

D&DLS Bulletin

Derby & District Law Society

100th
ISSUE!

www.derbylaw.net

June / July 2022



D&DLS Welcome our new President: Manesha Ruparel

Also in this issue: Coleman Cup • Julie Skill's AGM Speech • D&DLS Legal Awards

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Contents

3 - Contents & Editorial	15 - Access to Justice Foundation events
4 - List of Officers	16 - East Park's 100 issues of the D&DLS Bulletin
5 - President's Page	17 - 'Spice' abuse in family cases
6 - Outgoing President's AGM speech	18 - Rallying cry for a wider adoption of UPRN
6 - Ashby Family Law Practice promotion	19 - Remember A Charity appoints new director
8 - The Coleman Cup 2022	23 - New guide tackles lack of empathy in law firms
9 - Situations Vacant	26 - If you need to change your expert...
10 - Derby Junior Lawyer's Start-Up event success	28 - EWI online Conference review
12 - Derby City Schools Debate Competition 2022	30 - Book Reviews
13 - D&DLS Legal Awards 2022	32 - LSSA white paper to help law firms procure legal software
14 - DDLS Annual Awards Dinner 2022	33 - Reducing the cyber risk exposure of legal practices

Editorial



Welcome to this bumper edition of the Bulletin. Lots happening in DDLS at the moment. There are write ups on the awards dinner, the Coleman Cup, the re-launch of Derby junior lawyers and the write up on the debate competition. The AGM also took place and I have been e-mailing firms about subscriptions. Thank you to those who have already re-joined and please do think about taking the opportunity to join some of your younger fee earners and encourage them to get involved.

Well done Julie on a successful year in uncertain times and congratulations Manesha on your appointment as the first person of colour to hold the post of president of DDLS.

The annual cricket match against Notts LS will be 5pm on 11th August at Attenborough Cricket Club – please e-mail me if you would like to play or come along and spectate. It is always a good humoured but competitive game and there is tea after.

Very advance notice of the date for the awards dinner next year which will be at Pride Park on Friday 31st March 2023. We have moved the date slightly to assist those who attend our dinner at the

Nottingham LS dinner.

Thank you to Simon and David at **East Park Communications** who for 100 issues have put together this professional Bulletin. Here's to the next 15 years of working together.

And finally... a plea from me to look at the DDLS website www.derbylaw.net and also connect on linkedin – Derby and District Law Society please.

Take care.

Julia Saunders
admin@derbylaw.net
01283 734989

Officers and Committee Members for 2022-23

Officers

President*

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

Vice-President*

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

Immediate Past President*

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

Deputy Vice-President*

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

Honorary Secretary*

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

(* = 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 (+)

Shama Gupta
shama.gupta@freeths.co.uk

(+) attend Committee by
invitation

Other Committee Members

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-Young
Geldards LLP
01332 331631
natalie.yeung@geldards.com

Martin Salt
martinsalt@johnmlewis.co.uk
Tel: 01773 540480

Lucy Tissington
Lucy.tissington@elliottmather.co.uk

Della Copley
Della.copley@geldards.com

Sam Robinson
Sam.robinson@nelsonslaw.co.uk

Sayra Dhillon
Sayra.dhillon@nelsonslaw.co.uk

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

Treasurer*

Ben Lawson
Elliot Mather LLP
Tel: 01246 231288
ben.lawson@elliottmather.co.uk

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

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

Solicitors' Benevolent Assoc. area representative

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

Administrator / Bulletin Editor

Julia Saunders,
14 Risborough 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*

David Guthrie
dg@aflp.co.uk

Diana Copestake
diana.copestake@freeths.co.uk

Fiona Apthorpe
Fiona.Apthorpe@geldards.com

Fiona Lazenby
fiona.lazenby@knightsplc.com

Julie Skill
Julie.Skill@elliottmather.co.uk

Kelly Mower
kellym@eglegal.co.uk

Kirpal Bidmead
kirpal.bidmead@flintbishop.co.uk

Liz Guyler
lizguyler@eglegal.co.uk

Lucy Tissington
Lucy.Tissington@elliottmather.co.uk

Manesha Ruparel
mr@aandco.co.uk

Melanie Bridgen
melanie.bridgen@nelsonslaw.co.uk

Natalie Haydon-Young
Natalie.Haydon-Young@geldards.com

Nick Herbert
nh@aflp.co.uk

Ruth Jones
ruth.jones@smithpartnership.co.uk

Sole Practitioners' Group (SPG) *Tina Attenborough*

President's Page



I am humbled to be elected as your President.

I qualified as a family solicitor in 2007. I moved to Derby in 2008 after marrying my husband who persuaded me to leave the bright city lights of Liverpool and move to what he told me was the exotic city of "Derbados". My husband's friends often asking him why he wished to marry a divorce lawyer. My husband told them that "he liked to play with fire", I replied, "as long as you don't do anything wrong you will be fine, if you do, just come home and sign the papers!" He must still be doing the right thing as we remain together some 19 years on!

Upon moving to Derby, I was encouraged to join the Derby and District Law Society and I have sat on the committee for circa 13 years. I look forward to serving our society and with your support, leading transformational changes to present a more modern, inclusive, and connected society; whilst maintaining traditional values.

With a testament to diversity, I am honoured to be elected as the first President of colour since our society's inception in 1886.

Diversity & Inclusion is a standing objective for most progressive organisations. It has only been very recently that individuals from under-represented groups have joined our committee. After discussions with colleagues and consideration of national statistics, under-represented groups

are still exposed to harmful stereotyping whether directly, indirectly, consciously, or sub-consciously; thus, raising their barriers to entry and progression. Although born and raised in the UK by East African parents of Indian origin, I fully understand the challenges from first-hand experience. We need to change this to ensure our society reflects the diverse community we serve by creating a more inclusive environment.

To initiate the Diversity agenda, in collaboration with the University of Derby Law School, we recently set up a Diversity, Equality and Inclusion Sub-committee, which members are very much encouraged to join and take an active role in driving change.

The future of our society is shaped by our Derby Junior Lawyers group. I am pleased to confirm that a relaunch meeting took place on 5 May 2022 at the Distillery. The event was well-attended, and I am informed that a number of events are to be planned throughout the year to encourage our junior lawyers to have fun and network.

As a society, we are fortunate to work closely with The University of Derby Law School and E4E to support and encourage the development of skills. We continue with organising and judging the school debate competition, the Final of which took place on 5 May 2022. The competition was fierce and I am pleased to confirm that Allestree Woodlands School won the competition with Littleover Community School following very closely in second place. As every year, the talent of the participants, who are aged 14 and 15 years of age is to be much admired.

Many members of our society also mentor The University of Derby Law school students to give them the support and guidance that they require to progress their legal career. Trainees from our firms team up with students to participate in a Skills Triathlon, providing invaluable insight and experience for those involved. I was privileged to sit as a judge again this year. I have been involved in judging the competition for over a decade, the participants displayed exceptional talent – great congratulations to all those involved! I have been exceptionally busy this month

representing our society. I attended The Wales Legal Awards in Cardiff. A virtual Townhall meeting with the National Law Society, where we discussed the challenges in the criminal justice system, there has also been mention of increasing our Practising Certificate fees by 15%, the National Law Society believe that this is a fair increase considering that fees have been held for the past 9 years. I attended a meeting with the President of Nottinghamshire Law Society, Janine McKinney with a view to progressing our society and to organise events in collaboration with local law societies in the region.

I was honoured to meet with Simon Rowley who has recently retired after organising the Coleman Cup Golf Day on behalf of our society for over 20 years or so! I would like to express my thanks to Simon for all his efforts and wish him a wonderful retirement.

I would like to express my sincere gratitude to our administrator Julia Saunders for her concerted efforts with the operational tasks and organisation of events for our society. These events include the debate competition, skills triathlon, a golf day, a highly competitive cricket match against Nottinghamshire Law Society, a quiz and the annual law and awards dinner. We are intending to organise some further events this year and would love to hear from you if you have any ideas or wish to get involved; please contact me or any member of the committee.

I want to thank our outgoing President Julie Skill for her efforts this year and guidance. I would also like to congratulate our Vice President Oliver Maxwell and Deputy Vice President Tina Attenborough in their roles. I am excited about our future as we stand together with a shared vision and determination to deliver a positive change in our society.

Finally, I would like to thank you – our members, for your continued support, without this, our society would simply not exist.

Manesha Ruparel
President, 2022-23

Last updated 08.06.22

Outgoing President's AGM Speech



I can honestly say that I have never known a year go so quickly.

It seems no time at all since my time as President started.

I would like to say that I did everything that I set out to do 12 months ago but unfortunately, that is not the case. I would have liked to have done more. At the start of the year we were still facing Covid restrictions and that placed restrictions on events but the main barrier was that time was always in very short supply.

