

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

Aug / Sept 2022



Derby Legal Walk 2022

From Law School to Orange Tree...

Also in this issue: Mind Derbyshire - the President's Chosen Charity • Flying High

Gold Patrons of the Society



Prostate cancer is the most common cancer in men in the UK



Think you might have symptoms of prostate cancer? It can be daunting but above all, it's important to get things checked out.

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Editorial



I hope you are all having a great Summer. It is coming to the end of the school holidays and in the Administrators house we just have the hurdle of GCSE results to get through to find out what the even grumpier teenager will be doing for the next two years.

In this edition Manesha is launching her charity campaign for Derbyshire Mind. Please have a read through the information about this local charity in this edition of the Bulletin. Details of events supporting both the charity and looking after our own mental health will be on DDLS LinkedIn. The date for the Calm in a Box event is 28th September 2022 at 4.30pm at Nelsons Solicitors. Please have a look at the website at www.calminabox.co.uk for details of what will be on offer. We have negotiated a price of £25 per person or £40 for two. Please just e-mail me to secure your places.

There will also be a free webinar on 6th October on ZOOM at 4.30pm run by Rebecca Smith from www.thepeachymind.com. I

will be sending details round soon but anyone wanting to book onto this course, again, please, email me.

If anyone would like to contribute to the President's charity there is a just giving page https://www.justgiving.com/crowdfunding/derbyanddistrictlawsociety-derbyanddistrictlawsociety?utm_term=JVe637vnb
Any ideas for fund raising events gratefully received.

The Family Law Update (see page 5 for details) is booking up fast so please let me know if you are interested. Two social events to keep an eye out for are the Ghost Crawl on 4th November and a Christmas Social on 9th December.

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

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Sole Practitioners' Group (SPG)

Tina Attenborough

President's Page



As I write this article, I am still in awe of recent events! We have witnessed something astounding – the Lionesses' historical win of the Euro 2022 final on 31st July, is not only an amazing win for England, it is a major win for humankind! The Lionesses have inspired generations to believe in achieving their dreams irrespective of their gender. The win also re-ignites the drive to make our Society more inclusive and diverse. With focus and effort, we can work together to make this happen.

In local news, I participated in the Derby

Legal Walk on 7 July 2022 with colleagues at Alexander & Co Solicitors LLP and several other firms. The company and weather were wonderful making the 10k walk a very enjoyable experience. The walk was organised by Derby Junior Lawyers and drinks at the Orange Tree were sponsored by BCL Legal and Geldards LLP. Many thanks to those who participated and sponsored the walk, we managed to raise just shy of £2,000 (fantastic achievement!) for the Access to Justice's Foundation's local branch the Midland Legal Support Trust to support free legal advice charities.

The Survey of Mental Health and Wellbeing in England by NHS found that 1 in 6 people aged 16+ had experienced symptoms of a common mental health problem, such as depression or anxiety, in the past week. I am therefore pleased to confirm that the chosen charity of this year is Derbyshire Mind, a mental health charity which focus on improving mental health and wellbeing for people across Derby and Derbyshire.

There are some exciting events planned for this year including:

- Cricket match against Nottinghamshire Law Society

- Family law update/ other training courses
- Networking events
- Charity Bake Off, proceeds to go to our nominated charity, Derbyshire Mind
- Webinars and Workshops to support mental health and wellbeing
- Ghost Crawl
- Christmas Social

Watch this space for further information, if you would like to get involved with supporting an event or have ideas for any other events, please contact our administrator Julia Saunders by email admin@derbylaw.net

I will also be representing our Society at Northamptonshire Annual Awards Dinner on 23 September 2022.

Finally, an early save the date – our annual Dinner and Awards evening will be held earlier on 31 March 2023 at Pride Park Stadium, a night not to be missed!

I hope that you are all enjoying the exotic summer weather and I look forward to seeing you all at an event soon.

Manesha Ruparel
President, 2022-23

The President's Chosen Charity

A message from our CEO, Jenny Hotchkiss

We are incredibly grateful to have been chosen as your Charity of the Year!

As a charity, we are reliant upon donations to fund our community mental wellbeing services. We want to grow our services so that we can support more people, as we know that the need for our help outweighs our current resources, but we can only achieve this with the generous support of people like yourselves. Thank you so much!

https://www.justgiving.com/crowdfunding/derbyanddistrictlawsociety-derbyanddistrictlawsociety?utm_term=JVe637vnb



A Date for your Diary

Free Family Update Course from No 36 Chambers in London - 5.30pm on 20th September 2022 at Nelsons DERBY

Deborah Dinan-Hayward will present a finance update and tips and tricks for the financial remedies advocate including an update regarding The Efficiency statement, Transparency Offers and costs implications and Legal funding

- Clare Meredith will be presenting a Private Child Update.
- The course will last approximately an hour and a half with refreshments to follow.
- Although the course is free please e-mail me at admin@derbylaw.net to reserve your place.



