D&DLS Bulletin

Derby & District Law Society

www.derbylaw.net

Jan / Feb 2026

Winter Party

Photos on pages 12-14

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Editorial

The first few months of the year are always the busiest for DDLS. Bookings for the annual quiz on 25th February at Derby RFC are now open. Please book your teams of 4 via fienta - *https://fienta.com/annual-quiz-2*. It is usually a sell-out event so book early. £40 per team includes sandwiches on the night.

We have several courses planned for the new year, a couple for conveyancers thanks to our VP **Rachel Maxwel**l, a course on Copilot for lawyers and one on AI in the legal environment. I will send emails round about them all and please look out for details and booking links on LinkedIn.

Tickets for the Awards Dinner on 20th March will be on sale shortly if they are not already. Early Bird tickets will be on sale until 20th February and will be £70 each with tickets at £75 thereafter. We will have dancing, a table magician, casino tables and of course the awards.

There is a separate article about the awards on pages 6 and 7 of this Bulletin. We have taken on board feedback from previous years, and the nominations will be judged by an impartial panel made up of the award sponsors and presidents of neighbouring law societies. They can only judge the nominations received so if you have a worthy nominee/ winner within your firm please get those forms into me. The closing date for nominations will be 6th February and forms will be sent out w/c 12th January at the latest.

I am pleased to include press releases from firms in the Bulletin if you e-mail them into me and Rothera Bray and Banner Jones both have announcements on pages 8, 10 and 11.

I am pleased to be part of a growing group of representatives from other local law societies and this is proving to be a great source of support and ideas. I met up for a Christmas Jumper lunch with **Carolyn Coles** (Northamptonshire) and **Michelle Foster** (Nottinghamshire) – picture herewith.

Lastly the Winter Party was a huge success and there are lots of photos from the evening within this edition. Personal thanks to the DJL committee for organising and don't forget the best way to get the most out of your membership is to join us at these events.

Take care.

Julia Saunders
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Last updated 29.12.25

Published by:
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Published
January 2026

Pipings from the President

Lucy Tissington

It has been a great few months. I cannot believe that 2025 is drawing to an end. I know I have said it over and over again but the year has flown by.

We now have a full list of judges for the Schools Debate Competition in February and March. I am excited that I get to judge the final this year alongside the High Sheriff of Derbyshire. **Julia Saunders** has also been visiting local schools to provide them with tips and advice on public speaking. This is an invaluable skill for the students and I know it is very much appreciated.

On 13th November **Maria Savvides** and **Rob Pettitt** from Northampton Chambers came to give a presentation on Advocacy. They spoke with such passions and this was such useful training. It was very hands on and gave us all food for thought on our oral and written advocacy. This event took place at Smith Partnership. We were also able to network after the event over some drinks and nibbles. This event was sponsored by Carter Brown and they were able to let us know more about their range of services. Thanks to Northampton Chambers, Carter Brown and Smith Partnership.

I had a wonderful time at the Legal Carol Service. The Safeguarding Choir were excellent and the service made my two children and I feel very Christmassy. It is always a really well organised event which I always enjoy.

The Winter Party run by Derby Junior Lawyers and DDLS was a huge success. I did not go as it was my husband's birthday but the photos show an amazing event and a great amount of money was raised for Derbyshire Wildlife Trust.

We had another brilliant Education Committee meeting last month. We all agreed it is a very positive and supportive group and we all teach each other a lot and it is a great way to share ideas. I will set up a new meeting date for January so please let me know if you would like to join us.

I am very excited for the DDLS quiz on Wednesday 25th February at Derby Rugby Club. Delighted that Family Law Group have 3 teams attending.

The next big event after that is the DDLS Annual Awards Dinner taking place on Friday 20th March.

Nominations for the annual awards will open in the new year and I am really excited for the new category. The new category is 'Unsung Hero'. This covers those people in your office who go above and beyond, that you would be lost without, reception staff, support staff, HR and marketing, IT and everyone else who makes sure your offices are happy and efficient places to work. I hope we get many nominations and I am really looking forward to reading all of them.

This year we are having an event for all of the sponsors of the awards to attend and it will be the sponsors who will choose both the shortlist and the winners.

On the topic of judging I will be judging the Birmingham Legal Awards in January. I cannot wait to see the standard of the nominees and be able to recognise their hard work.

On to the final and most imminent event I want to mention. We have the Christmas Scavenger Hunt coming up. This event is running between December and January. This is an idea borrowed from Nottingham Law Society. There is a £5 per adult entrance fee and all the money raised goes towards my charity Positive Social. When you sign up we will send you a list of photo opportunities to find. Once you have found them what's app them over to us and the most fun and creative entries will win. I cannot wait to see your entries.

I hope that you have all had a Merry Christmas and I wish you a Happy and Healthy New Year.

Lucy Tissington
President, 2025-26

Bake Off

President Lucy Tissington and **Mark Saxby** from our charity Positive Social awarded **Shabana Hussain** from Alexander & Co her Bake Off winners apron. Huge thanks to **Greg Gillespie** of Tacet Global for sponsoring this event again.

We are Excited to Launch the DDLS Awards for 2026

This year we have even more categories for you to consider and by the time you read this nomination forms will probably already have been sent round. This year we have Commercial Lawyer sponsored by Groundsure, Lawyer of the Year sponsored by Insight Consultancy, Junior Lawyer sponsored by X-Press Legal, Lifetime Achievement sponsored by No 36 Family, Unsung Hero sponsored by Skills Base First Aid and the President will also be giving an award sponsored by DNA Legal.

Below three of last years winners explain what it means to win an award and their experiences in the profession.

Catriona Smedley from Family Law Group was the winner of the Trainee Solicitor of the Year Award 2025

What does it mean to win Trainee Solicitor of the Year?

I felt honoured to be awarded Trainee Solicitor of the year. It evidenced that my hard work and dedication to my work had not gone unnoticed and not just within my own firm but among colleagues in the profession.

What changes would you like to see in the profession?

I would like to continue to see the development of Paralegals and Trainee Lawyers in the profession and the continued support of their colleagues but most importantly, professionals around them. I have been extremely lucky to have been supported by my colleagues, who have a wealth of knowledge, and I believe it is important that every person who is in this profession has a good support network around them, particularly after a difficult meeting or hearing. I would also like to see a change to the Legal Aid rates!

Do you think there are barriers to entry in the profession?

Absolutely not! I believe that there used to be barriers dependent on your background, however I believe the profession has developed and now I feel that if you are determined and it is something you want to achieve, it is achievable.

Where do you see yourself in 5 years' time?

In five years', time I believe I will be undertaking the same work but progressing, as I genuinely love my job and my chosen area of law. I would like to be on the Law Society's Children's Panel representing children in proceedings. I hope to be more knowledgeable and less fearful of engaging with certain hearings. I would also like to be in a position where I am assisting the up-and-coming lawyers on their journeys.

You have done a lot to make legal support more accessible and working closely with support services. What inspires you to do this kind of work, especially in Family Law?

I have always been a firm believer in fairness and that should not stop in the justice system. I believe that everyone deserves the opportunity to have their position placed forward and unfortunately not everyone can do so independently. During my time at University, I completed my dissertation around the Legal Aid cuts in Family Law and when researching for that, I realised the impact which the cuts had on people. I believe this is where my love for Family Law started and ensuring that people have the help which they deserve.

If you could give some useful tips to the junior lawyers out there, what would they be?