I had hoped that during my time as President to have arranged a meeting with our National President. This was initially set up but had to be cancelled. I hope the seeds have been sown and that Manesha will be able to follow up and arrange that meeting during the next 12 months.

There have been many positives during my year. Two of the highlights are probably judging the debating competition. The standard this year was exceptional and attending the E4E awards which were truly inspirational.

I did of course enjoy hosting the annual dance on 29th April 2022 which I think was a success with everyone in attendance having a good time.

Your generosity on the night helped to raise just under £800 which is a considerable sum for a small local charity called Me and Dee. I do think the Society faces problems moving forward due to decreasing membership and

the lack of support from the larger firms throughout Derbyshire (not just the City of Derby) and I was disappointed that many firms opted not to attend the dinner. Whilst this did not spoil the enjoyment for those that did attend, I think that moving forward the Society needs to look at how to get more members and encourage more firms to become actively involved.

I am sure this will be on the agenda for Manesha, Oliver and Tina in the years to come and I can assure them of my ongoing support. I wish them every success in their new posts. I intend to continue to support the Society and hope to remain on the Committee. I also intend to continue to sit as the Societies representative on the Chesterfield Law Centre Management Committee.

Finally, I would like to thank the Society and its members for giving me the opportunity to become their 135th President and reiterate my thanks to Julia Saunders for her help and support over the last 12 months.

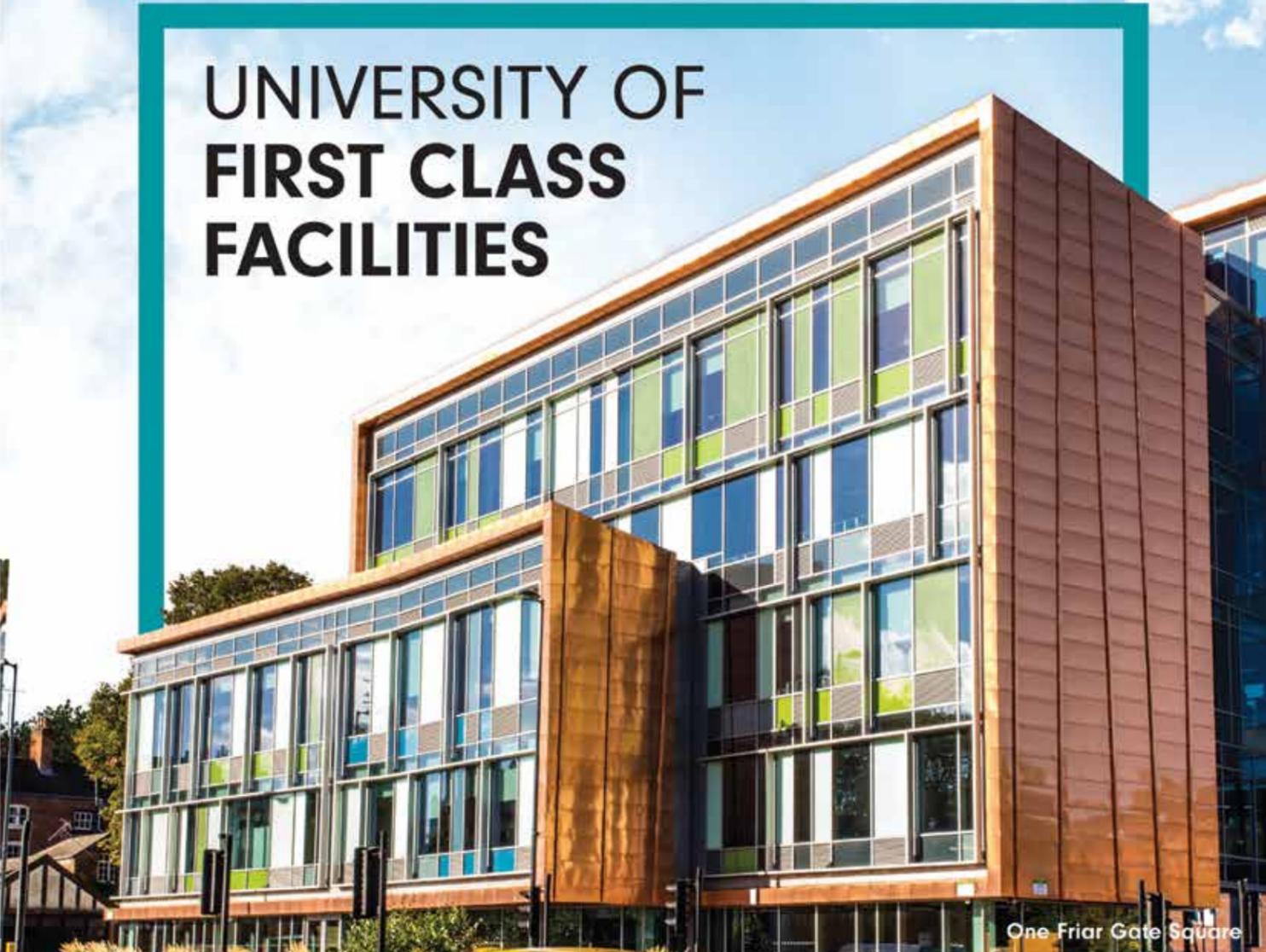
I know I have said it before, but it has been a real privilege to fulfil the role of President and I now pass that to the capable hands of Manesha Ruperal.

Best wishes
Julie Skill
President 2021 - 2022

Julie Skill, President of DDLS 2021/22 was pleased to support local children's charity Me and Dee at the Annual Awards Dinner. Here she is presenting the cheque to Mark from the charity. Thank you to members and guests for your generosity.



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In Brief



Ashby Family Law Practice Solicitors

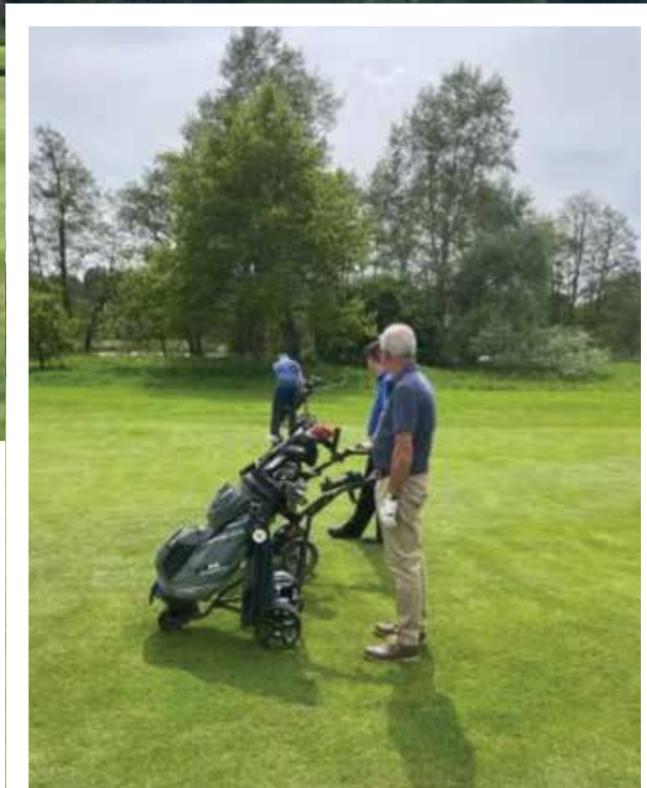
Nick Herbert and David Guthrie are delighted to announce that on 1st June 2022, Catherine Rochelle will be joining AFLP.

Catherine (previously at H T Atkins & Sons and latterly Nelsons) brings extensive experience with her and will be a real asset to the firm.

The Coleman Cup '22



Simon Rowley presenting the Cup to Alastair McCance



It is always a pleasure to represent DDLS at the Coleman Cup, a golf competition between the lawyers and the medics.

Sadly, although for the first time ever I managed to win the match I played with Glen Attenborough against great opposition Howard and Marius, the lawyers were not the overall winners.

Thank you to the lawyers who took part Adam Hollis and Jason Skelton, Julia Saunders and Glen Attenborough, Russell Davies and Simon Rowley, David Clark and Neil O'Driscoll, Tim Jones and Rod Sinclair, Ashley Wood and Fraser Cunningham.

Huge thanks to Simon Rowley for organizing the day for twenty plus years. Congratulations on your retirement later this year and watch this space as yours truly takes over the organizing !



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Derby Junior Lawyers – Start-Up Event Success



On the 5th May 2022, the Derby Junior Law Society held its first event in over two years! As a result of the Covid-19 pandemic, the Society had unfortunately been unable to mix, and organise the brilliant events it had been known for in the past.