In aid of mind Derbyshire

Who are Derbyshire Mind?

We are an independent mental health charity within the national Mind network. Our focus is on improving mental health and wellbeing for people across Derby and Derbyshire.

What is Mental Wellbeing?

Your mental wellbeing is about how you're feeling right now, and how well you can cope with daily life. Our wellbeing can change from moment to moment, day to day, or month to month. Sometimes it changes because of things that happen to us, and sometimes it changes for no reason at all.

It can affect the way we feel about ourselves and others, and about the things we face

in our lives. Having good mental wellbeing doesn't mean you're always happy or unaffected by your experiences; but poor mental wellbeing can make it more difficult to cope with daily life.

What Services do we Offer?

We provide a range of advocacy and community mental wellbeing services designed to support local people with mental health problems.

Advocacy Services

Our Independent Advocacy Services, funded by Derbyshire County Council, provide support for Derbyshire residents to have their voice heard when important decisions are being made about their lives, or to overcome issues that are impacting

on their health and wellbeing.

Community Wellbeing Services

Our services can look like many things and come in many forms, but our goal is always to provide activities that help you to feel part of a community, boost your mood, enjoy life, and improve your mental wellbeing.

Our community wellbeing services, funded through donations, include our weekly MindSpace walks, our fortnightly Mindful Crafts sessions, and our monthly Green Connections Days.

You can find out more about our services on our website: <https://www.derbyshiremind.org.uk/>



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

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



"Speakin' up"



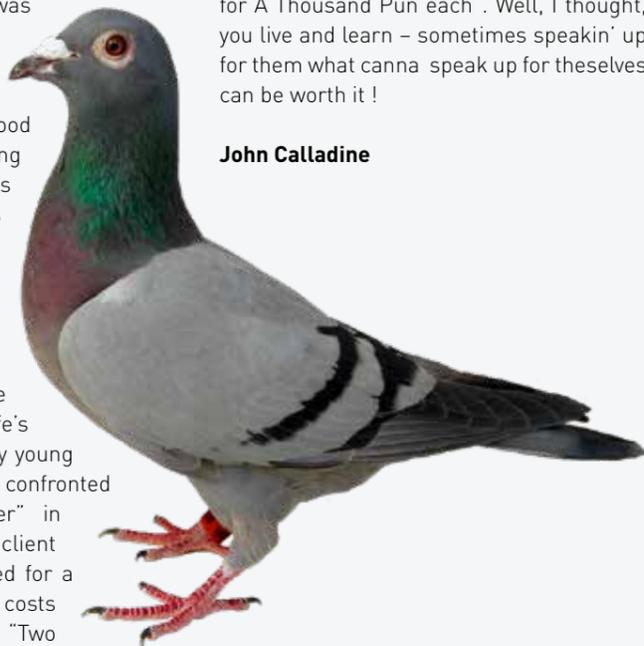
One of the most obvious changes in solicitor's practice over my professional lifetime has been the move from the generalist to the specialist. When I started there was a clear division between Conveyancing, Wills and Trusts and Probate (the respectable aspects of the Law) and "The Rest" i.e. everything which was not Conveyancing etc. (the "slightly questionable" aspects of the Law -- in polite legal circles known as "well I suppose someone has to do it"). However matters moved towards specialism so rapidly that in the early years of the Millennium I interviewed an applicant for the position of a Commercial Litigation Solicitor, whose training and PQE was with "a Regional Heavyweight" from the West Country, and whose practical experience was solely in the area of disputes over "Collateral Warranties" in Building Contracts!

For many years I was firmly in the camp of "The Rest". Legal Aid did eventually mean that "The Rest" could yield a respectable profit whereas the abolition of scale fees and the advent of competition meant that "Conveyancing etc" moved in the opposite direction. Also "The Rest" was both more interesting and more challenging.

How "interesting and challenging" I learned early on with "The Case of Fred's Pigeons". It was about 1970. I had only recently been admitted and was the sole representative of "The Rest" at a branch office in "Aynor" when reception told me that "Fred" (no surname) was in the Waiting Room. If Central Casting had been looking for an extra to play "an Eastwood Miner" in a film of "Sons and Lovers" Fred would have been a shoe in, even in his "Sunday Best" to visit "the Lawyer". He was slightly thrown by the youth of "the Lawyer" but sat down and with an Eastwood Miner's directness asked "Dost thee speak up for them that canna speak up for theselves"? As a succinct definition of "Advocacy" I do not think that I have ever heard it bettered, so I modestly said that I did. Had he perhaps castrated his wife's lover – a recognised sport among the miners

