(01335 345454)

Liz Doherty-Astle
(01332 592523)

David Guthrie
(01332 293293)

Liz Guyler
(01773 749955)

Nick Herbert
(01332 293293)

Janine Hobday
(01332 226477)

Ruth Jones
(01332346084)

Natalie Yeung
(01332 331631)

Private Client *Claire Rudkin*

Martin Salt
saltmartin@hotmail.com

Nikki Spencer
(0115) 932 4101

Christine Hinkley
(01332) 836666

Kim Kirk
(01332) 600005

Tim Dysterre-Clark
(01332) 600005

Kirsten Wood
(01332) 340211

Rachael Francis
(01332) 340211

Julie Cook
(01332) 340211

Dervla McLaughlin
(0115) 932 4101

Sole Practitioners' Group (SPG)

Tina Attenborough

Last updated 28.06.19

President's Page



It is that time of year when we all look forward to the summer holidays but unfortunately I seem to be spending time helping drenched clients. As a result of the recent monsoons the Derby Legal Walk to be held on the 10th June 2019 was postponed. The good news is that it has been rescheduled for the 22nd July 2019 and I hope you will be able to attend.

At the time of writing I am looking forward to attending the E4E Awards at the University of Derby on the 2nd July 2018 with our sponsored award for the E4E Debating Competition for local schools. The competition has been a huge success over the past two years – many thanks to our Administrator Julia Saunders for her help and dedication for its creation and impact. I will also be attending the University of Nottingham on the 3rd July 2019 for the opening of its new Legal Campus at 1 Royal Standard Place, Nottingham.

The nation currently holds its collective breath whilst we wait for the appointment of our new Prime Minister, who may or may not be able to assist our profession for the better (depends on your point of view). In the world of Private Client we still await news of an increase in Probate fees which has been delayed on several occasions. Additionally, the improvement and streamlining of the Probate Registry is going as well with applications now taking approximately 13 weeks to process instead of the usual 4 weeks. Progress and innovation take time so I am generally happy to tell clients that the delay is 'only' 13 weeks before it is increased to the more likely 21 weeks.

As we enter the summer holiday season it is a touch quiet at the moment so hopefully I may have more to report next time.

In the meantime, thank you for your continued support of the Society and enjoy the summer. (If we have one).

Martin Salt,
President, 2019-20

Simpson Jones Solicitors LLP

RESIDENTIAL PROPERTY LAWYER REQUIRED

We are an expanding practice based in Derbyshire seeking an experienced Residential Conveyancer to join our busy team on a permanent, full-time basis to deal with all aspects of Residential Conveyancing work. You will need to be a Licenced Conveyancer, Solicitor or

Chartered Legal Executive

This is an excellent opportunity for an experienced lawyer to join a firm that offers partnership prospects.

Salary – Negotiable, dependent upon experience.

Please email application and CV to:
chrish@simpsonjones.co.uk
2 Stuart Street, Derby, Derbyshire, DE1 2EQ

After the Annual Dinner

Following on from the efforts of last year's President, Ben Lawson, with the charity bike ride and with the help of DJL with the raffle at the Dinner a fantastic £1800 was raised for Derbyshire Children's Holiday Centre.

Below is Bill Tomlinson, from the charity, accepting the cheque from Ben at the AGM



Well done to everyone involved and thank you for your generosity – more details on this amazing local charity can be found at www.dhc.org.uk

I have had enquiries about both the speaker and the band at the Dinner so I thought that I would pass on their details



Dr Dave Bryon

The band were the Burgundy's – a local band – based near Nottingham. "With over 7 years experience of playing together, The Burgundys are a close knit group of experienced and talented musicians who come together to create an incredible sound and fun atmosphere for your special occasion." More information available at www.theburgundys.co.uk

Our speaker on the night was Dr Dave Bryon, the former Managing Director of the low cost airline bmibaby. Dave worked as both Commercial Director and Managing

Director of the East Midlands based airline, before leaving to become an after dinner comedian! He is also a business speaker, media commentator, and award evening compere. He lives in Burton on Trent with his family, and is heavily involved with Burton Albion FC! More details can be found on his website <http://www.clide.co.uk>, or you can email him directly at david@clide.co.uk

Julia Saunders
admin@derbylaw.net
 01283 7349899



The Burgundys



The Isle of Wight Donkey Sanctuary
 Lower Winstone Farm
 Wroxall, Isle of Wight
 PO38 3AA

01983 852693
www.iowdonkeysanctuary.org

Charity Number 1159886

Leave A Gift In Your Will?

The most important thing about legacies is that they provide security for loved ones. Sometimes however, the person making their will can choose to leave an additional gift to a charity. **That gift would make a significant difference, especially for our little Donkey Sanctuary.**

Gifts from legacies have helped us build a new barn to provide more indoor accommodation, create field shelters to protect the donkeys from rain and sun, fund our donkey therapy programmes for people with specific needs, and help our animals work with special school youngsters.

We are grateful for every gift we receive and the individual generosity of people is recognised with remembrance plaques on the buildings and facilities they have helped to create.

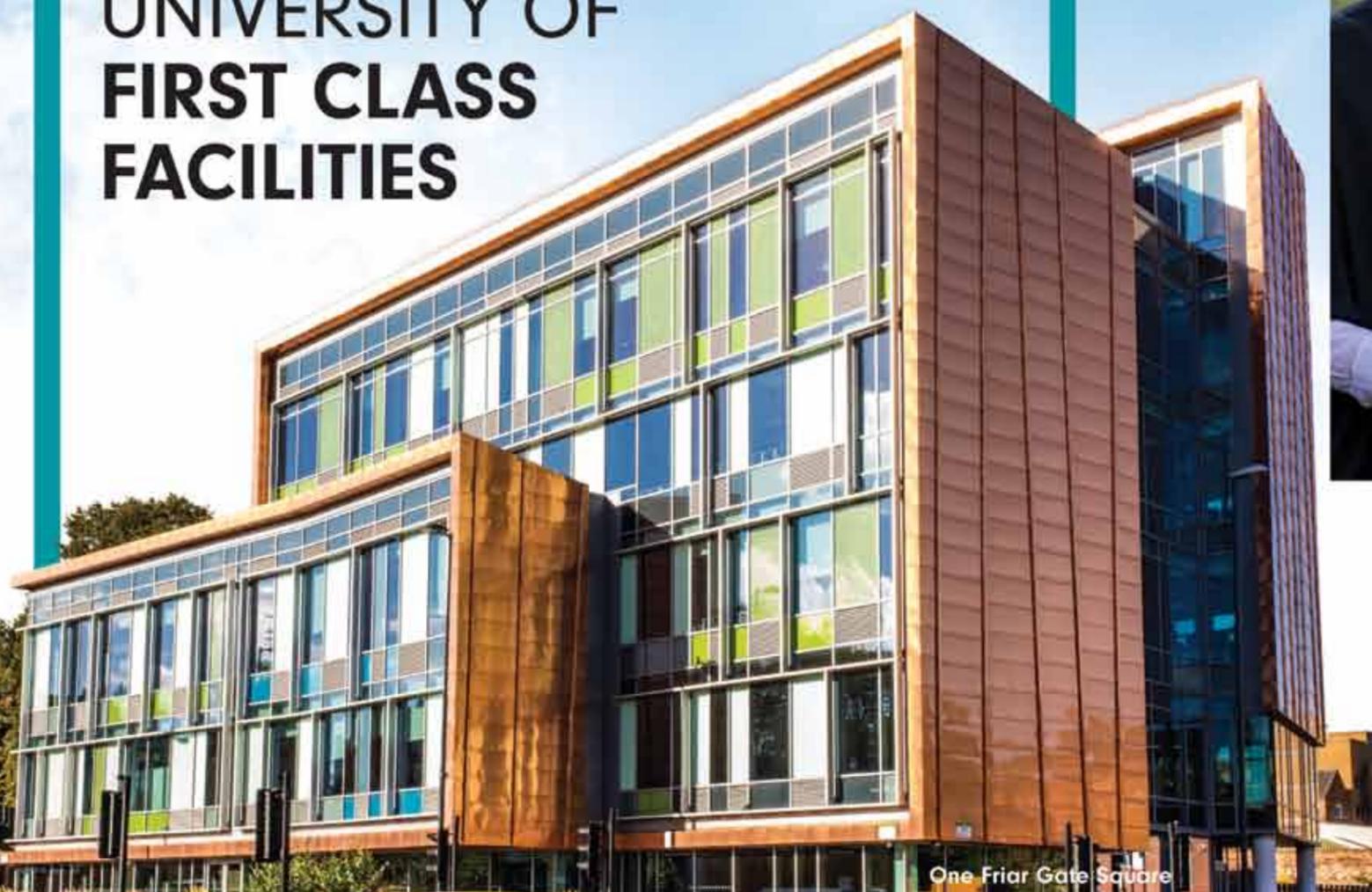
Our donkeys are not controversial, they are not political, they harm nobody and most are British. Without us, they would be homeless. They give genuine pleasure and happiness to people; they help the young and old, the infirm and disabled, and those for whom life is a constant challenge.