Now, a small team of Trainee Solicitors, Paralegals, and Newly Qualified Solicitors have been trying to get the Society back on its feet, with a view to getting the young professionals in the Derbyshire area to network, learn, and perhaps most importantly, have fun.

has demonstrated the clear interest in our peers wanting to connect, and build good relationships with other like-minded individuals. It has set a precedent for our events going forward, and we are determined as a team to keep the enthusiasm for the Society going as we keep working to get the Society running at full speed once again.



That said, this event would not have been as successful as it was without the help of the Derby & District Law Society. Their support, both in professional advice and financial backing, have been absolutely invaluable to the success of the evening, and the running of the Society going forward. A huge thank you to all involved.

Going forward, we have more events in the pipeline; other social events are being planned, and we would like to establish careers talks for our members in the future. In the immediate future, we have contacted the Midlands Legal Trust to set the date for the Derby Legal Walk. Provisionally, this will take place at the end of June/early July, although we shall notify everyone once we have the date finalised. The walk will be another great opportunity to connect with other professionals, and to raise money for a great cause. There will even be post-walk refreshments, so get your walking shoes ready!

John Ellis
Trainee Solicitor
Alexander & Co Solicitors LLP

A lot of hard work behind the scenes resulted in our first event, our "Relaunch Event" at the Distillery on Friar Gate. Having circulated invitations over all social media platforms, the attendance at the event was very impressive. In total, 44 people attended, coming from 7 different law firms. Whilst humbled by the turn-out, this

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Derby City School Debate Competition 2022



The winning team from Allestree Woodlands with the judges

The Final took place on 4th May 2022 when a team from Allestree Woodlands narrowly beat a team from Littleover Community School debating whether the UK should have an open border policy for immigrants. The final was judged by Dr Jennifer Gant, Julie Skill - then President of DDLS and HHJ Shaun Smith. The judges were impressed at the standard of debating on display saying "There were again some really impressive speakers on display and it was great to see how the children had developed their skills as the competition had progressed."

The competition has, as ever, been organized by the Derby and District Law Society, E4E and The University of Derby Law School. The project is a great example of organizations working well together and what can be achieved with lots of time but very little financial input.

A massive THANK YOU to all the academic staff at the University of Derby, particularly Steve Bravery, members of DDLS who helped judge the competition, all at E4E, particularly Arshad Iqbal, for his support

Last year the debate competition was a challenge to run – but we made it a completely virtual event and managed to make it a huge success. This year turned out to be even more of a challenge due to the uncertainty of emerging from Covid

The event was postponed from its usual January start and eventually we started a mostly "in person" event in March. Some schools had students still self isolating so once again we made the best of it and managed the tech in any way possible. As ever the children themselves amazed the judges with their resilience and hard work. It is gratifying to see the children take onboard the judges comments and watch the skill and confidence of the debating increase.

With a slightly reduced field of six schools and eight teams taking part we were pleased to welcome some familiar faces and some new schools to the debate experience. Topics included climate change, tourism and space exploration. Congratulations to all the pupils and to



The runners up from Littleover Community School

the staff who supported and encouraged them and thanks to the students from the University of Derby who mentored some of the schools.

throughout and help in contacting the schools and everyone who gave up their time to make this project such a fantastic success.

Derby & District Law Society Legal Awards 2022

Well done to all who were nominated for an award and thanks to our award sponsors Search Acumen and Iceberg Partners.

Lifetime Achievement Award was won by Bertie Mather – who in his letter of thanks said "I had the honour and great pleasure to attend The Law Society Dinner last Friday, 29th April, as a guest of Elliot Mather LLP.



Bernie Mather with Jessica Barnett

For many years I was a member, first of all, The Chesterfield Law Society, then also The Derby Law Society. I followed my Father and Grandfather, both of whom were Presidents of both Societies. I finally retired in 2018 at the age of 76 years, after 59 years within our firm.

The evening was a happy trip down memory lane, meeting old friends and colleagues, a reminder of chaotic but happy days.

The usual and very friendly reception, was followed by an excellent dinner. Speeches then followed.

I pay tribute to your President, **Julie Skill**, for her excellent speech. I have always admired her for her tenacity, and her meteoric rise through the ranks to attain the ultimate prize. Presenting a speech before a large gathering of one's peers is not the easiest of experiences.

Then arose the presentation of awards. I had not seen these made at previous Dinners, especially the Lifetime Achievement award.



As the narrative commenced in the final award, I thought that it was strange that it involved someone connected with Criminal law. Initially, I thought that this referred to a senior Derby Solicitor who was also present, and certainly deserving.

It was, as the narrative progressed, that prison law, mock interviews at local schools and walking for charities, finally allowed the penny to drop. When our Lady President finally mentioned my name, I was shocked, and rendered speechless. I knew nothing of the award, and never dreamt of such an honour, and taken totally by surprise.

In taking up my award, I was uncertain as to whether I should respond with thanks, the previous recipients not having responded themselves.

I am therefore writing to you now, to express my heartfelt thanks to those who most generously sponsored me, and to The Derby Law Society, and Search Acumen, for the great honour you have bestowed upon me.

I would like to add that I regard this award as one to be shared with those in the background who worked tirelessly either with me or for me. My Colleagues, Secretarial or Administrative staff. Especially, my wife Brenda, who has had to suffer the inconveniences of my work during our 52 years of marriage. The telephone calls in the middle of the night, lost, spoiled weekends, abandoned Christmas lunches, spoiled family trips, too numerous to

remember. A lot in the days of 24/7 callout, the Criminal lawyer's lot.

Once again, my sincerest, and grateful thanks for this great honour."

With the very best of regards to you all, **Bertie Mather.**

Opposite: Junior Lawyer of the Year was won by **Jessica Barnett** from Timms (right), with **Lauren Doyle** of Search Acumen (left).



And our special Lockdown Hero was **Nick Wright** from VHS Fletchers seen here receiving his award from fellow criminal lawyer **Simon Stevens**. In his letter of thanks he said "I would like to place on record my sincere and bountiful thanks to you, the Society and President Julie for a fantastic night last night.

When Simon stood to do his presentation, I wondered who he was on about and then it dawned on me. I've said to him that I should have said a few words of thanks at the time, but was so gobsmacked that it was all a bit too much. Stunned into silence - a rarity!"





This edition of the D&DLS Bulletin reaches the milestone of being the 100th published by East Park Communications.

15 years ago, in early September 2007, I speculatively rang the then Administrator, Peter Ball, to float the idea of us producing your bi-monthly magazine free of charge, in return for allowing us our advertising revenue.

Peter invited me down to his home in Hilton, along with David Coffey, the designer, to discuss things further. As this was a new concept for both sides, we agreed that we would do a trial issue, with no strings attached, to test the water. The rest, as they say, is history!

The D&DLS Bulletin became East Park's first venture into Local Law Society publishing and we still consider it our flagship journal. The magazine opened doors for us with other Local Law Societies and enabled us to become established in publishing for this market.

I would like to say a big thank you to Derby and District Law Society for giving us that opportunity and sincerely hope we can continue with our happy association for many years to come. 150th edition is the next milestone!!!

Simon Castell,
MD, East Park Communications



'Spice' abuse in family cases

Typically, 50 Times the Potency of Heroin, widely abused, yet most users go undetected. Why?



The toxicity of Spice compounds is not well understood, and their use has resulted in numerous fatalities. The potency of these chemicals outstrips that of most recreational drugs and Spice can be up to 800 times more potent than cannabis and significantly more potent than heroin and cocaine. An active dose of street heroin can be from around 50-150mg and a typical line of cocaine might contain 50-100mg, but most variants of spice are active at just 1mg or less, an amount barely visible to the naked eye, making accurate dosing impossible and fatalities an inevitable consequence.

Synthetic cannabinoids are cheap, readily available, and often lead to a loss of consciousness for the user. They cause significant stress on the heart, hypertension, hallucinations, vomiting, seizures, memory loss, somnolence, respiratory depression, acute anxiety, psychosis and death.

Synthetic cannabinoids are continually evolving, with new and emerging versions introduced regularly, with over 350 synthetic cannabinoids formed in the past 15 years. Surprisingly, the majority of those created just 5 years ago are rarely, if ever seen today, and this constantly changing landscape represents a significant challenge to Toxicology laboratories.

Spice is also one of the most difficult substances to detect in the field of drug testing, generally because of the very small amounts needed to produce a 'high' also because many Spice compounds are not readily incorporated into hair. Consequently, the levels of Spice found in the hair of many users is well below the detection limits of most laboratories testing for Spice. Furthermore, compared to drugs like cannabis, cocaine and heroin, laboratories receive relatively few instructions to test for Spice and on only one occasion in the past 10 years have FTS been instructed to test for a specific Spice compound. There are over 40 synthetic cannabinoids actively used presently, which are constantly changing. Therefore, it is unrealistic for Local Authorities, City Councils and Private Solicitors to keep pace with what they need to instruct for.