in Eastwood in those days?, or embezzled the takings at the Miner's Welfare? --- something for the novice "Lawyer" to get his teeth into. Neither, as became obvious from the letter he handed to me. It turned out to be from "The Royal Pigeon Racing Association" the RPR. Like many fellow miners Fred had, at the bottom of the long rear garden of his terraced house, a Loft (not very Monty Don but the fashion may come back!). And in said Loft he bred, reared and raced – pigeons and had done so all his life. However, what looks on the face of it an innocent hobby, has its own dark arts which the RPR police. The letter informed Fred that his Membership of the RPR had been suspended – he had been blacklisted and thus prohibited from racing his birds for the practice of one of those dark arts, namely switching the identity of a bird released for a race. All racing pigeons carry an identification ring which is checked before and after a race. In those days (perhaps even now for all I know) many breeders in the mining community gambled heavily on the result of races. Fred had switched the ring of a young, unraced bird to a good and experienced racer to compete in a race for unraced birds only. Fred's mate, on behalf of both of them had bet heavily on Fred's bird, but the ruse had been discovered and the result was the letter passed to me.

The letter was not only notice of suspension but also an invitation to Fred to attend the RPR offices in Cheltenham to "show cause" why he should not have a lifetime ban from racing pigeons. Fred was up front- he was "Guilty as Charged" but there was "excusin" – mitigation in Eastwood speak – sick wife, mining accident, no money, birds he had loved like his bairns these 40 years etc. He just needed someone to "speak up" for him. I thought that it would have been easier for me if he had castrated his wife's lover! So I did what any young advocate would do confronted with private "no hoper" in expectation that the client would go away – I asked for a large sum on account of costs – in this case, in 1970, "Two



'Undred pun" The following day Fred came back with Two'Undred pun in sticky old £5 notes – game and set to Fred!

As part of the deal, I had to take Fred down to Cheltenham for the big day. We arrived at the appointed time and entered the very smart Georgian Headquarters of the RPR. I had expected an intimate gathering of 4 or 5 people (perhaps looking a little like Fred!) and had prepared my mitigation accordingly. Instead I found a couple of hundred people including "The Keeper of the Queen's Lofts", the "Loftkeepers" of a number of the nobility, the Loftkeeper of Signor Mazzarella an ice cream millionaire very big (in those days) in Show jumping and pigeon racing circles, with other "great and good" --- none of whom looked anything like Fred! It was the AGM of the RPR and the "Trial of The RPR v Fred" appeared as an item well down the Agenda. Somehow, when the time came, I managed a coherent mitigation – Fred was not Disbarred, or de-feathered or whatever but was given a suspension from pigeon racing for 6 months.

I apologised to Fred on the way home for not getting a better result. "Eh, Lad", he said pressing a "Twenty Pun" note into my hand, "That's berra than I expected – these I've worked out that t'suspension ends a fortnight afore the "The Great North Flight" (which seemed to be a Classic in the pigeon racing calendar) " an I've got two grand bods in that there race. If, as I 'spect either on um wins, or is placed, their next eggs will sell for A Thousand Pun each". Well, I thought, you live and learn – sometimes speakin' up for them what canna speak up for theselves can be worth it!

John Calladine



On Thursday 7 July 2022, the Derby Junior Lawyers successfully organised and ran the Derby Legal Walk 2022. The Walk saw law firms across Derby come together to raise funds and awareness for access to legal aid. The Walk itself, which is a 10km route beginning at the Derby Law School and ending at the Orange Tree, was fantastically-well attended, and demonstrated what the legal community can do when we are all committed to the same goal.

In attendance were nine separate firms, and also Derby University Law School, who very kindly accommodated the group at the beginning of the event. In total, we had over 60 walkers taking part in the event, which is the largest and most successful Legal Walk that has taken place in Derby since the COVID-19 Pandemic occurred.

At present, we have raised just under £1,500.00, which will go to the Midlands

Legal Trust. The Trust will use the money to help fund legal aid centres, who in turn can help those who simply cannot access the legal aid that they so desperately need. Without the commitment of the Trust, and the hard fundraising that our Derby Walkers have done, these legal aid centres would close, and limit the access to legal support even further.

The Walk itself was a great opportunity for like-minded individuals to connect for a good cause. It was also a chance for new friendships to be made, and old colleagues to catch-up once again. We were also most fortunate with the weather too – Pride Park has never looked so good in the evening sun! After the Walk, we had arranged for refreshments at the Orange Tree on George Street. Even though it was getting late, the Orange Tree was very well attended, and was a chance for the great atmosphere during the Walk to carry on further into the evening.

The day itself could not really have gone much better, and once again, I must reiterate how grateful we are that so many people kindly donated, and got involved in this great cause.

Keep an eye out for future DJL and DDLS events coming your way soon!