Our charity is made up predominantly of volunteers, therefore gifted money is spent on the animals and the facilities they need; nothing more.

Family and friends must come first but after you have given them a helping hand, please will you remember our donkeys?

PLEASE REMEMBER US DONKEYS XX

UNIVERSITY OF FIRST CLASS FACILITIES



Derby Law School offers an exciting combination of high quality teaching, specialist facilities and real-world learning opportunities. Improve your career prospects with a Master of Laws (LLM) degree at the University of Derby, that allows you to focus on a specialist area of interest, and is flexible to suit your personal circumstances.

- Available to lawyers and non-lawyers alike, the LLM allows you to choose from specialist pathways and modules to build a degree that matches your career aspirations, research pursuits and personal interests. You can study part-time or full-time
- Choose a broad-based LLM programme or specialise in Commercial Law, Corporate and Financial Law, International Protection of Human Rights and Personal Freedom
- Our LLM course combines academic and theoretical knowledge. You will develop your understanding of the interaction between law and policy at an international level, enabling you to contribute to organisations and commercial enterprises operating across the global policy arena
- High quality research is at the heart of the LLM. You will enhance your research, communication and independent study techniques through specialist modules, and then use these to carry out an extensive investigation of a significant topic.



- Select the focus of your LLM and study at a time and pace to suit you

- **£200m** invested in facilities over the past ten years

- Postgraduate loan funding available



POSTGRADUATE STUDY

Visit us and find out more

Achieve your professional goals and get ahead in your career. By attending one of our Open Events, you can meet our teaching team and have an in-depth chat with the academic of your chosen subject area, find out about fees and funding and view our facilities.

Come and visit us at our Postgraduate and Professional Open Events:
22 Jan and 14 May 2019

Book your place: derby.ac.uk/open-days

Coleman Cup - Golf Day Kedleston Golf Course



The Coleman Cup was initially a three way golf competition between arguably the world's three oldest professions (I can almost hear the sniggering!!). The clergy dropped out years ago leaving the medics and the lawyers to compete for the silverware.

The Golf Day took place on a beautiful sunny afternoon in May and the course was looking wonderful. Pleased to report that DDLS were victorious by 4½ - 2½. There were some very hard fought matches and some quality golf played. Tim Jones and Adam Hollis led us off and would have had a phenomenal better ball score but still only won one up. There were then good wins for Jonathan Taaffe and the debutant Andrew Fielder, Mark Wilcock and Russ Davies. Jason Skelton and Simon Rowley finished all square. Unfortunately, Julia Saunders and Steve Savage were narrowly defeated, as were Michael Cockerton and Dave Clark. However, Tina Attenborough and Neil O'Driscoll prevailed to seal a fine victory - well done everyone.

Next year marks the 90th Anniversary of the first time the Cup was contested and there may be a bit of a celebration to mark that. 14 players this year was very good but we might try to get up nearer 20 in 2020. The match will be played at Kedleston on Wednesday 13th May. Anyone interested please let me know.

Thanks to all who took part and to Simon Rowley for once again organizing the event.

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

Experienced Cambridge and Oxford-trained consultant pathologist with particular interests in haematopathology (lymphomas, leukaemias), cardiovascular pathology & autopsy pathology.

Expert Witness Certificate (Civil Law), Bond Solon / Cardiff University

- Biopsy Pathology (esp Lymphoma & Leukaemia)
- Autopsy Pathology (esp Cardiovascular Pathology)
- Professional Conduct (GMC work undertaken)

Department of Pathology, Cambridge University / Addenbrookes Hospital, Cambridge

Tel: 07798 643879 Email: lizsoilleux@gmail.com
 www.expertwitnesspathologist.co.uk

Coming soon...

We'll shortly be launching our new ordering system. Combining a range of innovative new features with the ease-of-use our customers have come to expect - ordering your searches has never been easier.

To find out more, or to arrange a demonstration, please call us on 0115 971 3550 or email business@severntrentsearches.com

NEW FEATURES INCLUDE

- Responsive design
- Quote system
- Favourite searches
- Improved query facility
- Recommended searches
- Easier ordering process

www.severntrentsearches.com

0115 971 3550

business@severntrentsearches.com

SEVERN TRENT SEARCHES
 a part of SEVERN TRENT

The Company

From our offices in Chesterfield, Sheffield, Mansfield, Dronfield, Nottingham and London, we provide a consistent commitment to outstanding client service that stands us ahead of our local competitors. The Company prides itself on being sympathetic and supportive to its employees, which is reflected in the great employee relationships and strong interdepartmental teamwork throughout every department. Our strong sense of fair play and a great working environment ensures that every employee enjoys being part of a team whilst working in line with our core values.

1. Newly Qualified Solicitor

A fantastic opportunity has arisen for an ambitious and driven Newly Qualified Solicitor to join our busy and well respected Legal 500 recommended Child Care team offering an exceptional quality service providing specialist guidance and advice to clients through a variety of public child care work including child protection issues, child abduction and special guardianship.

Full or Part Time Hours - Permanent Contract.

Commencement date: immediate start (Dependant on Notice period).
Hours of business are: Monday to Friday 9.00 am to 5.00 pm

The Role. The PQE for this role is flexible as training will be given, however, applications from NQS to 3 years PQE will be considered. It is a requirement that Newly Qualified Solicitors have completed a seat in Care and Family and you will have been given a good level of responsibility within training contract seats. More experienced candidates in this legal practice area will be considered on merit.

Care work will include Public Child Care work with a future requirement to attain Child Panel accreditation in order to take instructions from guardians and represent children. The position would suit someone who has the ability to look at primary evidence in order to challenge and formulate a case, cross examine and possess confidence to undertake advocacy work to represent clients at Court. Ideally they

should also have excellent computer skills, highly organised, accurate, committed to meeting deadlines and keeping meticulous records. A paramount element of the role is to be able to work as part of a team and have excellent communication skills as this is a client facing role.

There is potential to progress within the Company in line with the current succession planning by demonstrating continuous professional development. If you are driven to excel and are committed to developing new business and would like to build a long-term career working within our Child Care team please forward your CV or get in touch for a confidential conversation by following the link below.

Own transport/valid UK driver licence holder is essential as there will be an element of travelling to various Courts and company offices.

Salary is negotiable, according to experience.

2. Experienced Child Care Solicitor

A unique opportunity has become available for an experienced Child Care Solicitor with 5 years PQE or above to become Head of our Child Care Department and oversee a busy and well-respected Child Care team based in Chesterfield, Derbyshire. The Care team has achieved a Tier 2 ranking in the UK Legal 500, for their outstanding work in this sector.

The Role. Previous management experience is desirable but not essential as one of the key roles will be to manage and grow the team, whilst keeping an eye on the delivery of innovative legal services. The reputation of the firm is excellent and the successful candidate joins a team established over many years by the firm's current Head of Department, giving anyone looking for a move a soft landing.

The successful candidate should be an experienced and technically strong Solicitor with an extensive knowledge and passion for public child care. A Children Law panel membership is essential to the role.

Requirements

- You will be a highly experienced and capable Child Care Solicitor, ideally 5 years PQE or above being able to deal with a variety of public child care work including child protection issues, child abduction and special guardianship.
- You will be able to deal with front-facing clients and offer legal advice in an understandable format.
- You will have the confidence to undertake advocacy and represent clients at Court.
- You will possess excellent interpersonal skills
- You will be able to demonstrate continuous professional development
- You will be able to work independently and within a team and will have the ability to supervise, manage and develop the team to achieve their best potential
- You will have the ability to report and liaise with the Management Board on department information and provide business development proposals.
- You will be highly organised, accurate, and will be able to keep meticulous records.
- You will be committed to meeting deadlines.
- You will ideally have a portable client base of your own

Advanced Family Law is preferred.

Children Law Panel membership is essential.

Own transport/valid UK driver licence holder is preferred as there will be an element of working from various Courts and Company offices.

Competitive salary - negotiable upon experience.

Job Type: Full-time, Part-time - Permanent

Experience: Post Qualification: 5 years (Required)

3. HEAD OF CORPORATE – CORPORATE COMMERCIAL SOLICITOR

As part of our programme of expansion, we are currently recruiting a Head of Corporate based in Chesterfield with at least 3 years PQE in handling a broad spectrum of corporate and commercial work.

Full or Part time Hours – Permanent Contract
Commencement date: immediate start (Dependant on Notice period).
Hours of business are: Monday to Friday 9.00 am to 5.00 pm

The Role. The successful candidate will have a strong academic background and will have gained Corporate Commercial experience within well-respected firms. They will have a natural ability to work at pace and will be able to offer our clients advice on all matters relating to the administration and operation of their company including; mergers and acquisitions, joint ventures, partnerships

Key Responsibilities

- Competence in handling Corporate & Commercial matters.
- Develop and maintain efficient systems to diarise and ensure all deadlines are met
- Demonstrate excellent client care, apply technical knowledge and communicate complex legal matters into a commercially astute and understandable format
- Meet with clients and provide expert legal advice in the area of corporate work
- Ensure legal knowledge is kept up-to-date and commit to continual self-development
- Run legal matters in an organised and efficient manner ensuring client document and advice history are recorded in accordance with firm procedures

A competitive salary commensurate with qualifications and experience is offered. We are an equal opportunities employer.