Data accumulated over the past 5 years by FTS (Forensic Testing Service) has shown that most laboratories testing for Spice are testing for compounds that have not been used in the UK for several years. Furthermore, in addition to testing for the wrong compounds, this data shows that Laboratories' testing for these compounds would not detect most Spice users because the levels found in users are regularly below the detection limits of the test methods used.

This presents a considerable risk in the field of child protection because use of these compounds is going undetected and therefore parents who use Spice are significantly increasing the risk profile for the child.

It is also a concern that most of the public funding being used



Forensic Testing Service
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to test for Spice is being wasted and instead of assisting the courts, is only serving to mislead the courts. When the courts are presented with reports providing 'Negative' or 'Not Detected' results for Spice, not unreasonably, it is assumed that Spice doesn't present a risk to the child, when this couldn't be further from the truth in many cases.

FTS work with various partners including the Manchester Metropolitan University and Manchester Metropolitan Police on a Drug Testing and Knowledge Exchange project called MANDRAKE.

This is a licenced scientific resource, based at Manchester Metropolitan University, working in partnership with key stakeholders to facilitate rapid, robust, and cost-effective chemical analysis for both harm-reduction and intelligence sharing. This project involves the testing and research on emergent and new drug trends closely monitoring substances that are actively used on the 'street' and links into other similar initiatives around the country.

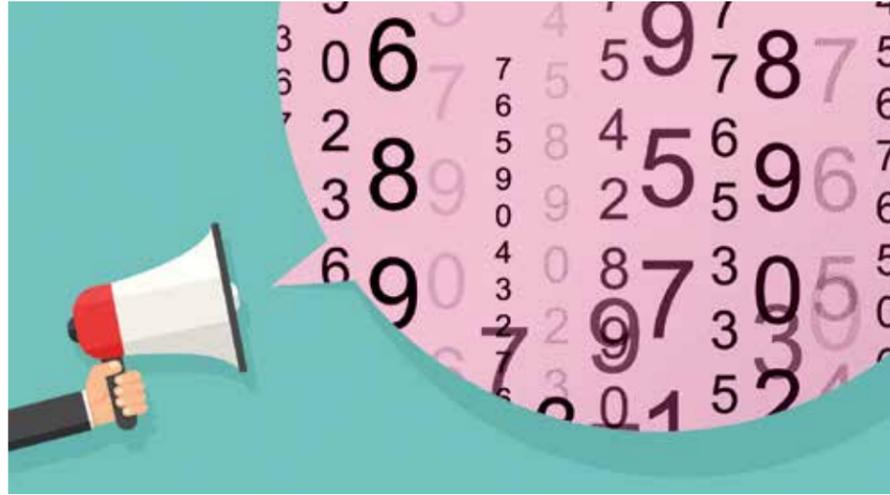
FTS has a programme of continual development to address this challenge and are the only laboratory working in this sector that can offer reliable detection of these compounds as they appear on the street. They are the only laboratory that have the capability to detect many of the most abused Spice compounds and crucially, their associated metabolites for confirmation. Furthermore, FTS are one of the few laboratories that have the testing methods with the extreme sensitivity required to find the very low levels often seen in the hair of many users.

Instructing the FTS Spice panel ensures that currently abused synthetic cannabinoids will be detected, and use can be differentiated from passive exposure, ensuring Spice misuse is not missed and children are not exposed to unnecessary risk. This also prevents the waste of public funding that is presently spent on testing for Spice compounds that have not been used for several years or get reported as 'Not Detected' because they are below most laboratories' detection limits.

If you would like further information on Spice compounds, please contact the FTS Customer Support Team on 01924 480272.

Rallying cry for wider adoption of UPRN

The adoption of Unique Property Reference Numbers (UPRN) presents an opportunity to simplify and speed up the conveyancing process, according to Geodesys



Momentum is steadily growing behind the wider adoption of UPRN across the property industry. Currently, the main barriers to adoption are awareness and the availability of using the UPRN through a transaction with all parties.

But a Today's Conveyancer survey of conveyancing practitioners at the end of 2021 identified that awareness across the conveyancing sector was growing with 65% of respondents suggesting they understood what UPRN are, and of those 85% suggested they would be "useful in providing a single point of focus for data on property."

However only 11% of respondents suggested they used UPRN "Every time" or "Often" in the course of a transaction.

In April UPRNs were included in the Buying and Selling Property Information (BASPI) protocol, developed by trade bodies from across the home buying sector to support the digitisation of property information and enable the collation of up front information from consumers. A "single source of truth," the BASPI has been designed to reduce the huge duplication of information collected in the course of a conveyance and bring it into a single space.

"The idea behind UPRN is to provide greater certainty around the location of property and uniformity of addressing"

Says **Ellie Player**, Head of Geodesys.

"We have incorporated UPRN search into the Geodesys platform for a number of years, alongside postcode and address look up. The Geodesys system works by linking a UPRN to a title number so you have the benefit of either because of how we match them up."

"It's another step in supporting the industry wide adoption of UPRN which we believe will bring huge benefit throughout the conveyancing process"

Property portal Zoopla has announced it is heavily investing in UPRN at a recent conference. It believes that by improving data quality around the home buying process, it is possible to reduce fall-throughs and speed up conveyancing.

Ellie adds that from a search point of view UPRN will also provide greater surety of location.

"How many times have you had to provide more information about a parcel of land or check the plan to ensure you've included the full boundary of the property?"

"UPRN will map out property locations, including any additional parcels, and ensure the search covers the full outline of the property."

There is a risk that wider adoption will become a catch-22 situation. The results of the Today's Conveyancer survey show that wider adoption amongst property lawyers will be dependent on a demonstrable improvement in the conveyancing process, something only achievable if each side of the transaction is using UPRN.

Indeed a number of comments from the survey indicate that UPRN confuses the issue, with some respondents indicating that title numbers are, in effect, unique.

"Title numbers are unique to the conveyancing process. UPRN are designed to help capture data beyond the home moving process, such as emergency response, HMRC and other govt departments, and have the potential to build a "property passport" or "property logbook" as an immutable single source of truth to tie property data to" says Ellie.

"We must, as an industry, embrace adoption to be an enabler in the digitisation of property data, rather than risk holding back progress and missing this critical opportunity to improve home ownership."



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Remember A Charity appoints Lucinda Frostick as new director



Lucinda Frostick

Remember A Charity has today announced the appointment of Lucinda Frostick as its new director, to lead the 200-strong charity consortium in its aim to grow the legacy market and normalise gifts in Wills.

Since its inception Remember A Charity has lobbied government and the legal sector, and communicated with the Will-writing public through a mix of consumer advertising, marketing, public affairs and strategic partnerships.

Lucinda will pick up the reins from director Rob Cope, who is stepping down after leading the organisation for the last 12 years and moving to a new role within the Chartered Institute of Fundraising, as Executive Director of Membership and Charitable Giving.

Allan Freeman, chair of Remember A Charity stated: "Rob has been instrumental in the campaign, he has truly transformed it into what it is today with the support of 200 charity members and almost one in five people in the UK are leaving a gift to charity in their Will. We thank him sincerely and wish him the best in his new role."

"As we enter a new strategic phase, Remember A Charity is stepping up in terms of how we reach consumers all-year-round, working closely with financial advisers and on Will-writing guidance. We're at the cusp of the biggest intergenerational wealth transfer of all time, which will provide a golden opportunity for legacy giving, so it was vital that we appointed someone with strong communications experience as well as a robust understanding of the legacy field, who can build on our existing work."

Rob Cope said: "Lucinda brings with her a huge amount of communications, PR, campaign and legacy sector experience, which will be invaluable in growing legacy giving further and leading Remember A Charity's new strategic plan. I'm so pleased to be passing the baton to someone who is so passionate about legacies and the massive impact this type of giving can have for charities."

Since 2008, Lucinda has been an Associate Director at Turner PR, a specialist trade PR and communications agency for the charity sector, where she managed accounts for several sector bodies and campaigns, including; Remember A Charity and the European Fundraising Association. Leading both strategic communications and key collaborative research projects, Lucinda has built significant specialist knowledge of the legacy giving market.

Prior to this, Lucinda was Head of Communications at CIOF (which at the time was the Institute of Fundraising) and Communications Manager at The Giving Campaign.

Lucinda said: "For more than 20 years, charities have worked together - through Remember A Charity - to protect and grow legacy giving. The dial has shifted hugely

over that time with more dialogue around legacies, greater understanding of their importance and, critically, more gifts reaching more good causes.

"The campaign really is a fantastic example of what can be achieved through sector collaboration and I can't wait to join the team, working with members and partners in our shared mission of normalising such a vital form of giving." - Lucinda Frostick

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Making Lives Better

New guide tackles lack of empathy in law firms



Free resource:
Putting empathy at the heart of customer care



As data reveals UK legal firms often fail to deliver the personal touch¹ – a new guide has been launched to help improve client care and service delivery with empathy.