Stay committed and focused! It is never easy and there will be times that you may wish to throw the towel in but my favourite phrase during my training contract is 'short term pain, long term gain'. Remember to utilise the support and colleagues you have around you and no question is a stupid question!

Felicity Coats from Elliot Mather was winner of the Lawyer of the Year Award 2025 here she talks about her work as a criminal solicitor and what it meant to win the award.

"I love my job" — words not many people can say, but I count myself among the privileged few. Winning Lawyer of the Year 2025 was both a huge honour and a complete surprise.

As a Criminal Solicitor, recognition is rare. We don't bring in the big fees, we're not often

celebrated in the press, and we're becoming something of a rare breed. But to me, criminal defence work sits at the very cornerstone of justice. It ensures fairness, provides the essential challenge to prosecution, and protects the integrity of the system itself. It may not be glamorous, but it matters. The Criminal profession needs to be better funded to attract those that are willing to put in the long hours and give up valued free time, and more importantly from a private firm perspective, there needs to be enough funding to level the playfield with the CPS and Police.

Alongside my day-to-day work, I serve on the Law Society Criminal Committee (of one!), support the criminal defence community by helping be a central point of contact and am also a board member for the East Midlands Criminal Justice Board, where collaboration across agencies helps make justice work in practice, not just in principle.

I'm passionate about nurturing the next generation — running an internal skills programme for our trainees, a mentoring scheme for newly qualified staff, and even a book club for those rare moments of downtime. Outside of work, I've raised funds for Macmillan Cancer Support, including overnight climbs of Snowdon and Scafell Pike, and I'm already looking for the next challenge!

To be recognised for this work is truly humbling. My deepest thanks go to Elliot Mather LLP, who have given me the bricks with which to build my career and the support to keep striving for better. Without them, none of this would have been possible. In five years' time I hope I will still be sat in the same seat improving on the work I currently do.

Liam Wicks of Rothera Bray won the Junior lawyer of the Year Award 2025

What does it mean to win Junior Lawyer of the Year?

I was happy enough when my firm told me they were going to nominate me for the award, but to actually be shortlisted and then go on to win the award, it felt surreal – I remember having the biggest grin on my face when it was announced (which I wore for the rest of the night).

It felt extremely rewarding to be recognised for the work I've been doing and for making an impact in Derby's legal community. A good friend of mine had won the award previously and I always wanted to emulate that but never thought it would really happen.

From studying law at A-Levels aged 16, studying until midnight most nights for the part-time LPC whilst working full-time in practice, and finally qualifying at 26 – it made every stage of the journey seem worthwhile. As great an achievement as it is, though, I see it as fuel rather than the finish line and want to use it as a platform going forward.

What changes would you like to see in the profession?

I think that positive changes are already being made and most firms are heading in the right direction. The profession is generally keeping up with the times and becoming more accessible with the increased use of plain English, giving equal opportunities to people from all backgrounds and encouraging healthier working practices.

One problem that I do see, and I appreciate that a lot of work is being done on this already, is the misalignment between the way firms have traditionally operated and the modern client. Everyone expects everything instantly in today's digital world and with access to so much information at our fingertips, clients can shop around for the best option and may not always choose local solicitors. Clients now expect transparency over pricing models and fees, and firms must find ways to be more efficient in pricing jobs with certainty whilst remaining profitable.

This isn't me saying that the billable hour needs abolishing, and I'm not advocating for a race to the bottom with fixed fees. There are pros and cons to both models, and both have their time and place in different practice areas (which I won't get into).

With the legal landscape changing and now that we have AI, online services, boutique firms and consultant/solo-practitioners all throwing their hat in the ring, firms will need to find more creative ways of competing. Lawyers aren't typically trained in sales, but if the switch is being made to "value based" pricing models, firms must train their people to properly understand and communicate the value in the work they do.

It will be interesting to see how the profession adapts and how firms will find an equilibrium to remain profitable whilst handling increasing cost pressures and meeting modern clients' demands.

Do you think there are barriers to entry in the profession?

Yes, but again I think good work is being done to counter this. I think that, historically anyway, the school or university you went to can influence decisions on entry-level positions. In more recent years, lots of great regional firms have adopted a more meritocratic approach and have been giving non-Russell Group students a fair opportunity. Many of the current professionals in Derby came from either UoD, NTU or another polytechnic university, which is great to see. Rothera Bray have been brilliant at this and have shown that the best academic talent doesn't always equal the best practical talent.

I always found it difficult understanding the different routes into the profession and as a first-generation university student, I very much had to figure it out as I went along. I think it was much more challenging as I never personally knew anybody within the profession nor knew of any lawyers in the area that I grew up. Not having those connections and not having that knowledge, insight or guidance can make things like securing work experience opportunities more difficult, which can have a knock-on effect and put you at a disadvantage when applying for full-time roles.

Where do you see yourself in 5 years' time?

I see myself still learning and improving every day but with deeper expertise and experience. I will ambitiously say that I will be a Senior Associate and well on my way to partnership, but mainly I want to start building a reputation in the region as a trusted and skilled corporate lawyer who can help clients make decisions on complex matters with confidence.

Hopefully, I will be winning work for the firm and contributing to the business of the firm as well as doing the legal work, but I also want to be passing on some of that knowledge to more junior team members. As well as continuing to develop my technical expertise, I want to maintain relationships within my network and start building a base of clients who see me as a strategic partner with a deep understanding of their business.

If you could give some useful tips to the junior lawyers out there, what would they be?

Be yourself and be authentic.

Be curious, ask questions and try to understand the context behind everything you do.

Believe in yourself (because if you don't, nobody else will).

Push yourself out of your comfort zone and speak to people – network both internally and externally. I hated the thought of networking at first but now I do it several times a month (sometimes more). It doesn't feel natural to anybody to begin with and while it doesn't necessarily get any easier, you feel more comfortable in those initially awkward moments.

Work with as many partners and senior team members as possible. Watch how they move and learn from them. Be adaptable to differing styles and pick up parts that you like to create your own style over time.

I'm guilty of not doing this myself at times but have patience – it won't all happen at the drop of a hat.

Finally, be friendly and polite to everyone and treat everyone equally – a smile goes a long way!

Rothera Bray representing victim of NHS gynaecologist scandal

Rothera Bray's Clinical Negligence team has been instructed to represent a woman affected by the alleged negligent care of Dr Daniel Hay, a former consultant gynaecologist at the University Hospitals of Derby and Burton NHS Trust.

Dr Hay, who practiced in Derbyshire and Staffordshire, is currently under investigation following serious concerns about his clinical conduct. It is alleged that his failings in care may have harmed at least 116 women during his three-year tenure from 2015 to 2018 at the Trust, with potentially hundreds more at risk.

An independent report commissioned by the Gynaecology Review Steering Group and published in October 2025 examined Dr Hay's clinical practice during his time at the Trust. The panel contacted 325 women who had been treated by Dr Hay and found that many patients who underwent hysterectomies felt it was presented as the *"only option,"* despite the potential availability of less invasive alternatives. The report concluded that Dr Hay *"demonstrated poor clinical practice"* and *"failed to recognise possible risks"*

Rothera Bray's client sought medical help for persistent gynaecological symptoms, including heavy bleeding and pain. After two years of non-surgical management, she was offered a hysterectomy by Dr Hay, with no alternative treatments discussed. She was not informed of the long-term implications of the procedure, including the onset of early menopause.