If you wish to apply for any of these positions please click/see the following link – <https://www.bannerjones.co.uk/pages/how-to-apply>

and insolvency, company formations, shareholder resolutions and agreements, amendments to share rights, and the re-registration as public or private companies.

Previous management experience is preferred but not essential as one of the key roles will be to manage and grow the team. The role would suit someone who is skilled at building lasting working relationships with clients, willing to play an active role in the team's business development activities and will have a demonstrable drive to contribute to the Corporate Commercial team's ongoing success. The reputation of the firm is excellent and the successful candidate joins a team established over many years, giving anyone looking for a move a soft landing. Clients include: large corporates, private equity firms, entrepreneurs and high net worth individuals.

Person & Skill Specification:

- Qualified Solicitor skilled in this area of legal expertise
- Credible past consistent financial performance
- The ability to build and manage a caseload, work under pressure
- To tight deadlines and be very self-motivated.
- Strong organisation skills and attention to detail
- The ability to manage and supervise a team
- Excellent communication skills
- Calm under pressure
- Demonstrates excellent client service delivery
- Full driving licence preferred.

Situations Vacant 2: Cartwright King

Family Law Solicitors

Family Law Solicitors Position(s):

Family Law Fee Earners, minimum 3 yrs PQE

Location: Nationwide – Derby, Leicester, Leeds and Manchester

Hours: Full or part time - flexible working available

Cartwright King is a national law firm with offices across the country. We are a people focused business where our staff and clients come first. We have built teams of the best solicitors, barristers, paralegals, legal clerks and support staff. Recruiting the right people to enhance our already formidable teams is vital to our business.

We pride ourselves on being a progressive, forwarding thinking law firm offering quality legal advice and services in a number of private and legally aided disciplines, such as: Family & Divorce Law, Child Care Law, Court of Protection, Community Care, Education, Mental Health, Employment, Police Law, Professional Discipline, Immigration, Criminal Defence, Business Defence, Motoring Law, Road Transport Law.

What can we offer you:-

- Opportunity for career progression and support through training;
- A friendly and positive culture based on team work with no micro-managing;

- A well run and secure business where you can work with confidence; and
- Flexible and agile working arrangements to enable staff to balance life and work.

In return we are looking for committed, ambitious people who would fit into a go-ahead and positive environment. As a firm we are committed to providing equal opportunities in employment. This means that all applicants will receive equal treatment regardless of age, disability, gender reassignment, marital status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

The roles we are currently advertising for are private Family Fee Earners. We are looking for individuals with a minimum of 3 years PQE and the ability to build a strong client base and bring work in. This is a great opportunity for someone to join this department to develop their current knowledge and work with a variety of different people.

Prime Responsibilities:

- You will have responsibility for and will develop and deal with a caseload of Family work. This will include privately funded divorce & separation/financial remedy matters/private law children matters and prenuptial agreements
 - You will be enthusiastic and energetic in developing and maintaining local and regional networks to attract and secure new business.
- Essential Requirements:

- A current practicing certificate for either the SRA or CILEX
- Experience of running your own caseload and acting with autonomy
- Experience of marketing and building caseload
- Advocacy skills with the ability and willingness to conduct own advocacy
- Procedural and technical competence
- The ability to work to short deadlines, under pressure and to financial targets
- Good client care skills and commitment to these areas of work
- The ability to build relationships with other professionals and third parties
- Professionalism and integrity at all times
- Ability to work within the team as required
- Desired Requirements:
- Accreditation by the Law Society or Resolution in this area of law or willing to commit to gain accreditation.
- Additional Requirements:
- PC literate with good word, excel and outlook skills
- High level of accuracy and attention to detail
- Flexible approach to work
- Excellent communication skills – verbal and written

To apply please email a full CV and covering letter to Marie Stafford at recruitment@cartwrightking.co.uk.

Criminal Litigation Sub Committee

Minutes of Meeting of the Criminal Litigation Sub Committee held at the Court House, St Mary's Gate, Derby on 15 May 2019

Present – Nick Wright, Simon Stevens, Andy Oldroyd, James Close; Glyn Plant of HMCTS, Elaine Annable of LAA and Emma Heath-Tilford of CPS

Apologies have been received from Inspector Katie Andrews of Derbyshire Constabulary

COURT ISSUES

NW made the point about Crown Court Listing Policies. Cases being put in or taken out of Crown Court lists at very short notice tend to cause duplication of work and greater inefficiency for defence advocates. Presumably the same applies for prosecution advocates. SS confirmed that he'd had cases pulled out at the last minute, even after he'd left the office for the day, and so the news was only available effectively on the morning of the hearing. This even included a fifth sentencing date pulled out late in one afternoon. How long must somebody wait to be sentenced?

1) Apparently, there is a Crown Court User Group Meeting, last on 13 March. NW agreed to talk to AO about Justin Ablott raising it at the next meeting.

2) At Andy Cash's request, the court will put information about the deaths, retirement, etc of Magistrates Court on the noticeboard in the solicitors' room.

3) Shortages of legal advisors? HMCTS will not prioritise court work over out of court work for legal advisors.

SJP cases – soon clerks at, say, Derby Magistrates Court, will be doing cases from anywhere in the country – subject to computer delays.

AO mentioned that some clients that he'd had, had entered a plea by post after being told that that was acceptable, only to be then arrested on warrants. GP agreed to raise that issue with the police.

GP said that in shoplifting cases, if the defendant doesn't attend, rather than issuing warrants etc, the Magistrates now have an option, more likely to be used, of adjourning for Section 9 proof in absence.

Mention was made about the summer of 2019 when there were likely to be less legal advisor available and therefore more courts likely to be closed, usually those with fewer cases in them. More court assistants are to be recruited.

It was noted that Chesterfield Domestic Violence Courts are very lightly listed currently.

And GP said that work there generally is reducing.

The cracked trial rate is very high at Chesterfield Magistrates Court, more so than at Derby. There is also some evidence that Youth Court work is increasing.

The court has told the police that Magistrates will be reluctant to make Restraining Orders in cases where the matter is late in coming to court. If nothing has happened in the meantime, why is there a need for a Restraining Order?

GP also said that if defendants want to surrender on warrants, the court is now more likely to list it without going through the police cells. Listings should be asked, and they would try and get the matter in court that day.

There were no plans to close either Chesterfield or Mansfield Magistrates Courts.

LAA MATTERS

The question of Burton on Trent Custody Suite closing was raised. Local practitioners are now having to go to Watling Street Police Station which is about another hour away. We are invited by EA to feed that into the Legal Aid review. The LAA is looking at fee structures. Similar points will apply following the closure of Buxton Custody Suite.

GP mentioned that the court would like cases to be dealt with if possible, by legal advisors at 9.30am in remand GAP Courts. E.g. if it is a clear guilty plea that will need reports. Probation should be there at 9.30am.

In respect of cases sent to the Crown Court, PSR's will be ordered where the court thinks fit. They are likely to be in cases involving deaths, youths and sex offences.

COURT DUTY SOLICITOR

The LAA is trying to agree guidance as to when back ups can be called in. This had been a long-standing issue about the court duty solicitor being swamped with work on some days. The LAA will publish the guidance when its ready and give it to auditors.

Members are asked to comment if there is a case for more than one duty solicitor – on which day of the week would that be? The LAA will consult if we wish. Members are invited to feedback to SS or NW if there is such a desire. The court has indicated that the tribunal presenters interview room almost under Court 3 is likely to be unlocked if tribunals

are not sitting and therefore be available for consultations.

PROBATION MATTERS

The point was noted that Mansfield and Derby are better producing FDR's on the day than Nottingham or Chesterfield (for some reason)

LAA MATTERS

1) Cloud video platform. This allows virtual video meetings. The LAA are looking for volunteers. It can be done by phone. The LAA have until the end of June 2019 to see if it is fit for purpose and they ask for volunteers. VHS Fletchers and The Smith Partnership have volunteered. Ideas on how to use it were requested.

2) Head of control management – we were asked to note that David Thomas is the new head

3) A criminal legal aid review was highlighted by EA.

BUXTON CUSTODY/DUTY SOLICITOR SCHEME

There has been a consultation about the High Peak Duty Solicitor Scheme. But no responses from Chesterfield. Most detainees will go to Chesterfield, although some will go to Stockport/Tameside. The whole thing about this is that Derbyshire cases will still be investigated by Derbyshire Police with a detainee in the Greater Manchester area. But the cases will end up going to Chesterfield.

POLICE MATTERS

NW raised the issue about police interviews being done at very unsociable hours. All the other defence representatives present agreed, and we will see what the Inspector says about that.

CPS MATTERS

AO said that there were still delays in getting the IDPC quickly.

Date of next meeting 19th September 2019 at 3pm at Derby Magistrates Court.

The court were thanked for their hospitality.