Leading outsourced communications provider Money Penny has compiled the free guide to help lawyers improve their reputation for client care, build more valuable relationships with clients, reduce client churn and maximise profits.

Calling on its experience handling 2 million customer interactions for more than 1,000 UK legal firms each year, Money Penny's guide includes practical tips to improve empathy in legal practice and ensure employees' use of language hits the mark. It also addresses the importance of active listening and the need for empathetic leadership, plus it also includes a short quiz to help firms ascertain just how empathetic they are.

Joanna Swash, CEO of Money Penny said: "This guide reminds lawyers of the commercial necessity for empathy and shows how they can engrain it into their practices and service delivery – reassuring clients that they're not only being heard but also listened to and understood."

"The pandemic has changed the relationships we have with each other – our peers, colleagues, and clients – and it's

made human connection more appreciated than ever. The legal business winners of the last two years prioritised empathy and have reaped the financial rewards for doing so. But as the world returns to normal we have to make sure we don't forget the importance of these behaviours."

Bernadette Bennett, head of the legal sector at Money Penny said: "As a business that handles inbound and outbound communication around the clock, we know first-hand that empathy shapes client experience. It underpins how we connect with others and has the power to transform reputation. Actively listening and displaying empathy not only puts nervous and vulnerable clients at ease but offers valuable insights that can shape service delivery, and put you at the forefront of your market."

The guide was developed with insight from emotional intelligence expert and founder of the EI Evolution, Sandra Thompson. Sandra is the first Goleman emotional intelligence coach in the UK and an experienced customer experience management consultant.

Sandra Thompson said: "Neuroscience tells us that it's impossible to know exactly how someone else is feeling, yet the value of demonstrating that you're doing your best to understand is huge – particularly when it comes to business. Brilliant client

service experiences are built on empathetic interactions. That's how you keep your clients loyal and make your employees feel empowered."

The guide is available to download for free on Money Penny's website, at <https://www.money Penny.com/uk/resources/blog/free-resource-putting-empathy-at-the-heart-of-customer-care/>

Money Penny's 95-strong team of dedicated legal receptionists provide firms with outsourced switchboard, managed live chat and outbound calling support – delivering scalable solutions that help legal practices remain agile, protect reputation and deliver a first-class client experience.

Established in 2000, Money Penny is the world's market leader for telephone answering, live chat, outsourced switchboard and customer contact solutions. In total, more than 21,000 businesses across the UK benefit from Money Penny's mix of extraordinary people and ground-breaking technology.

For more information about Money Penny's work with the legal sector, visit www.money Penny.com

¹ Research from Insight 6's Professional Services Client Journey Report 2021

The Respite Association

Caring for Carers



The Respite Association was born on May 16th 2001. A group of people, all with first-hand experience of the stress put on carers, had come to realise that there was very little support available for those caring for loved ones. That small but committed group of people decided that the best way forward was to create an organisation whose sole aim was to care for the carers by providing respite.

When you are caring for someone the task can be overwhelming. You can be 'on duty' for 24 hours a day, seven days a week, with no breaks or holidays. This is too much to ask of anyone.

So what do we actually do?

We are a small charity that makes a big impact. We provide short term assistance by funding appropriately qualified respite care for people with disabilities, long-term physical or mental health conditions, and those who are terminally ill in order that their regular unpaid carer can be allowed to take a much needed break.

Breaks can take the form of anything from enabling attendance at an evening class to a weekend break or longer. We also provide free week long seaside holidays to enable carers to recharge their batteries. In 2021 we purchased our first bricks and mortar respite facility – a purpose built holiday bungalow in Cornwall. We also have a caravan in North Wales.

Who will we help?

Many of the people who are at home caring for loved ones are forced to live on very limited incomes. It is these people that we are working to help.

What does it cost?

Whilst providing suitably qualified carers in the home or funding a temporary place in a residential care centre can be expensive, the benefits to the carer are beyond measure. The cost and level of support varies dramatically from a few pounds to several hundred. Our average grant is around £450.



Of all the unsung heroes in the world, carers come top of my list. It is humbling to read of the love, time and dedication that carers give so constantly to others: their voices are seldom heard, as they so seldom complain. When they DO call for help we must react at once, with support and understanding and gratitude.

And lovely money: what seems like peanuts to larger organisations would be a godsend to the Respite Association, as it means that we can help ease the burden (which would be intolerable in our own lives) and bring some comfort, escape and freedom to those who give their all to others every day and night, week after month after year.

These are my heroes: these are the stars I admire and applaud. Knowing that every gift to Respite will bring happiness touches me hugely.

Jessie Bentley
Patron



The Respite Association, Highfield Barn, Lewdown, Okehampton, Devon EX20 4DS

☎ 01566 783383 📧 help@respitassociation.org

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If you need to change your expert...



Chris Makin

In litigation, the relationship between expert and instructing solicitor is an important one. I have preached in many previous articles about the need to choose your expert with care, and not to tell the trainee to get the cheapest at the latest possible date but choose yourself an expert who is both excellent at their basic profession, but also who has taken the trouble to learn how to become a member of the second profession of expert. And if it goes wrong, it can be catastrophic; see for example my blogs <https://chrismakin.co.uk/the-cpr-and-crimpr-rules-for-experts-really-do-matter/> and <https://chrismakin.co.uk/whose-fault-the-experts-or-the-solicitors/>. And there are plenty more morality tales on my website.

See this, from the second blog above:

The expert should be chosen carefully; it is not good enough to go for the cheapest, or the one who can take up your instructions at the last minute, the implication being that they have nothing else to do. Don't leave the job to a junior. It is usually helpful to choose your expert early so that he can help you weed out the hopeless cases or pyrrhic victories, or help you with ADR. And it is good to have a working relationship with an expert who will look at any case without obligation, and without charge, if the matter does not proceed; one of my standard terms.

The working relationship

Whilst I am the first to admit that my position is inferior to the solicitor's, I do have an important part to play, starting with the initial review without obligation, where I will look at the key documents and give the solicitor my notes on how I would proceed, and what it is likely to cost. If we don't go forward together, there is no charge (and no sulking!). But as we do go forward, I am available to play an active part – if invited – in Part 36 offers, mediations, security for costs applications, and so on. But I must be properly instructed. This is from my engagement letter, to be countersigned by the solicitor. No signature, no report!

So that I can deal effectively and efficiently with your instructions, I emphasise that it is your responsibility as the instructing solicitor to:

- Keep me informed regularly about any deadlines and any timetable for the proceedings and to provide me with any order or notice making any provision in relation to expert evidence;
- Ensure that I am provided with copies of all documents, statements of case and witness statements that are relevant to the issues I have been asked to consider;
- Consult with me when applying for a hearing date, so that I can advise you of any dates when the expert is unavailable, and give us as much notice as possible of the allocated date of any Court hearing;
- Advise me when my report has been disclosed to the other party to the action and give me the opportunity to consider and comment upon other reports which deal with the same issues;
- Keep me informed of the progress of the action, including any amendments to the stated case relevant to my expert opinion.

I'm sure you will agree that this is no more than good housekeeping.

Chris Makin

Chartered Accountant
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But what if your expert cannot or will not continue?

This leads us to the recent Leeds County Court case of *Sajid Hussain -v- QIC Europe Ltd*.

Very briefly, Mr Hussain had some cavity wall insulation done at his home. It was defective, and he claimed £59,000 in damages. The contractor had gone into creditors' voluntary liquidation, and the defendant was the PL insurer. None of that really matters at present. The relevant matter is that the claimant's expert was a Mr Robert Muir, who obtained a post in Saudi Arabia and said he was no longer able to continue as expert. I have to say I find this surprising; whilst I never had to give expert evidence by video in pre-covid days, I have been at hearings where other experts gave evidence by video from Iran or Majorca. And these days, we have all become accustomed to providing evidence, and even the whole hearing, by virtual means.

In *Hussain*, DJ Bond referred to three cases:

1. In *Edwards-Tubb -v- JD Wetherspoon PLC* [2011] Hughes LJ said: "It will often, perhaps normally, be proper to allow a party the option, at his own expense, of seeking a second opinion."
2. In *Adams -v- Allen & Overy* [2013] Foskett J said that the expert's unwillingness to continue "...constitutes a good reason why [the party] should not want to call him. His reasons are a matter for him, and I am not convinced he has to justify himself."
3. In *Murray -v Devenish* [2017] Gross LH said "...ordinarily a party will

not be deprived of his or her expert of choice and will not be forced to rely on an expert in whom that party has lost confidence, but expert shopping is to be and will be discouraged."

So, barring expert shopping, it seems the courts are quite relaxed about allowing a change of expert.

So what happened in the present case?