Following the surgery, the client experienced multiple infections, one of which required emergency hospital treatment. These physical complications have been compounded by ongoing psychological distress. She was later contacted by the NHS Trust to share her experience but was unprepared for the extensive media coverage that followed, which added to her emotional burden.

Greg Almond, Partner and Head of Serious Injury at Rothera Bray said: *"The impact of Dr Hay's actions continue to affect our client's health and wellbeing. We are committed to ensuring she receives the appropriate medical care and mental health support she needs.*

"We encourage any other women who believe they may have been affected by Dr Hay's treatment to come forward. Our team is ready to provide legal guidance and support to those seeking justice.

"We also call for a full and transparent inquiry into Dr Hay's conduct to ensure accountability and to prevent similar incidents from occurring in the future."

For more information about Rothera Bray Solicitors, visit: https://rotherabray.co.uk/

Banner Jones promotes Jason Burnett to Director to support expansion of Care services

L to R: Katie Ash, Jayne Henshaw, Jason Burnett and Simon Wright – all Directors at Banner Jones Solicitors.

Banner Jones has promoted long-standing team member Jason Burnett[1] to Director, recognising his significant contribution to the firm and his support in leading the highly regarded Care department.

Jason, who joined Banner Jones in 2022 and has been instrumental in developing and strengthening the firm's Care services,[2] will now take a strategic role inn the expansion of the department across North Derbyshire, Nottinghamshire and South Yorkshire.

A solicitor since 2008, Jason has dedicated his career to protecting the interests of children and families. He is accredited in Children Law by the Solicitors Regulation Authority, is a member of the Law Society's Accredited Children Panel and has been recognised as a Recommended Lawyer in the UK Legal 500 for both 2024 and 2025.

Banner Jones' Care team, also noted in the Legal 500[3], represents children in care proceedings[4], as well as parents, grandparents and extended family members involved in public law matters.

Jason's promotion forms part of the firm's wider commitment to growing its specialist Care offering. His new role will see him drive service development, support business growth and further strengthen training and mentoring across the department.

Commenting on the promotion, **Simon Wright**[5], Chief Executive at Banner Jones, said: *"Jason's promotion to Director is a well-deserved recognition of his commitment, expertise and the impact he has had on our Care department.*

"He has been central to the development of the team—mentoring junior colleagues, supporting new talent and helping us build and grow our Care services across the region.

"His passion for achieving the best possible outcomes for children and families is evident in all he does, and we are delighted to see him take this next step in his career with Banner Jones."

Jason added: *"I'm incredibly proud to take on the role of Director and to continue supporting the development of our Care services. The work we do has a profound impact on the lives of children and families, and I'm committed to ensuring we deliver the highest standards of representation and support.*

"I'm excited to build on the strong foundations we already have and to help drive the department forward."

[1] *https://www.bannerjones.co.uk/team-members/jason-burnett*
[2] *https://www.bannerjones.co.uk/you-your-family/services/care-proceedings-and-problems-with-social-services*
[3] *https://www.bannerjones.co.uk/articles/banner-jones-recognised-in-legal-500-2026-for-13th-year-running*
[4] *https://www.bannerjones.co.uk/you-your-family/services/care-proceedings-and-problems-with-social-services/care-proceedings*
[5] *https://www.bannerjones.co.uk/team-members/simon-wright*

Banner Jones wins Best Innovation Award at the 2025 LawNet Awards

L to R: Helen Hamilton-Shaw (LawNet), David Baskerville (sponsor representative from Baskerville Drummond), Andrew Fielder, Simon Wright, Kate Skelton and Pete Riddleston (Lawnet).

Firm recognised for digital transformation of conveyancing services

Banner Jones has won the Best Innovation Award at the LawNet Awards 2025, in recognition of its groundbreaking work transforming the conveyancing process through a fully digital, end-to-end solution.

The firm's pioneering use of biometric ID checks, AI-powered search reports and interactive quote brochures has improved transaction speed, accuracy and client satisfaction — setting a new benchmark for innovation in conveyancing.

Handling more than 3,500 conveyancing matters annually, Banner Jones identified inefficiencies within the traditional process and committed to delivering a fully digital client journey. Clients can now complete their part of the transaction remotely, at a time convenient to them, without the need to post or deliver paper documents in person.

This transformation has significantly streamlined the process, reducing delays and creating time savings for both clients and the firm.

Over the past five years, the firm has co-developed bespoke technology with leading providers to ensure tools are practical, compliant, and effective in real-world legal work.

Today, 90 per cent of clients use digital onboarding, helping the firm to achieve a 4.7/5 rating on Review Solicitors[1], with 96 per cent recommending its services. File opening times have been reduced from days to minutes, AI-powered search reports save hours on every case, and independent data shows some offices completing transactions up to 25 days faster than rivals.

As the first firm in England and Wales to launch an interactive digital quote brochure, Banner Jones has also been invited to share its expertise at industry events. Estate agents and referrers have responded positively, with referral volumes increasing by 33 per cent over two years.

The LawNet Awards, which took place on Friday 24th October at The Celtic Manor Resort in Newport, South Wales, celebrate firms that push boundaries and deliver meaningful transformation across ten categories judged by an independent panel of sector experts and consultants.

Winning the Best Innovation Award, sponsored by Baskerville Drummond, marks a significant milestone for Banner Jones and recognises its success in delivering lasting change across its conveyancing operations.

Richard Joy[2], Head of Residential Property at Banner Jones, said: "We are absolutely delighted to have won the Best Innovation Award at the LawNet Awards 2025.

"This recognition reflects years of investment, collaboration, and the hard work of our team. Our digital transformation has simplified a complex process for thousands of clients, and we're incredibly proud to see those efforts acknowledged on a national stage."

Simon Wright,[3] CEO of Banner Jones, added: *"This award is testament to the incredible talent and dedication of our people. Their expertise, creativity, and commitment to continuous improvement have driven this transformation from day one.*

"Innovation at Banner Jones isn't just about technology — it's about our team using their knowledge to deliver smarter, faster, and more client-focused legal services. I couldn't be prouder of what they've achieved."

Banner Jones Solicitors is a full-service law firm with offices across South Yorkshire, Derbyshire and Nottinghamshire, advising individuals and businesses nationwide. The firm is a long-standing LawNet member, part of a collaborative network of independent law firms committed to driving excellence, innovation and client service across the UK.

If you'd like a conveyancing quote, please use our conveyancing calculator[4] or get in touch.[5]

[1] *https://www.reviewsolicitors.co.uk/derbyshire/chesterfield/banner-jones-limited-24-glumangate*
[2] *https://www.bannerjones.co.uk/team-members/richard-joy*
[3] *https://www.bannerjones.co.uk/team-members/simon-wright*
[4] *https://www.bannerjones.co.uk/your-property*
[5] *https://www.bannerjones.co.uk/contacts/new*

WINTER PARTY

We were delighted to round off the year with our annual Winter Party, which we held in collaboration with our colleagues, the Derby District Law Society. The event brought together members and friends for an evening of festive cheer, networking, and a bit of magic! The party was a wonderful opportunity to reflect on the year gone by and enjoy some winter celebration in great company.

A highlight of the evening was our charity raffle in support of our charity of the year, Derbyshire Wildlife Trust. Thanks to the generosity of attendees and sponsors, we raised an impressive £415 and sold out the raffle! The funds raised will go directly towards supporting the Trust's vital work in protecting local wildlife and habitats.