Nick Wright
Criminal Litigation
Sub-Committee



01322 364751

Cloud-Hosted Managed IT

Practice Management

Legal Accounts

Case Management

Document Management

Time Recording

Digital Dictation

ALL OF YOUR LEGAL TECHNOLOGY NEEDS UNDER ONE ROOF

If you need software, odds are we can provide it.

With over 30 years' experience developing software for law firms, DPS now offer a full suite of products to meet all of your needs.

With round-the-clock support, extensive training and market-leading software, speaking to us will be the first step on an amazing journey to improving your firm's productivity.

www.dpssoftware.co.uk
0208 804 1022



Words of Wisdom: Forgotten Pensions

Most people live well into retirement, and on death there will usually be a clear indication as to where any occupational pension comes from. Also, among the older generation, they would often be at the same company for their entire working lives. In Derby, this might have been for the Railway, Rolls Royce, Courtaulds or one of the other big local employers of the 20th century.

In the modern era, people move from job to job more - and often move around the country. I read an article recently that people can have as many as eight or ten different employers, and so may have joined several work pension schemes. The article talked about the Pension Tracing Service, which is aimed at putting people back in touch with occupational pensions they may have forgotten about. It can be accessed through the gov.uk website.

Getting on for 25 years ago, I took some rather sad instructions to administer the estate of a woman who had died in her early forties from breast cancer, leaving her husband to bring up two children aged about 9 and 11. I asked where she had worked before the kids came along and was told she did eight years as a secretary at Rolls Royce, joining from school. The client did not know whether his late wife had joined the work pension scheme,

so I ventured that a second class stamp might be a worthwhile investment to find out. Cutting a long story short, I unearthed a £15,000 lump sum and a small bursary for the children until they left school. This was a tremendous help to that family, and would have lain undiscovered until what would have been the woman's 60th birthday: even then a letter to the former matrimonial home would have been returned "not known" (the family has moved at least twice since to my knowledge).

My own father-in-law had a surprise as he approached his 65th birthday - a small pension from a place where he used to work as a young man. Luckily he had not moved house, because he'd forgotten all about it.

I always asked personal representatives for details of all known workplaces of people who had died under normal pension vesting age, and then made the effort to try and unearth any forgotten-about pensions. Since the advent of the Pension Tracing Service, this has become much easier, but still often needs reference numbers from old letters, especially if the employer in question no longer exists. The fallback is to try and trace someone else who worked at the same place in the hope that they can help with the pension. This might be as easy as looking

an old probate file out of store if you can remember an old client with a pension from that place. The deceased client might still be in touch with a former work colleague who could be approached by the family for clues. Local radio phone-in shows can be a help too. So could asking the Local Law Society membership....

Don't always assume the DWP have got it right. A few years ago I noticed that the weekly State Pension a deceased widow was receiving looked suspiciously like the wife's standard rate. Her husband had died in the late 1980's before "Tell Us Once" had ever been thought of. I queried it with the DWP, and it turned out they had never been sent the husband's Certificate of Registration of Death (the white form the Registrar used to give out with a Pension Service questionnaire on the back). A substantial five figure sum of arrears was duly paid to the estate - much to the delighted amazement of the lady's three adult children.

Unearthing a long-forgotten asset will always please those who have instructed you, and in their eyes your reputation - and that of your firm - can only be enhanced. Furthermore, it could more than pay the bill for the estate administration.

Chris Green

News from the University of Derby Law School



The 100 Project was launched at the Law School of the University in May. The local project, which is part of the First Hundred Year project (which marks 100 years since women could qualify as lawyers) is on display in the reception of the Copperbox Building. Thank you to all those local lady lawyers who took part and the students who took the lead and initiative on this.



Photo above left shows 3rd year students Thomas Brogden and Rianna Gokani and 2nd year student Katie Goldstraw

Congratulations to 3rd year law student, Evangelia Argyropoulou, seen above receiving the HIGH SHERIFF OF DERBYSHIRE'S AWARD for Outstanding Voluntary Contribution to Law and Justice in Derbyshire 2019.

Derby Junior Lawyers

Cheese & Wine Tasting Event

The Derby Junior Lawyers would like to thank everyone who came along to our joint event with the DDLS on 23 May. Special thanks to the Notts Derby Wine School for hosting such a fun and informative Cheese & Wine Tasting course. It was fascinating to learn about how the characteristics of the grape can be influenced by the climate and local wine making styles, as well as how the wines pair with different cheese varieties to enhance the flavour. We look forward to working with the DDLS on future events and hope to see you all again soon (for more wine-related antics!).



It's the one you've been waiting for...

Join us for our hottest event of the year, our annual Summer BBQ which is taking place on 9 August at Pitcher & Piano. Tickets are just £20 for members (£25 for non-members) and include a delicious BBQ and drinks, including prosecco, beer, cocktails and wine.

Places are limited - RSVP now!
DJL Committee
 Twitter: @DerbyJLawyers

Facebook: www.facebook.com/DerbyJLawyers

LinkedIn: www.linkedin.com/groups/4997949

Instagram: @DerbyJLawyers

THE ROOF TERRACE, PITCHER & PIANO, DERBY
 FRIDAY 9 AUGUST | 6PM - LATE
 £20 FOR MEMBERS | £25 FOR NON-MEMBERS
 DERBYJUNIORLAWYERS@OUTLOOK.COM

Listening Books
 Registered Charity number 264221

We are a UK charity providing a fantastic selection of high-quality audiobooks to some 50,000 people across the UK who find it difficult or impossible to read due to an illness, disability, learning or mental health difficulty. We charge a membership fee to only half of our members - those who feel they can make some contribution and that is heavily subsidised. The other half need to be fully funded. Listening Books receives no central government funding whatsoever and very little local government funding. The reality is that Listening Books simply could not survive without the generous support of sponsors and the active co-operation of publishers.

Whether you have already written your will or are thinking about writing one in the near future, we ask that you consider leaving a legacy to Listening Books. Your legacy will make a vital difference to the lives of our members for years to come.

CALL US NOW
 on 020 7407 9417
 or email us at:
 bdee@listening-books.org.uk

www.listening-books.org.uk/Legacies
 12 Lant Street, London SE1 1QH

ASSISTIVE TECHNOLOGY

EXPERT ASSISTIVE TECHNOLOGY AND DISABILITY REPORTS FOR:

- Personal Injury
- Clinical Negligence
- Industrial Injury

Martyn Slyper
 IT DISABILITY EXPERTS

T: 020 8736 0542 M: 07956 216 254
 E: enquiries@it-disability-experts.co.uk
www.it-disability-experts.co.uk

Consumer tracking indicates shift in attitudes to gifts in wills

- 40% of over 40s say they are happy to leave a gift to charity in their Will
- 65% say it's acceptable to leave all your estate to charity
- 70% think that people should tell their children if they intend to leave a 'reasonable' gift to charity

Friday 24 May 2019 LONDON, UK – Public attitudes towards gifts in Wills have become more positive over the past decade, according to the latest UK consumer tracking poll commissioned by Remember A Charity.

The OnePoll survey (March-April 2019) found that 40% of people aged 40+ would be happy to give a small percentage of their estate to charity, up from 35% in 2008. Almost two thirds (65%) said that it was acceptable to leave your entire estate to charity if you wish.

The large majority (70%) of respondents felt that people should tell their children if they intended to leave a 'reasonable sum of money' to charity

in their Will. Only one in four (26%) thought their family would object to them making such a gift, down from 31% in 2008.

Rob Cope, director of Remember A Charity, says: "We've seen a real shift in attitudes in recent years with the public indicating that they are more open to the concept of legacy giving and this is a positive sign for the years ahead.

"While legacy income will inevitably fluctuate to reflect wider economic trends, the public's propensity to give is the key driving factor for market growth. This poll suggests not only that the public is more willing to leave a gift, but that they have a clearer understanding of legacy giving and think people should be free to do what they want with their estates.

"People still do worry about how their family might feel if they leave a charitable gift in their Will and this underlines the importance of encouraging potential legators to discuss their wishes with their family, reducing the risk of dispute."

In 2008, the majority of respondents said that it was better to give money when you are alive than through a legacy (63%) and that close relatives have a right to the majority of an estate (72%). Today, according to the latest survey findings, those views are held by a minority, at 47% and 41% respectively.

Cope adds: "This new level of understanding of legacies undoubtedly reflects how hard charities and the legal sector have been working to communicate positively and collaboratively about the impact of gifts in Wills, handling the topic with sensitivity. The challenge now for Remember A Charity – and a key pillar of our new three-year strategy – is to review what can be done to shift the emphasis on from building awareness to inspiring supporters into taking action and writing charitable gifts into their Wills."



For more information, see: www.remembercharity.org.uk



A gift that keeps giving

Arthritis affects one in six people in the UK – that's almost one person in every home.

We are the only UK charity offering hands-on, practical help to people living with arthritis.

The legacy our supporters choose to give is one of hope. The gifts in Wills we receive allow us to help more people with arthritis lead fuller lives.

Our work is solely funded by donations. We rely on the money you provide to enable us to support more people to manage their life with arthritis.

You can learn more about Will-writing and leaving a gift in your Will by requesting our free legacy guide.