DJ Bond did allow the claimant to change expert, for these reasons:

1. Mr Muir's reasons for wanting to stand down were unconvincing, but he went to considerable lengths to justify his decision, and it was quite apparent that he did not want to act.
2. The defendant had had no engagement with Mr Muir.
3. There would have been logistical difficulties in bringing an unwilling Mr Muir before the court from Saudi Arabia.
4. The ultimate objective in all cases is to try cases justly. In the present case things were at an early stage, there would be no adverse effect on the court's timetable and the defendant may be subject to extra expense in responding to a new expert's report, but that could be compensated for in costs. If the application to replace Mr Muir had been rejected, that could have left the claimant with an unwilling expert or no expert at all, on matters which were central to the case.

So we go back to first principles, CPR 1.1 that the court has the

overriding objective to deal with cases "justly and at proportionate cost." But I still return to my recurring theme, that solicitors should choose their experts with care. And an indication that the chosen expert is likely to remain in the UK for the duration of the case is always helpful!

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:

www.chrismakin.co.uk

chris@chrismakin.co.uk

Mr Vittal Rao

MS, MD, MFSTEd, FRCS

Mr Vittal Rao is a consultant surgeon in Staffordshire with a sub-speciality in upper GI (gastrointestinal) and bariatric surgery.

His main fields of work include weight loss surgery and laparoscopic (key hole) surgery for hernias and gall stones. With a special interest in endobariatric procedures and academia.

Expert witness service includes medical negligence and injury claims pertaining to abdominal wall injuries. He has undertaken extensive expert witness training and holds the Cardiff Bond Solon Expert witness certificate.

Areas of interest include:

- Weight loss surgery
- Laparoscopic surgery including ventral, incisional and groin hernias and gall bladder surgery
- Gall stones
- Abdominal pain
- Reflux disease
- Gastroscopy for diagnosis
- Umbilical hernia
- Paraumbilical hernia,
- Inguinal hernia,
- Femoral hernia,
- Hiatus hernia,

- Laparoscopic hernia repair,
- Gastro oesophageal reflux disease

Vittal has a strong academic interest and has presented more than 100 papers in various national and international conferences and published about 20 papers in peer reviewed journals.

Training: CCT, UK, Expert Training, CUBS certificate in Civil expert witness

Membership: BMA, BOMSS, IFSO, AUGIS

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An appreciation by **Elizabeth Robson Taylor MA** and **Phillip Taylor MBE** of Richmond Green Chambers

We know the Expert Witness Institute (EWI) is the true voice of the expert witness community. Its aim is to champion experts from all professional disciplines and the lawyers who use their services.

So, this annual conference was an excellent way to network even virtually. EWI's mission supports the proper administration of justice plus early resolution of disputes through high-quality expert evidence from specialists. And this year, we were very fortunate to hear from Lord Hamblen from the Supreme Court. He gave an absorbing, erudite, informative, and positively compelling keynote speech, excellently chaired throughout by Saba Naqshbandi, whom we welcome to the role.

It remains a somewhat surreal experience for 2022 without the face-to-face chats, the nattering, and meeting up with old colleagues: coronavirus still hung around our thoughts.



Lord Hamblen

Hamblen's Keynote Speech

Of great interest to the attendees, the Conference really began with **Lord Hamblen** offering up a summary of his professional background, and what a background. This included the various kinds of expert evidence which he had encountered, both as a barrister and judge. He described how he used to work with experts as counsel, what he had found particularly useful in terms of expert assistance, and how he would seek best to deploy that assistance.

When discussing his experience as a judge, he suggested how an expert can best assist judges, including some key 'do's and don'ts' based on his general experience. And then he raised current issues relating to expert evidence from recent cases which can be seen in the recording of the speech from EWI.

Over his career, Lord Hamblen has encountered a great variety of different areas of expertise and experts. And his distinguished career surprised some of us!

The Do's: Understanding

Working with experts as counsel, Hamblen suggested the key issue was "understanding". "To think on their feet in cross examining an expert a barrister needed to be able to think like an expert", he said. Other key "Do's" included clarity, structure, reasoning, building trust and confidence.

The Number One Don't

Number one "Don't" was to ensure that the expert is avoiding anything which might compromise their independence and impartiality. Secondly, avoid being an advocate. "It is counsel's job to argue the case", he said, and we are sure all advocates attending would agree. "It was not the role of the expert", in his view, "because they make points, explain points, but do not argue them." Sound advice, we think, and probably one of the most important messages we took away from the day.

The third, related "Don't", according to Lord Hamblen was: "know the limits of your expertise". Which we are sure, everyone does.

Hamblen illustrated the importance of all these "Don'ts" from recent cases regarding his view of the proper approach to expert evidence. "Despite the basic rules regarding expert evidence being well known, and the applicable principles changing little in recent times", he noted that "there has been a notable recent uptick in cases expressing concerns about inadequate expert evidence". And, he said, he "lamented the fact that recent case law suggests that the principles set out in the 'Ikarian Reefer' (now summarised in CPR 35) are frequently not being adhered to". Ruefully adding, "the principles are being duly recited, but not acted upon".

Lord Hamblen also referred to Mr Justice Fraser's list of points to be considered by experts and those instructing them, taken from the ICC case. His discussion of cases was always going to be another main point for those watching when he referring to these specific areas: partiality, relevant expertise, conflicts of interest, and failure to comply with expert duties highlighted relevant quotes from the judgements.

Hamblen concluded with the hope "that the personal insights he had provided", plus recent cases "offered a helpful basis for thought and discussion at the conference". Indeed, it did! And such insights would provide some guidance to those in the important role that they perform as experts before the courts. He commented that "more and more cases seem to involve experts of one kind or another and that they play a very important role in dispute resolution, whether that be through settlement, mediation, arbitration, or litigation".



As always, it is a pleasure to hear from the EWI Chair, **Martin Spencer** (left), concluding proceedings. We all welcome the launch of the EWI's Core Competency Framework for Expert Witnesses as the final plans for the re-launch of Certification is awaited. It has been a long time as we have reported on the need for certification for some years. Sage advice as always from Martin ending the virtual performance on a high note. So, another virtual "au revoir" until 2023. Perhaps we can all meet up together in person once more to enhance the detailed panel discussions and future breakout sessions!

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Equip2Speak

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Equip2Speak (E2S) was formed in 2002 to promote the synergistic advantages that Lisa Humberstone (LH), Consultant Neuro Speech and Language Therapist and David Humberstone (DH) Assistive & AAC Technology Consultant could offer to Solicitors and Case Managers in respect of brain injury rehabilitation and enabling communication. Through DH's specialist engineering experience this support has expanded to encompass the full range of electronic assistive technology such as environmental control and provision of expert evidence for other physically limiting conditions such as spinal injury for children and adults.



Since the early 90s LH has provided court reports, gaining a reputation with major law firms for accurate assessment of condition, the clarity and detailed specification of therapy and related equipment requirements so ensuring accurate allocation of costs. A signature aspect of E2S's reports is the attention given to using factual evidence and reasoned arguments to underpin our recommendations.

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Both experts are CUBS accredited (LH:2013, DH:2012) and appear on the Expert Witness site and that of the UK Register of Expert Witnesses.

CONTACT:

David Humberstone
M: 07960 753248
E: at@equip2speak.co.uk

Lisa Humberstone
M: 07966 143738
E: slt@equip2speak.co.uk

T: 01706 377842

www.equip2speak.co.uk

LH is a registered member of the HCPC and the Association of Speech and Language Therapists in Private Practice; both are members of the Royal College of Speech & Language Therapists. LH is also a member of North West Special Interest Group for Adult Acquired Disorders & Headway.



Mr Jack Lancer

Consultant Ear, Nose & Throat Surgeon
MB, ChB, LRCP, MRCS, FRCS(Otol) DLO



My areas of surgical expertise include all aspects of middle ear disease, especially stapedectomy and in facial plastic surgery, especially rhinoplasty.

I also deal with general adult and paediatric ENT problems. I have issued many medico-legal reports over a 25 year period, with the majority relating to cases of noise induced hearing loss, with the remainder dealing with personal injury and negligence claims within my area of expertise, but including all aspects of general ENT practice.

CONTACT

Park Hill Hospital, Thorne Road, Doncaster DN2 5TH
TEL: 01777 817 160
EMAIL: jacklancer88@gmail.com
FAX: 01777 817 158

Dr Suzanne Green

BVM&S MSc (vet forensics) BSc MRCVS MAE

Equine Veterinary Surgeon

Dr Suzanne Green undertakes expert witness instructions in cases concerning equine welfare and equine veterinary matters. She can provide expert opinion for both prosecution and defence parties for the court and can act as a Single Joint Expert.

Dr Green has a sound working knowledge of the Animal Welfare act 2006 and has also undertaken local authority and Farriers Registration Council case work.

She has worked with most of the welfare charities in the UK and was awarded the British Equine Veterinary Association Award for services to equine welfare in 2019 and the British Horse Society welfare award in 2021.