This year also marks a change in our committee, as we bid farewell to **George Ottewell** (Vice-President), who has been an invaluable part of the team. We thank him for his dedication and contributions over the years, and we wish him every success in his future endeavours. At the same time, we welcomed our new members to the committee in September: **Connor Ball-Wood** (Marketing & PR), **Jodie Holmes** (Membership & Social Media), **Holly Batey** (Secretary), and **Abbey Marshall** (Charity Representative). It's been great having them on board over these last couple months, and we can't wait to see the ideas they'' bring in the new year!

We would also like to extend our heartfelt thanks to our sponsors, whose support made the evening possible:

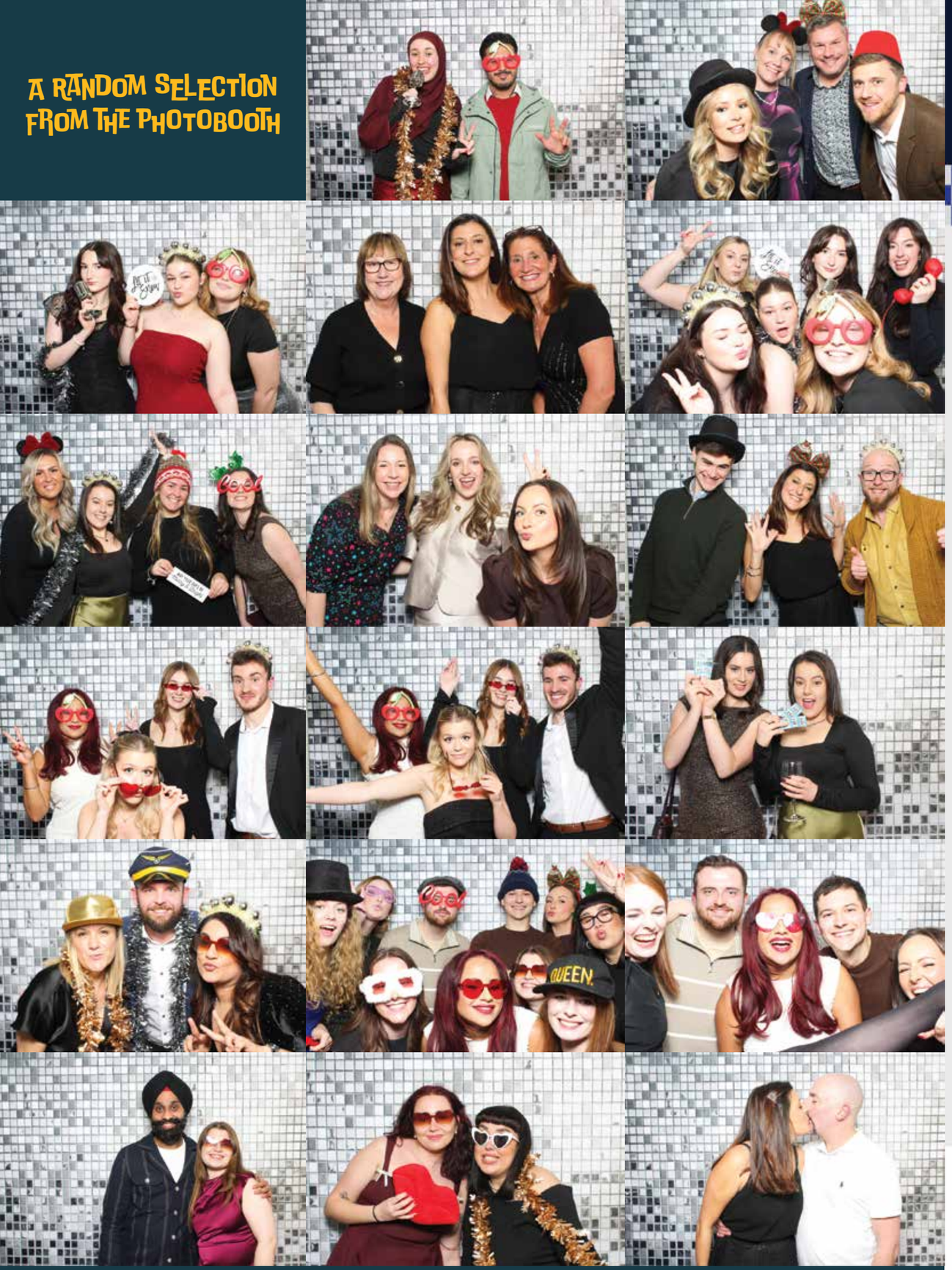
- *Horsepools Legal Costs;*
- *Brewin Dolphin;*
- *Affinity Law; and*
- *Family Law Group*

Their generosity ensured the event was a memorable success, and we are grateful for their continued commitment to supporting junior lawyers in Derbyshire.

We look forward to welcoming everyone to more events in the new year. For now, we wish you all a joyful Christmas season and a prosperous New Year!

Holly-Louise Batey
Secretary, JLD

A RANDOM SELECTION FROM THE PHOTOBOOTH



Family Course

As part of my role as a paralegal within Family Law Group, I have attended a number of training sessions covering a range of topics organised by Lucy Tissington, of Family Law Group. She ensures that all paralegals within the firm have access to the training they seek in order to progress.

There have been two recent training sessions I have attended supported by Derby and District Law Society.

The first was presented by St Marys Chambers provided us with training on the subject of when private law proceedings collide with public law proceedings and the role of 16.4 guardian, s37 reports and the making of interim care/supervision orders in private law proceedings. These topics were covered by Sara Davis & Paula Bloomfield and then Brett Wilson covered all things TOLATA.

This event was sponsored by DNA Legal, **Charles Ingram** came along to discuss new developments in testing. This was fascinating and gave us a great insight into what to look for in test results. It let us know we should all be certain what we are trying to get the results to show and that DNA Legal are able to help with this.

The second was a training session on advocacy was given by Maria Savvides and **Robert Pettitt** from Northampton Chambers. **Maria** and **Robert** are senior members of Northampton Chambers and demonstrated their breadth of knowledge and experience by delivering an engaging and thought-provoking discussion on advocacy. The training was also tailored not only to family law, but criminal law too.

This event was sponsored by Carter Brown, **Amy Callaghan** came to speak to us about their work.

We were provided with helpful tips to remember, not just when representing clients in court, but also with written advocacy.

It is my understanding that all who attended this training feel better equipped to advocate for their clients moving forward, and the prospect of cross examination does not feel as intimidating as it did a mere hour before.

Training courses can be an opportunity to engage with enthusiastic professionals about their chosen areas, discuss and debate topical issues and leave feeling educated and emboldened.

Brogan Kelly
Paralegal – Family Law Group

Event sponsored by carterbrown

Firms in Focus:
KCH Garden Square

KCH Garden Square are a well-established, award winning, multi-disciplinary set with specialist family, civil and criminal Counsel providing advocacy and advice to a range of clients throughout the Midlands and beyond. With offices based in the busy city centre hubs of Nottingham and Leicester, they remain the only chambers with two offices in the East Midlands, presenting an ideal foothold to provide legal services throughout the Midlands and often beyond. Chambers consistently continues to provide a high-quality service and often receive excellent feedback from both clients and members of the Judiciary.

Testimonials

Ruth Richards

"Ruth is an absolute force of nature. Her legal knowledge is second to none. She commands the courtroom and gains the respect and confidence of clients on all cases."