Tel: 020 3781 7120

Email: info@arthritisaction.org.uk

www.arthritisaction.org.uk
Registered Charity No. 292569

"When Martin took his own life our whole world fell apart"

"When Nur died we lost our hopes, dreams, aspirations ...her future"

"Their deaths just came out of the blue ...how will we ever cope with that"

"Then we met the team at The Laura Centre"

Be a part of something special...
...where there's a will there's a way

0116 254 4341
willpower@thelauracentre.org.uk
4-6 Tower Street, Leicester LE1 6WS

www.thelauracentre.org.uk

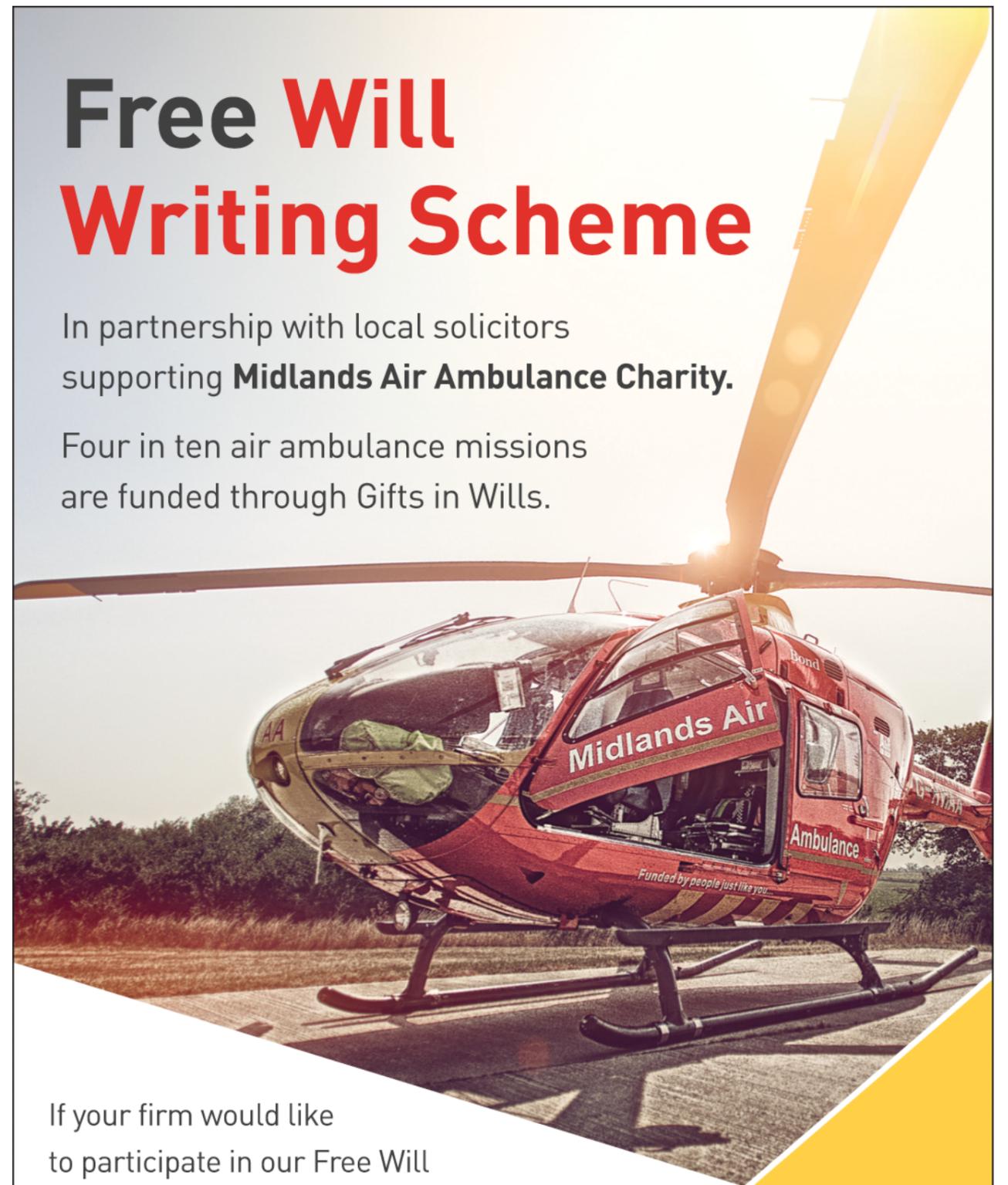
the Laura centre
For when a child dies or is bereaved
The Laura Centre strengthens bereaved families...
...positively, practically, for life

COPE - The Laura Centre, CIO No. 166803

Free Will Writing Scheme

In partnership with local solicitors supporting **Midlands Air Ambulance Charity**.

Four in ten air ambulance missions are funded through Gifts in Wills.



If your firm would like to participate in our Free Will Writing Scheme, please contact:
louise.davies@midlandsairambulance.com

0800 8 40 20 40

Saving Lives by Saving Time



Registered Charity Number 1143118, (formerly 1001064)



EPC

FINDING YOUR VOICE
IN TODAY'S DIGITAL
AND PRINT MEDIA

EAST PARK COMMUNICATIONS

Unit 27a, Price St. Business Centre,
Price St., Birkenhead, Wirral CH41 4JQ

Tel: 0151 651 2776

www.eastparkcommunications.co.uk

By becoming a Friend of
the Actors' Benevolent Fund
you will be supporting those
in the profession that have
fallen on hard times

Founded in 1882 by the great
actor manager Sir Henry Irving,
the Actors' Benevolent Fund
supports actors, actresses and
stage managers experiencing
hardship because of injury,
illness or old age.

Our vital work is only
made possible thanks to the
generosity of our supporters.

As a Friend of the Actors'
Benevolent Fund you will
receive an annual newsletter
from the President, invitations
to exclusive events, a discount
on our Christmas cards, and an
invitation to an annual open day
at which the treasures of the
ABF's archives will be on display.

You can become a friend
with a donation of £10
per month, or £100 per
year. For more information,
please call us or visit
our website.

020 7836 6378
actorsbenevolentfund.co.uk

Registered charity number 206524

Inspiring Local Giving For Derbyshire For Good

MAKE A DIFFERENCE

When it comes to making a Will, most people quite rightly want their estate to help members of their family and the friends they care about. It's also a time when many choose to make a difference to the lives of other people as well but for those that want to make an impact closer to home, it can be difficult to know where to start.

KEEP IT LOCAL

An increasing number of people are turning to their local community foundation, Foundation Derbyshire, to help them keep their giving local and find the smaller charities and organisations that so desperately need their help.

KEEP ON GIVING

Wouldn't it be satisfying for your clients to know that their gift will make a difference not just once but in perpetuity and be there to meet the changing needs of future generations?

Gifts to Foundation Derbyshire are not only used to support local grassroots groups and charities but go on helping over and over again. This is because gifts left to us are invested and the income generated is then used to make grants to support local people year after year.

BE REMEMBERED

With a legacy gift of £10,000 or more your clients can set up a Named Fund and decide how they wish the proceeds from their fund to be used. For instance, income from their fund could be used to support the area where they live, or a particular cause they care about. Or they could leave it up to our Trustees to use the income to meet the most pressing needs in the community.

Grants can be made in their name and will associate them with their local communities for generations to come.

BE TAX EFFICIENT

Like all legacies to charity, a gift to Foundation Derbyshire would be tax-free and could reduce the total amount of tax paid on your clients' estate.

WHO WE ARE AND WHAT WE DO

Foundation Derbyshire is a local independent registered charity, established in 1996 to build a multipurpose endowment fund for the people of Derbyshire.

Our endowment now totals over £7 million and comprises over 60 donor funds, with a

wide variety of charitable purposes, which we manage on behalf of individuals, families, companies, charitable trusts and statutory organisations. To date, we've distributed over £15 million of grant funding across Derbyshire on behalf of our donors.

As a community foundation, one of our great strengths is being able to structure a fund to reflect a donor's particular charitable goals.

We would be delighted to work with you and your Clients to help them support their local communities in a meaningful way that suits their individual interests and circumstances.

If you would like to find out more, please visit our website

www.foundationderbyshire.org

If you would like to talk in confidence to our Chief Executive, Rachael Grime, please phone 01773 525861 or email rachael@foundationderbyshire.org



Registered charity no 212808

Surgeons save and improve the quality of people's lives every day, and for more than 200 years, we have safeguarded standards of clinical practice, making patient care and wellbeing the heart and drive of all we do.

Our work is not limited to specific illnesses or areas of disease but supports better care for all ages, from minor day surgery and removal of cancer, to life saving emergency trauma care.

Making a will is a significant personal responsibility and just as a will brings security to those closest to you, a legacy to the RCS plays a crucial role in supporting the improvement of surgical care for patients.