Dr Green completed the Cardiff University Bond Solon certificates for expert witness training in 2018.



She completed her Masters in Forensic Veterinary Science with the University of Florida in April 2022 and is also a member of the Academy of Experts.



T: 07791 995713
E: greensuzannevet@gmail.com
Greenway Equine Veterinary Services Ltd, Wharfedale, Lancashire PR4 3SN

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

DISCRIMINATION IN PUBLIC LAW

By ADAM STRAW QC
With OLIVER PERSEY
ISBN: 978 1 91364 847 3

Legal Action Group
The access to justice charity

www.lag.org.uk

INDISPENSIBLE: AN IMPORTANT NEW BOOK ON DISCRIMINATION RELEVANT TO JUDICIAL REVIEW

It could well be, either now or in the future, that you as a practitioner will need to rely on discrimination arguments if you are providing advice or representation, for example, in a judicial review claim.

In that event, you will be pleased -- not to mention relieved -- that at last, there is a new book out by Adam Straw QC that

covers comprehensively and succinctly, all salient aspects of this often complex, controversial, disputatious, and certainly wide-ranging area of law. Discrimination of course, can occur just about anywhere.

Note that it is published by the Legal Action Group in handy paperback format which makes it a convenient as well as authoritative work of reference.

As the Legal Action Group explains, 'Discrimination in Public Law' covers the four sources of law regarding equal treatment as relevant to judicial review. Practitioners dealing with discrimination will need to know all four of these areas, namely: the Equality Act 2010... Article 14 of the European Convention on Human Rights (ECHR)... EU law which has been retained post-Brexit... and "public law equal treatment."

Discrimination issues can manifest themselves almost everywhere within an extraordinarily wide range of categories, from asylum and benefits to community care and housing, education, immigration, health, mental health, prison law, police and trafficking.

As you will note, this is a short list. Remarkably however, the relevant areas of law pertaining to discrimination are brought together in this volume. EU law concerning discrimination for example, is discussed in the book's final section, Part D.

As the work from LAG over the last fifty years attests, this remarkably succinct and informative text "aims to draw on useful authorities from outside their specialism." Also note the more than sixty pages of tables of cases, statutes, and statutory instruments, plus a table of European and international legislation. Note too that the appendix contains links to publicly available resources referred to in the text.

Here then, is a distinguished work of reference that is also practical and convenient to use -- and considering the gravity and importance of its subject matter, it should be included in every practitioner's law library.

The date of publication of this new paperback edition is cited as 3rd February 2022.

DEFENDING POSSESSION PROCEEDINGS

Ninth edition
By JAN LUBA QC, ANN BEVINGTON, JOHN GALLAGHER, SAM MADGE-WYLD, AND SARAH STEINHARDT
ISBN: 978 1 91227 399 7

LEGAL ACTION GROUP

www.lag.co.uk

DEFENDING POSSESSION PROCEEDINGS? YOU NEED THIS NEW BOOK

Frequently referred to as "the homelessness prevention handbook" (for good reason), this reliable and long-established work of reference from the Legal Action Group is out now in a new ninth edition.

Across its more than 1,200 pages it covers -- in a comprehensive, thorough, and user-friendly fashion -- virtually every aspect of housing law relating to possession proceedings, specifically those which impact on the three main categories of occupier: social housing tenant, private tenant, and owner occupier.

In depth, breadth, and height so to speak, the scope and complexity of housing law is literally enormous. As pointed out by editor

Jan Luba QC and his team of housing law experts, this new edition 'is more than four times longer than the first edition, published in 1987.

'Housing law in England,' they add, 'has become shamefully inaccessible to those who need it most' -- hence at the pressing need for this definitive and ever reliable text. As explained in this edition, however, the book is not 'a treatise on all the relevant law of tenancies and mortgage.' Rather, it is a practical book, focusing on 'practice and procedure and the relevant substantive law.'

As it's been at least six years since the publication of the previous edition (2016) this text predictably contains much new material -- and these are only a few examples: discrimination defences and counterclaims... welfare benefits for tenants... benefit issues in possession claims... dependents who may lack mental capacity... costs for publicly funded dependents... and of course, much more. Notably, the book contains succinct and pertinent commentary on the multifaceted effects of the pandemic (summarized in the preface) during which time the number of claims has significantly fallen.

'However,' warn the editors, 'the prospect of eviction, particularly for rent and mortgage

arrears due to the economic consequences of the Pandemic, has for many people, been delayed rather than averted' -- a grim reality which will obviously increase possession activity in the courts in the immediate future. A good thing then, that this necessarily large volume is so easy to navigate.

There is a detailed table of contents eight pages long, a 100-page index and a 'How To Use This Book' chapter. Paragraphs are numbered throughout and there are 140 pages of cases, statutes, statutory instruments as well as a table of EU and international legislation, plus a four-page listing of abbreviations. Also note the two appendices which include statements of cases and applications.

For barristers and solicitors practicing in this highly sensitive and complex area of law, this book is ideal. And equally important, it is accessible to a general readership and would therefore -- in the tradition of the Legal Action Group -- be of immense help to those defending themselves in court against possession proceedings.

The date of publication of this ninth paperback edition is cited as 23rd December 2021 -- as LAG celebrates its 50th anniversary (1972-2022).

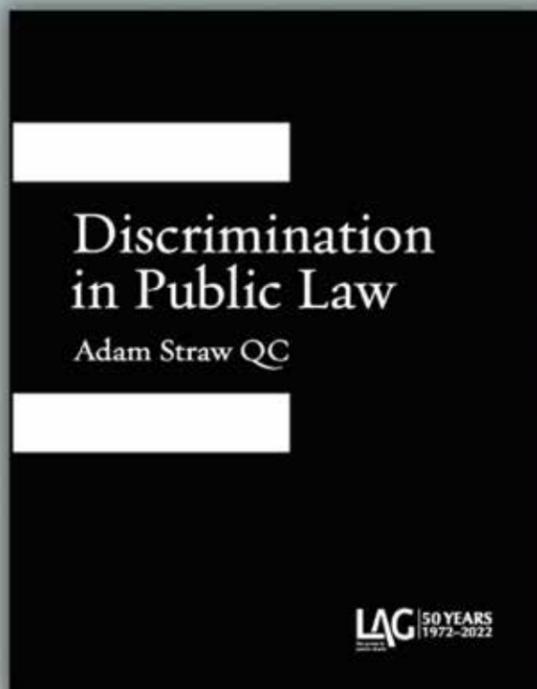
Discrimination in Public Law

Adam Straw QC
with Oliver Persey

Discrimination in Public Law is a new handbook for practitioners looking for guidance on running discrimination arguments in a judicial review claim, or who wish to assess whether the decision or policy of a public body breaches equality law.

It analyses the general principles of law and procedure and covers all the specific areas of public law where discrimination issues may arise.

February 2022 | £50 (print or eBook) | Pb344pp



www.lag.org.uk

LSSA publishes white paper to help law firms procure legal software



The trusted voice of legal technology

The Legal Software Suppliers Association has published a white paper on the procurement of legal software, the steps to take, and pitfalls to avoid.

In addition, a new collaboration with For Media Group, sees a pre-recorded webinar accompanying each new LSSA white paper providing more detailed information and guidance. The procurement webinar is hosted by Tim Smith, chair of the LSSA in discussion with expert panel members Elwyn Morgan of Timeslice Ltd and Angela Hesketh of Smooove. The panel discuss 7 key areas to consider and actions to take to ensure an effective new system selection for legal firms.

"The decision to change your software product is significant," comments Tim Smith, Chair of the LSSA. "Procuring new software can be a daunting task. It is not something that occurs very often. This white paper sets out the essential issues you should consider and will help prepare you for a successful procurement process." The full white paper can found here, and the following is a summary of factors to consider:

1. Deciding to change supplier

Unless there has been a compelling reason (e.g., the software is no longer supported) why you must change your software supplier, consider engaging with your existing supplier to see if the functionality you need is available, but you are simply not using it.

2. Setting out your requirement list and questions

If you have identified a need within your business and are looking to fulfil that need with software, then before you go to market write down your business case. This will help you focus on your ultimate goal and help avoid mission creep. There will be issues that arise as the procurement process gets underway, so it helps to have a list of questions ahead of inviting suppliers for demonstrations.

3. Decision Committee

Bring together your decision makers. Depending on the size of your firm you may choose to undertake this process on your own or with a group of colleagues. Each of these people will seek to ensure that their requirements are met with the new software purchase.

4. Appointing a project leader

A successful implementation requires effort on the part of the software supplier and the law firm. Having a dedicated project leader who is involved from the outset will help ensure your implementation is smooth and successful.

5. Communication with your team

Involving your staff at an early stage and keeping them informed of the progress is a great way to get early buy-in. The success of an implementation is largely down to how

effectively your staff will use it. The best software is next to worthless if nobody uses it properly.