"Patrick has a keen analytical mind coupled with excellent client care skills, he will fight tooth and nail for clients, and his dogged determination achieves excellent results. Patrick has always provided sound and good advice."

Patrick Bowe

Richard Posner

"Richard is excellent at putting clients at ease, particularly when they are faced with tough proceedings. He ensures that client's instructions are put to the court in the strongest possible way, and he always provides good and quick feedback following the hearing so that there is no delay."

KCH Garden Square are ranked in the prestigious Legal 500 listings, a reflection of the members commitment and dedication to providing excellent service to each and every client.

In September, KCH Garden Square were delighted to announce that **Anna Soubry** had been appointed Head of Chambers.

Anna Soubry

Anna said *"KCH is the only common law Barristers Chambers in the East Midlands; we have excellent barristers at all levels and from all backgrounds, specialising in Crime, Family and Civil work, supported by first class clerks and admin staff. KCH has strong teams across the East Midlands and have counsel appearing in courts in Derby, Nottingham, Leicester, Lincoln and Northampton. This is a great honour, and I look forward to stepping up to the role."*

Education Committee meeting – 17.11.2

All agreed the committee is working well. Happy for any others to join.
We discussed which providers we are all using for the SQE

We discussed ways that the apprentice levy can still be used due to the age limits.

We also discussed the Mazur case and the effect this is having on team members and how they are overcoming this.
Next meeting will be 19 January 2026

Lucy Tissington

CPRC asks how extended fixed costs have worked

The Civil Procedure Rule Committee (CPRC) has launched a consultation [1] on the effectiveness of the extension of fixed recoverable costs (FRC) in October 2023.

It forms part of an evidence-gathering initiative conducted in collaboration with the Ministry of Justice (MoJ).

The committee had initially decided to *"take stock"* of the FRC regime a year after it was introduced, but this was delayed to give it more time to bed in.

"We hope that this will help uncover any emerging issues with FRC or the intermediate track. We will use this exercise to consider whether we need to make any changes to the CPR in the short to medium term," it said.

The exercise will be followed by the MoJ's full post-implementation review of the FRC regime as a whole, which is due to commence at some point next year.

Law Society vice-president **Brett Dixon**, a former member of the CPRC himself, said the review was *"a welcome opportunity to assess how the reforms are working in practice since their rollout"*.

He continued: "*We previously raised concerns about the regime being extended to encompass virtually all areas of civil law and the need for further guidance in support of the new rules.*

"There also remains a concern that the most vulnerable users of the court do not receive the same protections if caught by this scheme, as they would outside of it.

"This consultation provides a chance to evaluate whether those concerns have materialised. Any issues identified must be acted on swiftly to ensure the regime continues to support fair access to justice."

But **Mr Dixon** said he was concerned that the deadline for responses – 5 January 2026 – was *"very short"*. He explained: *"It coincides with the call for evidence for the whiplash review and includes the Christmas break. We hope this gives government enough time to gather enough responses."*

Rule committee to probe consistency of CPR with *Mazur*

The MoJ has asked the CPRC to look at the seeming disconnect in the CPR between their definition of 'legal representative' – which includes a *"solicitor's employee"* – and the *Mazur* ruling, which said that a non-authorised person cannot conduct litigation, even under supervision of an authorised lawyer.

Responding to a letter from the justice select committee about the impact of the decision, courts and legal services minister S**arah Sackman** said the MoJ had raised it with the CPRC.

"We agree that the judgment raises a significant set of questions about the clarity of the CPR in this respect... We are committed to ensuring that the rules do not inadvertently mislead practitioners or undermine statutory requirements."

More broadly, the minister stressed that *Mazur* had not changed the law but acknowledged "*the significant concerns it has raised within parts of the legal profession about how these requirements have been interpreted and applied in practice, and its potential wider implications*".

She convened a meeting last week with the Legal Services Board and the affected regulators, after which she was *"satisfied that appropriate steps... are being taken, but will be closely monitoring whether further action is required"*.

It was, she said, *"premature to offer a definitive assessment"* about the impact of *Mazur* on the profession.

In March 2024, the justice select committee told the then Conservative government that the case for a review of the Legal Services Act 2007 was *"growing stronger and stronger"*.

On that, Ms Sackman wrote: *"[W]e recognise that the Mazur judgment, alongside recent developments such as the [Post Office] Horizon case and concerns arising from cases such as Axiom Ince and SSB Law Ltd, has affected confidence in aspects of the current regulatory framework.*

"While there are mixed views across the sector on wholesale reform, we acknowledge that there is a growing case for re-examining the legislative foundations of legal services regulation. My officials are keeping this under active review and will update the committee on developments."

This is similar language that the then Conservative Lord Chancellor, *Alex Chalk*, used in response to the committee's letter.

[1] *https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#fixed-recoverable-costs-frc-interim-implementation-stocktake*

[2] *https://legalprojectmanagement.co.uk/legal-project-management-training-costs-lawyers/*

[3] *https://www.legalombudsman.org.uk/who-we-are/corporate-publications/consultations/business-plan-and-budget-consultation-202627/*

Ms Julia Tosh v Mr Vivek Gupta [2025] EWHC 2025 (KB)

EXPERT WITNESS INSTITUTE

Julia Tosh v Vivek Gupta - Find Case Law - The National Archives[1]

Summary

The Claimant brought a claim of clinical negligence after suffering a rare but serious complication (anal stenosis) of an operation performed by the Defendant to surgically remove her haemorrhoids. The judge found that the evidence of the Claimant's expert was based on limited experience or expertise. There were also several instances where he had not acted in accordance with his duties as an expert.

Learning points

Leaning points for experts

- Expert witnesses are under a duty to assess the arguments of both sides and weigh them up fairly. It may damage or even be fatal to your evidence if you do not engage with the arguments of the opposing side.
- You risk losing credibility if you refuse to admit when you have changed your opinion or make reasonable concessions when you have been shown to have been wrong.

Learning points for instructing parties

- Ensure that the experts you instruct in a clinical negligence case have sufficient expertise and recent experience to identify the standard of a reasonably competent practitioner at the time of the index events.

The case

The Claimant brought a claim of clinical negligence after suffering a rare but serious complication (anal stenosis) of an operation performed by the Defendant to surgically remove her haemorrhoids. The original allegations of negligence in respect of the conduct of the surgery were discontinued after the joint statement, but the Claimant continued to the allege that the Defendant acting negligently in: (i) grading her haemorrhoids, (ii) failing to discuss non-surgical options, and (iii) failing to adequately explain the risk and benefits of the surgery (a ligature haemorrhoidectomy).

Haemorrhoids are graded in severity from Grade 1, small swellings on the inside lining of the anus, to Grade 4, haemorrhoids which permanently hang down from within the anus and cannot be pushed back inside.

The expert evidence

Mr T provided expert evidence for the Claimant and **Professor P** for the Defendant. Both experts retired from clinical practice prior to the date of the surgery. Counsel for the Claimant conceded that **Mr T's** level of expertise in terms of the live issues in this case was limited given how few haemorrhoidectomies he had ever carried out, and how few patients he had seen with grade 3 or 4 haemorrhoids.

The evidence of Mr T

Mr T is a retired general and colorectal surgeon with over 25 years' experience in a District General Hospital. In cross-examination, he said that by the 1990's he was working almost exclusively as a colorectal surgeon, mainly cancer but also haemorrhoids. However, he said he had not done many haemorrhoidectomies and had never done a ligature haemorrhoidectomy. From 2009 he was doing very little operating on haemorrhoids and none after 2010. He agreed that it was "a reasonable point" that it was difficult for him to identify the standard of a reasonably competent haemorrhoid surgeon in 2019.