Please contact us for more information or for an informal chat about how your donation or legacy could help.

t 020 7869 6086
e fundraising@rcseng.ac.uk
w www.rcseng.ac.uk/fundraising
#surgeysaveslives

MAKE SURGERY YOUR LEGACY

Navigating the challenges ahead

It has been widely reported that the insurance market place is challenging, and practices preparing for renewal may find a toughening stance from insurers. A number of factors are influencing the prevailing market conditions, but the two most impactful are:

MARKET CONDITIONS

Lloyd's of London financial performance showed that between 2016 and 2018 60% of syndicates were unprofitable and underperforming. This identified non US PII as the second worst performing class of insurance within Lloyd's and corrective measures are taking place. Many syndicates have reduced capacity, along with having an expectation to carry rate increases into 2019; when you combine these two factors it results in many of the syndicates having a limited new business appetite or ability for growth.

CLAIMS

An increase in claims severity - with multiple losses breaching the compulsory primary layer of insurance. The most sizeable claims emanating from the following areas of practice:

- Commercial Work
- Depositor Funded developments
- Escalating Ground Rent provisions
- Litigation
- Wills and Probate
- Cyber Crime

A number of these practice areas have generated losses that have impacted both primary and the first excess layer insurers which could have a bearing on some insurers' rates. It has already led to significant reduction in willing insurers to provide coverage for the first excess layer above the compulsory primary layer, often described as the working layer so premiums for this layer of insurance are guaranteed to rise.

Despite the challenges highlighted above, practices can still navigate through any potential insurance market turbulence ahead, proving that they present a detailed presentation and they are supported by some expert broking. Ultimately those active insurers will wish to align themselves with good businesses. It is therefore important

that you take a proactive approach to demonstrate this to insurers. You can do this by following these steps:

Step 1: Act early - begin the process early, capacity may diminish closer to the renewal date so it's imperative not to close off potential avenues due to poor timing.

Step 2: Completion of your proposal form - do so with utmost care and attention, ensuring that your work split adds up to 100% and that you answer all the applicable questions. If any question specifically requests additional or supporting information, please make sure that you provide this. If a yes or no answer does not quite work for your practice and the way that you do things, please make clear reference and provide further explanation. Wherever possible complete the proposal form on a computer to ensure that it is legible and easy for an underwriter to understand.

Step 3: Claims information - Provide updated claim summaries even if you have had no claims as insurers will require this information to satisfy their underwriting file. Your representative should be able to obtain these for you with your writing permission.

If you have had claims or there are open reserves then an overview of what happened, and what lessons have been learned to prevent these from occurring in the future. If you have notifications open with no reserves, provide your view on both merit and quantum.

Step 4. Distinguish yourself from the crowd - As a proposal form generally provides the numeric data that an insurer can use to load up their pricing tool. It is the softer facts about your practice along with some expert broking that provide them with the necessary ingredients to deviate away from their technical pricing with this in mind, it would be prudent to provide a foreword about your practice.

This may include, a brief history how you have got to where you are today, the management and structure of the practice, your client base, along with your approach to quality control and risk management it is however important to be proud of the accomplishments of your practice.

It is likely you will be vying for the attention

of underwriters with hundreds of your peers. With this in mind, it is important to provide a quality presentation that provides the underwriters with a good insight and understanding of your practice but do so succinctly and do not drip feed information as this will put underwriters off.

SELECT THE RIGHT REPRESENTATIVE FOR YOUR FIRM

Direct access to leading insurers

It is incredibly important to prevent unnecessary links in the chain. Ignoring the delays that this may create in the event of a claim materialising, the immediate issue could well be in the forthcoming negotiation.

Additional and unnecessary links in the chain distance your practice from the underwriter and insurer. It can create unnecessary delays in the process and could result in your message to insurers being diluted too. The more people in the process can mean increased premiums or that you don't get appropriate service.

Experience and expertise

Work with a broker, who has an understanding of the legal and the ability to appropriately articulate your practice to insurers. Choose a broker who can guide your practice and provide appropriate advice to you on policy and issues that may affect you. Furthermore, whilst no practice wishes to experience claims, you may wish to select a representative that has the appropriate resources and expertise to help you, when you will need it most should the need arise.

STRATEGY AND TIMING

We recommend approaching the market in good time, but it is equally important to present your practice well, so do take time over this. An underwriter will put their company's capital at risk when they insure a practice so it is important that you help them make a positive decision about your practice.

If you provide your chosen representatives your detailed presentation 6 weeks prior to your renewal date this should be enough time to explore the market and present terms to you. The later you leave matters, there is more risk of encountering reduced capacity and less choice for your practice.

Playing our clients' tune since 1966.



Over 97% of our clients renew with us. Lockton has been proudly independent for over 50 years. With no shareholders to answer to, our clients always come first. And when clients come first, they tend to come back.

Get in touch with a member of the Lockton Solicitors team today to explore your options for Professional Indemnity insurance ahead of renewal.

T: 0330 123 3870

E: Solicitors@uk.lockton.com

Lockton Companies LLP. Authorised and regulated by the Financial Conduct Authority. A Lloyd's broker. Registered in England & Wales at The St Botolph Building, 138 Houndsditch, London, EC3A 7AG. Company No. OC353198.


LOCKTON
Broking done *differently*



WHY IS STAMP DUTY LAW SO CONFUSING?

and could your clients be due a refund?

Stamp Duty Land Tax is commonly known as Stamp Duty or SDLT and was introduced in 2003. It was initially a relatively straight forward duty to calculate, administer and collect until Parliament started to make changes to it.

The first significant change was in December 2014 and a subsequent change came into effect in April 2016 when the 3% surcharge on the purchase of second homes and buy-to-let investments was introduced. These changes have created uncertainty and complexity when calculating the duty due and so overpayments arise. Overpayments can be recovered from HM Revenue & Customs ("HMRC") provided a claim is submitted within the required time frame which is generally 13 months after the purchase date.

What if one house has an annexe, or detached property in the grounds?

There are complex rules surrounding the purchase of properties that include an annexe, basement flat, or other residential property in the grounds such as a detached holiday cottage, an apartment above a garage or even staff accommodation. Therefore, mistakes with the calculation are made and opportunities to claim statutory reliefs and allowances are overlooked. Take the following example:

Mr & Mrs Davies purchased a 3-bedroom house in June 2017 for £675,000. Attached to the house was a garage; the upper floor of which had been converted into a bedsit. The bedsit was not occupied on the purchase date but was suitable for use as self contained living accommodation. The couple did not own any other residential property and were advised to pay Stamp Duty of £23,750 on their purchase. We subsequently reviewed the purchase for them and confirmed the Stamp Duty charge should have been £13,750. Statutory reliefs and allowances were overlooked, and we were able to help the couple claim a £10,000 refund from HMRC.

We are more than happy to have a conversation with those that fear their clients have overpaid and want our help to assist with claiming a refund on their behalf. If you also have clients that are about to embark on a similar purchase please get in touch so we can ensure you advise your clients to pay the right amount of Stamp Duty. Not too much and not too little.

Stephen Griffiths, Griffiths Allen Stamp Duty Advisers
office@griffithsallen.co.uk

Expert evidence and life expectancy.

An interesting decision from one of the QBD Master Davison on the admissibility of expert evidence on life expectancy.

CAROL DODDS (BY HER LITIGATION FRIEND, JANICE DODDS) v (1) MOHAMMAD ARIF (2) AVIVA INSURANCE LTD (2019)

[2019] EWHC 1512 (QB)
QBD (Master Davison) 18/06/2019

CIVIL EVIDENCE - PERSONAL INJURY

EXPERT EVIDENCE : EXPERT WITNESSES : LIFE EXPECTANCY : OGDEN TABLES : PERSONAL INJURY CLAIMS

Permission to adduce expert evidence on life expectancy in personal injury cases would not be given unless, in accordance with the explanatory notes to the Ogden Tables, there was clear evidence that the claimant was atypical and would enjoy a longer or shorter expectation of life. In such a case, evidence on life expectancy should be given by a clinical expert. The court clarified the circumstances in which bespoke life expectancy evidence could be given by an expert in that field.

At a case management hearing in a personal injury claim, the court was required to determine whether to allow the defendants to adduce expert evidence on the claimant's life expectancy.

The claimant, who was 73, had been struck by a car driven by the first defendant and insured by the second defendant. She sustained a traumatic brain injury and substantial cognitive impairment. A neurologist's report adduced by the claimant stated that, unless she developed epilepsy, her life expectancy was "unlikely to be significantly reduced". The defendants disclosed a report prepared by a professor who was an expert on life expectancy. He concluded that the effect of the accident was to reduce the claimant's life expectancy by five years. The claimant objected to that report being adduced.

HELD: Guidance on evidence concerning life expectancy:

- Where the claimant's injury had not itself impacted on life expectancy, permission for that category of evidence would not be given unless the condition in paragraph 5 of the explanatory notes to the Ogden Tables was satisfied, namely that "there was clear evidence ... to support the view that the individual is atypical and will enjoy longer or shorter expectation of life".
- Where the injury had impacted on life expectancy, or where the para.5 condition

was satisfied, the normal or primary route for life expectancy evidence was the clinical experts.

- The methodology which the experts adopted to assess a claimant's life expectancy was a matter for them.
- Permission for "bespoke" life expectancy evidence from an expert in that field would not ordinarily be given unless the clinical experts could not offer an opinion at all, or for reasons stated that they required specific input from a life expectancy expert, or where they deployed statistical material but disagreed on the correct approach to it (see para.23 of judgment).