6. Identifying your prospective suppliers

There is a vast amount of information available online, plus colleagues may have had prior experience of using certain software products and can give their input. You may have contacts in other law firms who are willing to share their experiences. Independent publications such as the ILFM Software Guide can provide guidance. Review sites can be a useful source of information however not all review sites verify the reviewer so you should take ratings with a pinch of salt.

7. Demonstrations

Should your preference be to have an initial demonstration at your offices make sure this is made clear to the supplier as they will need to make preparation for travel and delivering the presentation.

Allow time to ask about how migration, training and support services are delivered. This is normally a long term commitment so understanding how you will be supported beyond the initial implementation is crucial.



Reducing the cyber risk exposure of legal practices



The professional indemnity market continues to be challenging but there are signs that the steep increases legal practices have experienced during their professional indemnity renewal will not be felt quite so widely across the marketplace.

Whilst potentially welcoming news, it does not mean that premiums will lower. Instead there is an expectation that a much more stable rating environment is on the horizon. Unfortunately, this is not the case for the cyber insurance market, which is currently experiencing an unprecedented claims environment across all sectors.

The Claims Environment

A dramatic rise in both frequency and severity of loss has been experienced across the cyber market, which has curtailed the appetite of insurers significantly. Numerous insurers previously active in this space are now exiting from underwriting the class entirely, making the availability of coverage quite scarce. Those insurers that remain active are increasing premiums and policy excesses as a result, whilst sometimes also reducing limits of indemnity, and sub-limiting and/or restricting coverage.

Given the vast sums of money that pass through the legal professions' client accounts, along with the volume of

data typically held, the legal profession continues to be an attractive target for criminals. The scams are becoming increasingly sophisticated and even the most diligent and careful business can find itself a victim to attack.

Recent examples include Simplify Group's cyber-attack in November of 2021 which caused significant disruption in the property market with many transactions being delayed significantly as a result, causing huge stress on impacted clients. In April of this year the Bar Council advised that it was a victim of a malicious cyber-attack.

These are just two examples affecting the legal profession that have hit the headlines recently but there are hundreds of incidents that do not make the headlines, notwithstanding the considerable cost and significant distress to impacted businesses and their clientele.

Looking more broadly across all industries, our Cyber Claims Team has reviewed data from the last 5 years of claims that show:

- claims frequency increasing at an average of 13% year-on-year BUT
- Severity, (the total loss amount) has increased at an average of 80% over this same period.
- As a proportion of all claims that our

Cyber team has witnessed, those arising from external factors, such as data theft, malware, and social engineering have increased 59% between 2019 and 2020.

Ransomware-specific claims were the cause of about 5% of claims notified to Lockton in 2018, accounting for 10% of the total incurred. By contrast, in 2020, ransomware claims accounted for 17% of all claims, and for more than 80% of the total incurred.

Expected Standards and Underwriting Approach

The barrier to obtaining cyber coverages has historically been quite low, with some insurers offering coverage without the requirement to provide any specific risk related information. These practices are now obsolete with insurers undertaking a more comprehensive risk assessment. As a result they are requesting much more detail about the specific risks associated with businesses before they will even entertain providing any cover, however restricted this coverage may be.

The appearance of zero-day vulnerabilities in the last 12 months (e.g. the log4j/log4shell zero-day vulnerability identified in November 2021) reminded the insurance market of how cyber risks do not always come in the form of targeted attack and can arise from what many would have considered to be simple, non-risk software.

What would constitute a vulnerability? A vulnerability is a weakness or flaw in computer software that could allow an attacker to use the software in a way not intended by its creator. Usually, the attacker exploits the flaw to perform malicious and unauthorised actions within the computer system. When vulnerabilities are discovered, they are generally added to a public list of Common Vulnerabilities and Exposures (CVE) and given a CVE ID or number, in the format CVE-2021-12345.

Regardless of the industry, sector or profession, there is an expectation from insurers that their insureds will continually

Continues overleaf...

Reducing the cyber risk exposure of legal practices (continued)

improve all their risk procedures over time; the speed of evolution is expected to be much quicker for cyber-related risks, and what was acceptable in 2020 may no longer be so. It is not that these measures implemented are no longer "en vogue", but unfortunately these alone offer little defence to the criminals of today.

What Should You Do?

Whilst many practices may outsource their IT function(s) and infrastructure to third parties in full or part, it is likely that the burden of responsibility remains with the law firm. The regulators, whether that be the Information Commissioners Office (ICO) or Solicitors Regulatory Authority (SRA) may well come knocking.

Recent history has shown us that no practice is too big or too small to be a target for these criminals; it is therefore incredibly important that practices take stock and address cyber risk fully and in a timely manner, to avoid becoming an unfortunate statistic.

Whilst we advocate the transfer of risk and therefore encourage firms to investigate obtaining appropriate cyber coverage if they do have this already, a cyber policy **should only** complement strong business resilience measures that are in place. Once implemented, it is important to evolve and upgrade these measures regularly.

The disruption caused by experiencing a cyber event is one thing, but the reputational harm to your business should not be underestimated.

The minimum cyber requirements of a law firm today include:

- MFA (Multi Factor Authentication): Required for ALL remote access, administrator/privileged account access, Remote Desktop Protocol, third party access (e.g. vendors) and online backups. Ticket-based MFA is becoming the market minimum standard and requires a randomly generated code to be inputted into the application before access is granted. This code is either sent to a user's phone or generated by an application, removing the sole reliability on a username and password.

- Backups: Data must be backed up at least weekly and stored offsite/offline/ in the cloud and protected via MFA, encryption and separate credentials. If backups are not adequately segmented and protected, they could potentially be encrypted during a cyber-attack making them useless for restoring encrypted/lost systems.
- Training: All employees must undergo annual cyber security training including phishing. People are still considered the weakest link in cyber security and regular training helps keep this matter at the forefront of their minds and is proven to reduce the rate at which phishing links are clicked on.
- Email filtering tools: Required to be implemented on any form of email and is used to pre-screen emails for potentially malicious attachments and links. This helps reduce the number of malicious emails that are sent to employees, further reducing the likelihood of a successful phishing attempt.
- Anti-Virus / Firewalls: In place and updated on at least a quarterly basis. Anti-virus software constantly scans to detect and record any malware whilst a firewall filters incoming and outgoing information by creating 'blocks' which filter the data.
- Patching: Critical patches must be implemented within 30 days; however, many insurers are now requiring this within 7 days. If a software provider releases a patch, which looks to remove a potentially exploitable vulnerability, then insurers require their clients to install this quickly to reduce their potential exposure to this vulnerability. This includes handheld devices too such as an iPhone it would be using the latest iOS (which is version 15.5 at the time of writing this).
- End of Life: End of Life Systems, where no further software updates are being released, must be segregated to prevent full network spread of malware.
- Business Continuity plans and Incident Response plans: These plans are required to be reviewed and updated regularly and reassure insurers that the insured knows how to react if they are a victim of a cyber-attack.
- Endpoint Protection for all servers and workstations: This software examines files, processes and system activity and provides a centralised management

console for administrators to monitor and investigate potential incidents.

- Removal of local administrator rights from staff and separate credentials for domain administrators: Administrator rights can allow users to change vital computer settings, therefore, if one of these accounts were compromised a threat actor would be able to change security settings which allowing them potentially to move undetected.
- Network segmentation: Segmentation implementation, with a special focus on protecting critical information and services. Segmentation helps prevent a threat actor moving laterally across a network, reducing the likelihood they can access sensitive data.

Gold Standards

In addition to all of the above being implemented, the following are currently recognised as the "Gold Standards":

- Privileged access management tooling: This software is the gold standard for protecting privileged accounts. Locks access to administrator accounts behind MFA, only releasing their use for a short period of time (e.g. 30 minutes).
- SIEM (security information and event management) monitored 24x7 by a SOC (Security Operations Centre): The SIEM software collects and analyses aggregated log data, whilst the SOC operator looks at the aggregated data to spot any potential anomalies.
- Intrusion Detection and Prevention systems (IDS/IPS): Devices which can detect and prevent intrusions into the network.
- Secured PC and server builds: Computer/Server builds which only allow specific services which are required on the devices to run and do its particular job.
- Security policies and procedures: Policies and procedures which explain an insured's baseline security controls, and which must be adhered to. These can provide insurers further comfort that the insured has as strong understanding of the potential cyber risks.

If you have any questions relating to cyber or your professional insurances, please do not hesitate to contact myself or a member of the Lockton Solicitors Team.

Puzzled by your PII? We'll help you solve it



In a challenging market, securing the right cover takes skill, expertise, and a little imagination.

As an independent broker, Lockton's dedicated solicitors' practice is driven solely by the needs of our clients. Harnessing decades of experience and direct access to leading insurers, we source targeted, flexible insurance solutions that are up to the task of protecting your firm.

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