The judge reached the conclusion that **Mr T's** evidence was based on limited experience or expertise.

During cross-examination, it emerged that in several instances he had not acted in accordance with his duties as an expert under CPR Part 35 and the Practice Direction to Part 35. These included:

- Referring in his witness statement dated 21 July 2021 to his having read the Claimant's and Defendant's witness evidence when this was only served in April 2024.
- Although he accepted that he was under a duty to assess the arguments of both sides and weigh them up fairly, neither his expert report, nor his subsequent report, made any reference to the Defendant's case and he had not analysed the Defendant's case.
- Asserting, without any evidence to support it, that the Defendant had graded the haemorrhoids based on their size alone, rather than by using the Grade 1-4 grading system which was consistent with the practice of a responsible body of Consultant Colorectal Surgeons.
- Denying that he had changed his opinion despite stating in his first report that in his opinion the Claimant's haemorrhoids were Grade 1 and in the Joint Statement that it was likely that the Claimant had Grade 1-2 piles.
- It was also clear in his report that he wrongly thought the fissure was not healed and therefore needing treating before changing his opinion in the Joint Statement which noted that *"as the fissure is healed it needed no active treatment at that time"*. Despite this **Mr T** denied he had changed his opinion. The judge found it concerning that **Mr T** was unable to make this reasonable concession and admit that he was wrong.

The evidence of Professor P

Until his retirement **Professor P** was a full-time colorectal surgeon at the National Bowel Hospital where he undertook a combination of complex and anorectal work. He also ran several clinical trials relating to haemorrhoids in which he did all the surgery. He was made an Honorary Professor of Colorectal Surgery by Imperial College London in 2000. He is the author of 9 recent textbooks in colorectal surgery and has contributed to 300 original articles and 59 book chapters. The Joint Statement listed twelve publications by **Professor P** on haemorrhoids, including diagnosis and treatment, haemorrhoidectomy and evidence-based practice.

The judge noted that *"[Professor P] has extensive experience of diagnosing, grading and treating haemorrhoids and of undertaking haemorrhoidectomies. I found him to be a forthright, straightforward witness who gave direct answers to questions and made concessions where appropriate (as set out in the body of this judgment below). In my judgment his evidence is reliable, objective and unbiased and I therefore consider it appropriate to place considerable reliance on it. I prefer his evidence in all respects to the evidence of Mr T save where he and Mr T agree."*

[1] *https://caselaw.nationalarchives.gov.uk/ewhc/kb/2025/2025?query=tosh+gupta*

Another Expert Has a Bad Day

Chris Makin

Recently I wrote about Jeff Davidson, a friendly chap I had known for many years and, like me, one of the early practitioners of forensic accounting. He came a cropper in a case concerning the "diversion" of £1,900,000,000 (yes, really!) from a Ukrainian bank. This was a huge case which was heard over 43 days, with one claimant (the bank), eight defendants and a huge crowd of KCs and junior counsel in what must have been a very crowded courtroom.

The crux of the expert's behaviour was that he was disciplined for an unconnected matter and was excluded from membership of ICAEW, but he didn't tell anybody. The fact that Jeff had been criticised in other cases, and the fact that the Charity Commission are investigating the whereabouts of £500,000 from a charity of which he and his wife were sole trustees (now removed) didn't help him. And when it came out that he was no longer a chartered accountant and shouldn't be acting as an expert witness, one of his responses was a refusal to be examined on these other cases from a fear of self-incrimination. That says it all.

They say that you wait ages for a bus, and then three come all at once. Well, I am determined to act properly as an expert so that I don't become the third bus, but we do have a second bus, and again he is an expert with a high profile, who I have known for many years. He is a chartered accountant called Vivian Cohen.

The case was *Peter Marples & Ors -v- Secretary of State for Education* [2025] EWHC 2794 (Ch).

The facts of the case are simple. Marples had been a partner at KPMG and the lead partner in their education service. He left KPMG, and he with his family set up a company to provide apprenticeship training services, and had a valuable contract for that with the Skills Funding Agency (SFA), part of the DfE.

The company was to be sold, so Marples told the SFA of the change in ownership. Their chief executive replied, disapproving of the purchaser. The deal collapsed, the Marples family lost £27million plus a possible £10million in loan notes, and the company lost its contract over allegations of data manipulation, causing the company's shares to be worthless.

The Marples family brought a claim against the DfE for negligence and misfeasance in public office. The outcome is not relevant to us, though I believe the claim failed. But what does interest us is the behaviour of the Marples's expert, one Vivian Cohen. (Interestingly, the expert for the opposing party was the same Jeff Davidson, though this time he did not come under criticism. I merely question how he could practise as an expert now with no professional qualification.)

Now, any litigation lawyer will know off by heart the words of Lord Wilberforce in *Whitehouse -v- Jordan* [1981] 1 All ER 267, as I do:

"The report of the expert shall be the independent product of the expert, uninfluenced as to form and content by the exigencies of litigation."

These words resound through Cresswell J's seminal case of the *Ikarian Reefer* [1993] and the Civil Procedure Rules. In short, the expert's opinions are their own, and neither instructing lawyer nor client can interfere with them. And it's not only the expert's report; Questions of the Expert and the Joint Statement of Experts are part of the report, and they become the expert's evidence in chief at trial. They are *his/her* opinions alone.

So what happens if the client insists on playing a part in writing the expert's report and the joint statement? Knowing Vivian as I do, he is a really gentle gentleman, and I can see that he would find it hard to resist if Mr Marples, who I do not know, approached him at all forcefully. But such an approach led to dire consequences for Vivian and for Mr Marples.

It emerged (the judgment does not say how) that Mr Marples, himself a qualified accountant, had worked closely with Mr Cohen both in writing the expert report and in compiling Mr Cohen's part of the Joint Statement. An application was made to the court for permission of this expert's evidence to be revoked, or for this evidence to be given no weight. This was serious; it would have left the claimant family with no expert evidence.

But after repeating much of what I say above about experts and the CPR, the trial judge said:

"The expert's role is to provide independent assistance to the Court by way of objective unbiased opinion on matters within their expertise."

This is fundamental to all the expert work I do, and it should apply to all experts; indeed, it must.

The judgment sets out the degree of involvement which Mr Marples had in Mr Cohen's work, the number of times drafts were passed between the two of them. Mr Cohen even warned Mr Marples not to tell the solicitors the two of them were working together, so he knew full well that this was improper. The judge, Rajah J, even said that he did not know the extent of the joint working:

"I do not accept that I have been given the full story of the involvement of Peter Marples in the preparation of Mr Cohen's expert report and the joint statement. It seems to me that both have approached the work on expert evidence as a joint exercise, with Mr Cohen happy to defer to Mr Marples as the client."

The conclusion was unavoidable:

"I have no confidence in Mr Cohen's ability to act in accordance with his obligations as an expert witness. I accordingly refuse the claimants permission to rely upon the evidence and reports of Mr Cohen."

There was a further embarrassment for Vivian. The judge pointed out that he had been criticised as an expert at least twice before. In *Pepe's Piri Piri Ltd -v- Aljunaid* [2019] EWHC 2097 (Ch) the judge said he had *"approached the exercise more as an advocate than as an expert complying with the requirements of CPR Part 35"* and for having expressed an *"understanding of his role as being to present the case of the party instructing him in the most favourable light."* That's so wrong!