Was bespoke expert evidence required in the instant case?

Bespoke evidence on life expectancy was not generally permitted unless there was clear evidence to support the view that the claimant was "atypical", *Edwards v Martin* [2010] EWHC 570 (QB) applied. The instant case was different from *Edwards* because, although the claimant was not "atypical" within the meaning of the explanatory notes to the Ogden Tables, the expert evidence implied that the claimant's head injury had some potential impact on her life expectancy. If the claimant developed epilepsy, the effect on life expectancy would be significant. The court would have to decide by how much the claimant's life expectancy was reduced in order to arrive at the correct multipliers. That could only be done with the aid of expert medical evidence. It was clear that the claimant's expert's opinion needed to be expanded and clarified. The normal route for doing that would be a supplemental report and/or questions to him under CPR Pt 35. Bespoke life expectancy evidence from an expert in that particular field was not required because:

- Life expectancy was a medical or clinical issue, *Royal Victoria Infirmary & Associated Hospitals NHS Trust v B (A Child)* [2002] EWCA Civ 348, [2002] P.I.Q.R. Q10, [2002] 3 WLUK 351 followed and *Arden v Malcolm* [2007] EWHC 404 (QB), [2007] 3 WLUK 72 applied. The statistical evidence which formed the basis of an opinion from a life expectancy expert such as the professor was regarded as only a "useful starting point" on the way to an "inter-disciplinary approach", *Lewis v Royal Shrewsbury Hospital NHS Trust* [2007] 1 WLUK 628 and *Sarwar v Ali* [2007] EWHC 274 (QB), [2007] 2 WLUK 532 applied.
- In practical terms, it was much more convenient and cost-effective to ask the clinical experts for their opinion

on life expectancy. They were already instructed and could deal with life expectancy together with the other matters they were concerned with, for example the claimant's cognition and other neurological problems. It was commonplace for clinical experts to express their opinion as to life expectancy by reference to a reduction from the Ogden Tables average, sometimes called a "top-down" approach. That was a clear and accessible method which made the choice of a suitable multiplier a simple matter. Recourse to statistics would not be required in every case, but if it was required, then such material was still a matter for the clinicians in the first instance. It was only if they disagreed on how to apply the statistics that an expert such as the professor might be required. There were very few life expectancy experts, and if it became frequent practice to instruct them it would introduce delay and considerable extra cost to no great advantage.

- The professor's report could not be fairly characterised as a clinician's report. It was a desktop report using actuarial methods.

Permission to rely on the professor's report was refused (paras 11-22).

Good practice

It was not mandatory under the rules to canvass the instruction of experts with the opposing party, although both the Pre-Action Protocol and the form of the Directions Questionnaires to be filed under Pt 26 encouraged it. However, where the instruction of an expert might be controversial, a discussion was good practice. In the instant case, a discussion concerning the instruction of the professor would have allowed the claimant's advisers to set out their reasons for resisting his instruction. Those reasons were well-founded and had prevailed, and the cost of instructing the professor had been wasted, which had been avoidable (para.26).

Judgment accordingly

Counsel:

For the claimant: Robert Hunter
For the defendants: Patrick Vincent
Solicitors:

For the claimant: Leigh Day
For the defendants: DWF
LTL 18/6/2019 : [2019] 6 WLUK 243
Official - 6 pages



GRIFFITHSALLEN
Stamp Duty Advisers
HELPING YOU GET IT RIGHT



Are you frustrated with HMRC for expecting you to advise on SDLT?

We know the pressure you're under to ensure your clients pay the right amount of tax - not too much and not too little.

It's likely that you're a conveyancer not a specialist tax adviser. We therefore understand that things can get a little hot under the collar when you're trying to figure out how and when Multiple Dwellings Relief interacts with the subsidiary dwellings legislation or if that annoying 3% surcharge also applies. And we won't get you started on those time consuming questions you receive about replacement main residences or the tax consequences of sole proprietor/joint mortgage applications or how your clients will be affected by Land Transaction Tax that now applies in Wales.

If you need help and advice on these or any other stamp duty or land transaction tax matters please get in touch; we will be sure to reply within 48 hours. The majority of our fees are fixed so you and your clients know where they stand.

www.griffithsallen.co.uk office@griffithsallen.co.uk

Telephone 0118 40 50 025



The worst expert witness: and the winner is...



Chris Makin

A couple of years ago, I had the doubtful privilege of giving a blatant example of the "expert" who failed in every respect. The case was *Van Oord Ltd & Anr -v- Allseas UK Ltd* [2015] EWHC 3074 (TCC), where Mr Justice Coulson took pains to explain the twelve – yes, twelve! – respects in which an expert had failed in his duty. They included:

- not even considering or formulating the costs as incurred by the claimant;

- admitting in cross-examination that he did not even agree with his own report (this is amazing!) and

- admitting that the views he had expressed in his report were merely the assertions of his clients, who themselves had resiled from such assertions in their own cross-examination.

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

Well, it seems that the Crown Prosecution Service needs help in this respect.

In May 2019, Steven Sulley and seven others were accused of fraud in selling voluntary carbon credits (and diamonds) to more than 70 victims, many of them vulnerable pensioners. Those investors lost £3.5million. The crux of the fraud charges was that there was no market in voluntary carbon credits, so the victims had been sold "investments" which could not be realised.

The expert witness for the prosecution was one Andrew Ager, who it emerged had attempted to dissuade the defence expert, Dr Marius Cristion Frunza (who holds a PhD from the Sorbonne) from giving evidence. This is serious, but Mr Ager's other failings included:

1. Having no academic qualifications. When asked about A-levels, he replied that he thought he had sat three subjects, but he couldn't remember whether he had passed any.

2. He said he kept abreast of the carbon credits market, but said he had not read any of the books written by Dr Frunza although they were widely available. He had though once watched a documentary on carbon credits!

3. He admitted that several assertions he had made to Dr Frunza during a meeting of experts were untrue.

4. He asserted – despite it being his clear duty under CPR – that it was not part of his duty to bring facts helpful to the defence to the attention of the court.

5. He had no record of any of the material supplied to him by the police, or of any of his workings.

.....

chris@chrismakin.co.uk
www.chrismakin.co.uk

Biog: Chris Makin is one of only 100 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness – www.

icaew.com/forensicaccreditation/register. He is also an accredited civil & commercial mediator and an accredited expert determiner. He has given expert evidence at least 100 times and worked on a vast range of cases over the last 28 years. For CV, war stories and much more, go to www.chrismakin.co.uk.

Chris Makin Chartered Accountant
Accredited Civil Mediator
Accredited Expert Determiner

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

| | |
|--|--|
| <p>Mediated disputes in:</p> <ul style="list-style-type: none"> • Partnerships • Share Valuations • 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 | <p>Civil and criminal experience as expert for over 20 years in:</p> <ul style="list-style-type: none"> • 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 |
|--|--|

N Christopher Makin FCA FCM1 FAE QDR MCI Arb

Call for a **FREE** initial discussion without obligation
01924 495888 or **07887 660072**
www.chrismakin.co.uk

Why not check out the new D&DLS blog?

www.derbyanddistrictlawsocietybulletin.com

An EPC Production

How well women do in legal careers may depend on where they live - Law Society research



How far senior women can go in their legal careers may well depend on where they live, new research released by the Law Society of England and Wales to mark 2019 International Women's Day suggests.

"2019 is the centenary of the Sex Disqualification (Removal) Act, which allowed women to train as solicitors, serve as magistrates and sit on juries," said Law Society president **Christina Blacklaws**.

"The profession has made great strides over the past hundred years but there is still a long journey to gender equality, particularly at senior levels in certain regions of England and Wales.

"We hope our new Women in Leadership in Law report will assist legal businesses with the insight and tools to drive diversity - right up to the most senior levels - and create equal opportunities for all."

Country-wide, 62.2% of new solicitors in 2018 were women but only 30.8% of partners in private practice were women.

In the East Midlands, Wales, East and South East, firms have a higher than average proportion of female partners. Perhaps surprisingly, London has the lowest proportion of partners who are women.*

With so many smart, talented women entering the profession, it simply does not add up that female solicitors across the country are struggling to reach senior leadership positions.

Men's perception of progress towards gender equality is strikingly different from their female counterparts'.

Christina Blacklaws said: "More than half of the respondents we interviewed in our

survey on women in the law cited perceived unconscious bias as the greatest barrier to women's career progression with an overwhelming 91% saying flexible working is critical to improving diversity.**

"As a profession which endeavours to uphold justice, the legal profession needs to lead the way in the fight for equality in the workplace.

"To create a more diverse senior leadership, diversity and gender equality must be placed at the heart of business decisions. The profession needs to come together to combat unconscious bias, encourage flexible working and meet both men and women's working needs."

*Regional figures for women in the law (2017-18)
**Findings from the 2018 women in law survey:

DR GORDON WILLIAMS MB FRCP FACC
Consultant Cardiologist
YORK TEACHING HOSPITALS NHS TRUST

Dr Gordon Williams has been providing expert witness Cardiological medico-legal reports since 1985 completing in the region of 30 reports annually.

In addition to General Cardiology Dr Williams has sub speciality expertise in:

- Cardiac Investigation by catheterisation and angiography
- Echocardiography
- Heart Failure
- Hypertension
- Coronary Artery Disease
- Adult Congenital Heart Disease
- Sudden Cardiac Death
- Aviation Cardiology

Dr Williams is a Fellow of the Royal College of Physicians, a Fellow of the British Cardiovascular Society and a Fellow of The American College of Cardiology.

All Medico-legal communications to The Spire Hospital Leeds
Email: sandra.ellerbeck@spirehealthcare.com
or: sandra@cardioreports.co.uk
Tel: 0113 2185943 Mobile: 07740 184203

www.drgordonwilliams@cardioreports.co.uk

the hampden consultancy

Building services (mechanical & electrical) consulting engineers
Expert witnesses / Expert advisers / Expert assessors

Since 1993 we have specialised in assisting clients in resolving technical and contractual problems with respect to mechanical & electrical engineering services that can (and often do!) occur on many construction projects, whether during the pre-contract or construction phases, or indeed post-contract.

As such we have been retained either as expert advisers, party-appointed experts or as single joint experts in respect to disputes between building owners/end-users & their contractors or between contractors & their sub-contractors concerning technical and/or contractual aspects related to mechanical & electrical engineering services. We have also acted for clients in issues involving professional negligence of M&E consulting engineers.

Please call Bob Swayne Eng Tech AMIHEEM for an initial discussion without obligation on 01434868668 or 07768497005 or visit our website on www.thehampdenconsultancy.com for more details.

If you're using any Drainage and Water report other than the CON29DW...

Good luck.

A CON29DW uses all known water company information, including both free and paid-for data. This ensures that the FULL picture on drainage and water is presented. The Geodesys CON29DW presents the information in plain language; provides useful detail; includes two high-quality Ordnance Survey maps (one for water and one for waste and drainage); and uses an interactive format to make it easy for you to retrieve relevant information.

Some Drainage and Water reports simply infer answers from the proximity of the pipes nearby, rather than checking the billing and connectivity data that the water company holds. Or they can ignore water company data, such as the information on whether a property is at increased risk of internal flooding. The lack of an answer to this question is often covered by insurance in some reports.

Whatever the example, the home buyer, lender and conveyancing solicitor are all exposed to risk.

When it's your reputation on the line, do you really want to leave it to luck? It's your call...



CON29DW
DRAINAGE AND WATER ENQUIRY

CON29DW from Geodesys. No inferring, no ignoring, no insuring.

Assessing drainage and water risk can be a tick-box exercise, but with the CON29DW you're guaranteed a factual, reliable and secure approach. It's a choice that impacts three separate, but connected, parties in the home buying process:

The lender

Lenders need to focus on property risk as well as applicant risk – and a key concern is drainage and water. The CON29DW answers all 23 drainage and water questions from the Law Society, covering areas such as connections, pipe and drain locations, and risk of internal flooding. Other reports can infer and ignore answers, using insurance to cover the risk.



The conveyancer

If a less than full picture of the property leads to drainage or water issues, a law firm's PI insurance usually covers any remedial work – but it can't cover the time and effort required, nor any damage to reputation. Plus the homeowner may have to carry out costly work in the future.



The home buyer

Whether a dream house, a desperately needed upgrade or a first-time purchase, complex drainage and water problems are a major setback for any homeowner. Even if covered by insurance, there's still the pain of sorting out an issue that could have been identified before – and the buyer may not have gone ahead if they'd known.



The CON29DW from Geodesys offers the following key features:

- a **crystal-clear front-page** customer dashboard
- **clear identification** of potential issues
- **easy-to-use** interactive navigation
- **two formats:** interactive PDF and usual print format
- **thorough information** on drainage and water legislation
- a '**plain English**' guide
- a modern design created by **industry**

GEODESYS
Land and property information

Call: 0800 085 8050
Email: customer.services@geodesys.com
www.geodesys.com/con29dw-goodluck

Solving the back office puzzle

By Julian Bryan, Managing Director, Quill

True professional 'cradle to grave' solutions are difficult to find. It's rare that suppliers to the legal sector offer everything needed in a modern-day law firm's back office – that's software to manage accounts, matters and documents, and outsourced services to take over core administration functions. At Quill, however, that's exactly what we do – provide a single platform that combines the applications and outsourced support required to operate a high-performing legal business.

You only have to look at our website's home page to meet the entire series of software and services available from Quill. Users can pick and choose from: Interactive – case management, legal accounts and document management software with in-built risk management functionality; Pinpoint – outsourced legal cashiers using Interactive; Payroll – outsourced payroll and pension management service; Type – outsourced typing service delivered in association with Document Direct; Precision – outsourced legal cashiers on any software; and Bookkeeping – outsourced bookkeeping service for all sectors.

But before diving into more detail about our software and services, we'd like you to join us on a mini history tour of Quill in order to show you how this full service provision has come about. You see, we actually first started out in business way back in 1978 – over 40 years ago. Right from these early days, our systems were being designed to help practices avoid unnecessary repetitive paperwork tasks for which the law is renowned.

In the intervening 40-plus years, the legal industry remains our absolute focus, our technology has developed to the current complete cloud-based practice management system it is today, and our offerings have been extended to also include outsourced cashiers, payroll and typing services. 1978 to 2019 has been a truly remarkable journey.

To quote some statistics from the present day: our Interactive software has earned over 7,000 current users; our Pinpoint division posts over 2 million transactions every year; our Payroll team processes over 100,000 payslips annually and last year transferred over £54 million in salaries as an accredited BACS bureau; every other department just keeps growing.

Going back to why Quill's so unique, our lengthy heritage, privately owned status and one-stop-shop portfolio really set us apart from our competitors. Few of our contemporaries can boast a comparable expansive background. Fewer still can make claims about independent ownership. And even fewer can proffer a total back office product range.

Moving on to our clients, many of our users have been with us from the very beginning. Their continued loyalty speaks volumes about the close relationships we've formed together over a period of four decades and the quality of our various solutions which they use on a day-to-day basis.

Browse through our multiplying number of case studies online and you'll see how our clients wax lyrical about our personable,

long-serving employees who are ambassadors for Quill; ethical stance evidenced by multiple accreditations and charitable giving; technologically advanced software that's won awards; and catalogue of outsourced services which allow them to concentrate on their business-critical responsibilities without distraction.

Clients repeatedly tell us that, simply by choosing Quill as their principal business partner, they're able to become "digital by default", "compliant to the letter of the CLC Accounts Code", "free to do what I do", "a successful, profit-making firm", "focused on matter management and business development", "revolutionised", "100% assured of regulatory compliance", "more economical and productive [with] use of resources – both human and material", "able to work flexibly when out of the office", "committed to the cloud concept" (note: their words, not ours!) and much more besides.

Nick Timmings, Partner at Petersfields LLP, perfectly sums up what clients think about Quill: "By relying on Quill for all our main software and service needs, we have one monthly payment, one point of contact and one primary store of our electronic files. It's so convenient and so much easier to run our business in this totally integrated way".

Allan Hunt, Senior Partner at MPP Solicitors, expresses similar sentiments: "[With] Quill we have trusted relationships. [We use] Payroll as a bolt on to Quill's Pinpoint service and Interactive software which we already subscribe to. With Quill firmly behind us, our back office operates smoothly and integrates seamlessly."

By utilising our extensive time-saving, efficiency-enhancing, cost-reducing, security-boosting, compliance-assured products, an ever-growing list of benefits are achieved. Through heavy investment in R&D, we ensure this is the case. Our ongoing software and service development is a future-proofing promise that, whatever changes and challenges are faced by the legal profession, Quill's got every client's back.

We know that not all firms are the same. Each has differing demands which are best overcome with a differing mixture of software and services. It's our role to ascertain what this is, thereby providing the proper tools to take control of processes and optimise performance, both now and into the future. We find nothing more satisfying than empowering law firms to do just that.

To discover more about Quill, please visit www.quill.co.uk, email info@quill.co.uk or call 0161 236 2910.



Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashiers services, to the legal professional for over 40 years.

- INTERACTIVE**: Practice management & accounts software
- PINPOINT**: Outsourced cashiers using Interactive
- PRECISION**: Outsourced cashiers on any software
- PAYROLL**: Outsourced payroll service
- BOOKKEEPING**: Outsourced bookkeeping service
- TYPE**: Outsourced typing service

Don't puzzle - choose Quill

0845 226 2587 | info@quill.co.uk | quill.co.uk





Obtain client signatures anywhere, anytime

Secure, simple to use paperless technology from LawConnect allows your clients to digitally sign documents from anywhere in the world. This eliminates delays and drives efficiency.

- ☑ Share documents securely
- ☑ Track the progress of your documents
- ☑ Collaborate in real time
- ☑ Receive proof of completion in a instant

Impress your clients, improve productivity and future-proof your law firm.