When he was reminded of that case by the judge, Vivian said he couldn't remember it. Again, that says it all.

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

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

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Sidney Conway v Yeovil District Hospitals NHS Foundation Trust & Anor [2025] EWHC 2488 (KB)

***Sidney Conway v Yeovil District Hospitals NHS Foundation Trust & Anor* - Find Case Law - The National Archives**[1]

Summary

The Claimant's father and litigation friend alleged that the medical practitioners treating his son were negligent in not promptly carrying out an ultrasound on his head, after he had been admitted to hospital with head injuries. The judge found that the expert for the Claimant was, to an extent, seeking to fight his corner rather than taking a dispassionate approach to the issues raised.

Learning points for experts

- You must not advocate for your client.
- Making reasonable concessions may enhance the weight of your expert evidence, but there will be a point where the scale and significance of concessions undermine the level of confidence in what remains of your evidence.
- Always listen carefully to the question you have been asked, and answer only that question, not the question you wish you had been asked. You will find this point among the excellent practical advice for giving oral evidence which the Right Honourable Lady Simler, Justice of the Supreme Court shared in her recent Sir Michael Davies Lecture[2] to the EWI.

The case

The Claimant suffered head injuries as a baby resulting from physical abuse by his mother. He was admitted to hospital where the favoured diagnosis was pyloric stenosis. An ultrasound scan did not provide convincing support for pyloric stenosis, and the other presenting complaints had resolved, apart from a history of increased measurements in head circumference in comparison with babies of the same age. He was discharged home, with a decision made to keep his head measurements under review. On the next day, his mother assaulted him again causing catastrophic brain injuries.

The Claimant's father and litigation friend alleged that it had been negligent not to promptly carry out an ultrasound of the baby's head, which the Defendant denied. It was not disputed that, had such a scan been carried out before his discharge, it would have revealed the fact that the baby had probably sustained trauma to the head, leading to a chain of enquiry which would have prevented the subsequent abuse.

The expert evidence

The judge accepted without reservation the evidence of the Defendants' expert, Dr R, noting that his approach was reasonable, logical and fair. Also, in contrast to the Claimant's expert, Dr C, Dr R's evidence had remained consistent.

The judge found that Dr C's evidence was significantly attenuated by important concessions which eventually resulted in very little remaining of the Claimant's original case. The judge noted that, while a willingness to see the other side's point of view and change a previously held opinion may enhance the weight given to expert evidence, there is a point where the scale and significance of the concessions undermine the level of confidence to be attached to what remains. That had occurred in this case. It was particularly significant that the changes in Dr C's stance were not primarily, if it all, based upon changes in the available information or the presentation of new arguments which he had previously overlooked. The judged highlighted in particular the contrast between Dr C's early unequivocal condemnation of the defendants for not performing an ultrasound scan of the head on 6th or 7th January which was followed by an equally unequivocal concession that a scan over this time period was, after all, not necessary.

In contrast, the judge noted that Dr Rose considered all of the factors relevant to the proper approach to the Claimant's subsequent treatment and found nothing wrong in the plan to have the health visitor follow up the issue of head circumference over the next one or two weeks. The judge was satisfied that suggesting now that an urgent ultrasound scan of the head was called for was a criticism based on hindsight rather than reasonable foresight.

The judge also noted that the Claimant was not able to point to literature from any source which tended to undermine the opinion of Dr R. In fact, Dr C was obliged to conceded in cross-examination that the literature presented to the court by the Claimant was of no assistance to the court on the issues to be determined. The judge noted that this would not, of itself, be conclusive but it undoubtedly weakened the force of any Bolam arguments.

The judge also criticised Dr C's approach to responding to questions while giving evidence, including occasions when he was mildly combative and when he did not always answer questions directly or first time round. Dr C showed a tendency to assume the intended purpose of any given question and, rather than to answer it, to present his defence to a point not yet made. The judge formed the view that Dr C was, to an extent, seeking to fight his corner rather than taking a dispassionate approach to the issues raised. Dr R did not succumb to this temptation.

The judge was left in no doubt that Dr R's evidence was to be preferred and the Claimant had failed to prove breach of duty.

[1] *https://caselaw.nationalarchives.gov.uk/ewhc/kb/2025/2488?query=expert*

[2] *https://www.ewi.org.uk/News/ArticleID/968/ArtMID/1215/preview/true*

Testing for ketamine and other drugs in care proceedings

Forensic Testing Service

The use of ketamine[1] is on the rise in the UK, especially among young people[2]. Media reports have highlighted the drug's devastating impact on mental and physical health, such as irreversible damage to the bladder.

While we lack data about how widespread use of ketamine is in Merseyside, Liverpool city councillors and local drug charities have indicated it is a growing problem.

Public concern about ketamine and other drugs have also brought forensic testing into focus. In the family courts, forensic toxicology plays a vital role in determining patterns of drug misuse.

However, not all tests are created equal. A recent case that FTS was involved in highlights this perfectly, when a court was almost misled about results.

When urine testing falls short

In this case, urine testing for ketamine had been performed for a parent and had come back negative. This urine test was a presumptive test, a form of screening testing[3] for sweat, saliva and urine frequently used by employers, prisons and for court cases because it is quick and cheap.

Questioned in court about how long urine tests can detect drugs for, a rehabilitation centre worker stated that the ketamine urine screening test covered a 14-day period.

FTS' review of the testing revealed a different story. The urine test, which had been outsourced, gave limited information.

FTS reviewed documentation for the test from the outsourced lab, which revealed a detection window of only 1 to 3 days. The negative result and case worker testimony had been taken at face value, potentially overstating the evidence and misleading the courts.

The value of hair strand analysis

At FTS, we believe that care proceedings deserve the most rigorous and reliable evidence possible.

This is why we specialise in confirmatory hair testing, which provides a long term, verifiable record of someone's drug use over weeks and months, not just days. In this case, our hair strand analysis revealed a pattern of ongoing ketamine use that the urine testing missed.

Hair testing is a highly accurate method for detecting ketamine and its metabolites, and because FTS interprets all findings in the context of the case, our expert reports provide the court with evidence that is *"beyond a reasonable doubt."* FTS can also provide expert witnesses to explain results in court.

This case is a powerful reminder that relying on imprecise information from non-experts can have consequences in family court proceedings. British law clearly states that hair strand analysis is to be treated not as a binary *"yes or no"* test, but as a form of expert opinion evidence.

An expert before the court must explain the testing process, record the results, clearly explain their possible significance, and fully and faithfully report all findings.

FTS boasts the most accreditations on the market for hair strand testing. We run our own UKAS-accredited testing laboratory, and our expert reports are specifically designed to meet the high standards of the family courts.

By providing a full forensic investigation and contextualising all findings, we ensure that the courts are equipped with precise, reliable data needed to make informed safeguarding decisions.

How FTS can help with testing for new drugs

Ketamine isn't the only drug of concern in Merseyside. Spice and Monkey Dust are just two of the newer synthetic drugs that have emerged in recent years. News reports have highlighted vapes circulating that are laced with Spice, showing many people are not aware of the drugs they are taking, or indeed that they are even consuming drugs.

This also poses a challenge to local authorities and solicitors when it comes to ordering the right drug test. Drugs are constantly evolving, with newly modified versions being introduced regularly.

Courts are still requesting tests for compounds that are no longer in circulation, while some laboratories are still screening for synthetic cannabinoids that have not been seen in the UK for over 10 years. At the same time, they lack the capacity to screen for the drugs on the streets now.

Getting a fuller picture of drug use

For public law proceedings, where costs and delays need to be kept to a minimum, it's a waste of public funds to request tests for obsolete drugs. FTS is the industry leader in detecting new and emerging drugs. With one of the largest drug panels in the UK, we can test for a much wider range of substances, ensuring novel street drugs aren't missed.

We lead the way on testing synthetic cannabinoids like Spice and we are the only company in the UK testing for the synthetic cannabinoid ADB Butinaca, currently one of the most used in the UK. FTS is also one of the few providers testing for MDPHP, the active ingredient in Monkey Dust.

We constantly monitor drug trends and develop new methods for testing novel substances. This way we can ensure the family courts can detect the right drugs and are empowered with the facts to make critical safeguarding decisions.

Do you have questions about testing for ketamine or other drugs? Speak to our team about our expert services on 01924 480 272 or email *expert@forensic-testing.co.uk*. Website: Hair Strand Drug & Alcohol Testing for Court Proceedings | FTS[4]

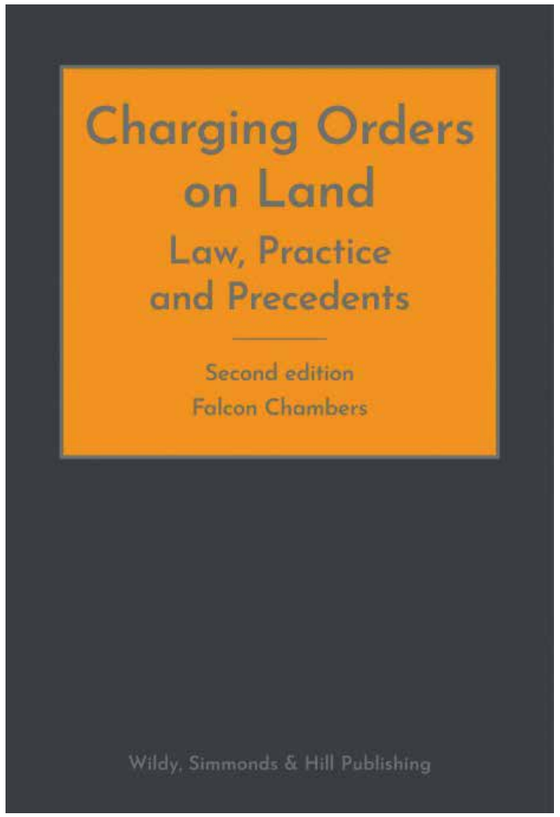
[1] *https://www.gov.uk/government/news/home-office-requests-review-of-ketamine-classification*

[2] *https://www.bbc.co.uk/news/articles/cy8rxyxvv09o*

[3] *https://www.forensic-testing.co.uk/services/drug-testing/*

[4] *https://www.forensic-testing.co.uk/*

Book Review



Charging Orders On Land
Law, Practice and Precedents
Second Edition

Editors: Cecily Crampin
and Michael Ransom
and members of Falcon Chambers

ISBN 978 0 85490 3 436

WILDY, SIMMONDS & HILL PUBLISHING

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Charging orders on a debtor's property: Clear, authoritative and practical advice from falcon chambers

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

'Charging Orders on Land' has now arrived as a second edition from Falcon Chambers for 2024 -- an event which will certainly be welcomed by counsel embroiled in the specifics of charging orders, which, more often than not, present special problems.

What we have here is a highly specialised and quite narrow area of law in which attention to minute detail is all too often imperative. The precedents at the back of the book are of great assistance to those involved in drafting orders.

Fortunately for practitioners and judges dealing with the challenge of changing orders, this distinguished text published by Wildy, Simmonds & Hill, presents up to date and authoritative help in what is now regarded as the definitive work on the subject.

Editors Cecily Crampin and Michael Ransom are assisted by nine contributors from Falcon Chambers, known as the set which specialises in land law and landlord and tenant work. Practitioners seeking guidance from this new and updated edition can be confident that they are in good hands. For example, there's a new chapter on insolvency regimes, plus the inclusion of new CPR procedures and precedents.

This then, is an ample and detailed compendium of practical advice and guidance on 'the enforcement of money judgements by means of obtaining a charging order.' Initially, this may sound straightforward, except that all too often it isn't, as any number of complications can occur within the various stages of enforcement on which there is a special chapter. Also read the chapter on priorities and problems and note the specialist advice on sanctions, tenanted property, overseas entities and much more, including the new chapter on corporate and personal insolvency.

Certainly the book can be depended upon to explain or clarify the various -- and seemingly endless -- snags and contingencies that frequently occur within this particular category of law, including (probably the most frequent of all) the cases which come under the heading of 'Personal Circumstances: the family home' which typically is balanced against the claims of the judgment debtor's spouse... or possibly former, or divorcing spouse... or 'any children who live in the property to be shared.'

It is also carefully pointed out that sometimes in such cases, the charging order can be withheld, or the interest of one party, for example, can be transferred to the other. Small wonder then that, in the opinion of quite a few practitioners, the concept of the charging order all too often presents a serious impediment to selling a house and clogging up the already stretched housing market.

Considering the often complicated and sometimes controversial area of law, it is reassuring for the busy practitioners that this comprehensive and carefully researched legal text is easy to navigate. The table of contents is almost minutely detailed, and the extensive appendices offer more than 100 pages of statutory material and precedents -- an invaluable resource which will be of special interest to counsel charged with drafting orders. Also note the tables of cases, statutes, and statutory instruments, plus tables of European conventions and other material.

Any practitioner involved in this highly specialised area will find this comprehensive and carefully researched legal text well-nigh indispensable.

The date of publication of the hardback second edition is cited as January 2024.

Patient rights strengthened under new Mental Health Act

The Law Society

Mark Evans

The Law Society of England and Wales welcomes the new Mental Health Act* that gains royal assent today. The legislation is a once-in-a-generation opportunity to protect patient rights and access to justice, but further measures are needed.

The act amends the previous Mental Health Act of 1983, focusing on ensuring mental health patients have clear legal rights, dignity and respect during treatment. While mental health is a devolved power in Wales, the act will apply in both jurisdictions following consent from Senedd Cymru (Welsh Parliament)**.

Law Society president, **Mark Evans**, said: *"We welcome the Mental Health Bill becoming law, as it helps level the playing field for people accessing mental health services.*

"Behind the legal texts, there are real people needing support and protection. We're pleased to see the government's efforts to maintain dignity in mental health care by giving patients greater autonomy over treatment decisions and ensuring earlier, more frequent automatic referrals to the Mental Health Tribunal.

"To ensure children under 16 benefit from the act's reforms as much as those over 16, the UK government should review how child competency is assessed under the act. Leaving child competency tests off is an important oversight. It would give under-16s the opportunity to prove their capacity and increase their ability to make decisions regarding their own care.

"This Mental Health Act is a vital step forward in ensuring people can access justice whilst in treatment, but more needs to be done. Mental health care is a pivotal part of how we look after everyone in our communities and we are proud to have been able to support the creation of this act. We are committed to monitoring this space and ensuring that everyone's rights are protected."

**Learn more about the Mental Health Bill, which gained royal assent on 18 December 2025.*

*** Learn more about what reforming the Mental Health Act 1983 means for Wales.*

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