John Ellis
Trainee Solicitor
ALEXANDER & CO SOLICITORS LLP
DJL Vice President



Simpson Jones LLP announces new partners to assist with growth strategy



Countrywide Conveyancing Services until October 2021 with executive responsibility for Surveying, Conveyancing and Asset management.

Most recently, Paul Chapman was Managing Director - Sales and Lettings at Countrywide plc with executive responsibility for Estate Agency and Lettings Brands, including Hamptons and John D Wood. He was also formerly Managing Director at Countrywide Conveyancing Services prior to Paul Wareham's appointment in 2016.

These new arrivals follow the key recent appointment of Luke Smyth as Head of Wills and Probate. Luke has over seventeen years' experience as a legal professional and prides himself on being a trusted advisor and first point of contact for his clients and their families.

"following on from Luke Smyth's arrival as Head of Wills and Probate at Simpson Jones, we are very excited to be joining forces with Paul Chapman and Paul Wareham as we build on our already successful existing team and fantastic client base. They will bring a huge level of experience and new perspectives, broadening our ability to adapt to developing market conditions and look for new business opportunities".

Simpson Jones LLP has offices in Derby and Ashby De La Zouch, and was incorporated in 2010.

For more information on Simpson Jones LLP please contact paulw@simpsonjones.co.uk mailto:paulw@simpsonjones.co.uk

Derby based Conveyancing, Wills and Probate specialist Simpson Jones LLP have confirmed that Paul Wareham and Paul Chapman have been appointed as partners with effect from 1st July 2022. Former Countrywide plc executives Wareham and Chapman will join forces with existing partners Joanne Jones, Deb Peck and Elly Tavener to establish opportunities for growth and development of the business.

Paul Wareham was Managing Director at Business owner **Joanne Jones** says

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Ground Hazards: Due Diligence for Today and the Future



Dr Tim Farewell

To ensure that home buyers have a clear understanding of possible hazards or restrictions that have the potential to affect

their future home, a diligent property professional will always recommend undertaking a variety of searches for every residential transaction.

A contaminated land or flood search are often routinely undertaken by many, regardless of location, property type, size, proposed use or client.

Yet, other well-known environmental issues such as subsidence, which has the potential to create a problem with lending and insurability if identified, are not always a go-to search. While this hazard may not be an issue everywhere in the UK today, we do believe it is an issue that should be taken seriously, particularly as we look into the future.

We know that subsidence can be caused by a number of issues, including the shrinkage and swelling of soils in response to changing moisture conditions, the impact of trees, aging infrastructure or man-made disturbances. To date, subsidence searches have looked at historic data to understand if such risks pose a threat to a property address, however with the changing climate, we believe it is vital to instead look forward to model future hazards.

Modelling Future Hazards for Homebuyers

We have undertaken some analysis of our National Ground Risk Model (NGRM): Climate™, which models future climate-related environmental hazards, and identified that more than 7.65 million properties in Great Britain could be exposed to medium or high risk of soil subsidence by the 2080s. This is an increase of over 1.89 million individual properties, and is as a result of climate change¹.

With all climate models projecting hotter, drier summers in the future, there is increasing likelihood of soil shrinkage, which can create downward movement in

buildings located on vulnerable soils. This shrinkage is worse in clay soils, which are commonly found across the south east of England, and has the potential to move foundations, cracking walls and ceilings, resulting in expensive insurance claims and repair bills.

Our data suggests that more than 5.76 million properties in Great Britain are today exposed to medium or high subsidence risk. This increases to approximately 6.64 million in the 2030s. Specifically, just over half a million more properties (547,317) could be at high exposure in the next 60 years, compared to today's figures.

Looking at Hertfordshire, our data shows that 22.5% of the county's area will see soil subsidence hazard risk increase from moderate to high by the 2050s, with a further 9% moving to 'very high'.

In fact by the 2050s, our data shows us that over 80 counties across the UK are likely to experience an increased risk of soil subsidence hazard to some degree, moving from low to moderate, moderate to high, or high to very high, as a result of our changing climate. In particular, additional parts of Middlesex, Hampshire, Berkshire, Hertfordshire and Surrey could move to the highest subsidence hazard classes by the 2050s².

Future Insights from the Climate Report

Last October, the Law Society published a Climate Change Resolution³ that outlined the role solicitors can play in addressing the climate crisis, which included a call to action to develop a climate-conscious approach to legal practice.

But what does this mean for property lawyers and conveyancers? We believe there is the potential to help clients understand climate change impacts by providing data insights as part of the conveyancing due diligence process.

Dye & Durham's market leading Climate Report launched to help property lawyers and conveyancers protect homebuyers' best interests and make informed, future-facing decisions.

In addition to subsidence, the Climate Report models a range of hazards for individual properties, including coastal erosion, flood risk exposure and extreme winds, over the

next 60 years.

The report has been designed to cover both physical hazards and delve into how extreme climate conditions could affect properties over time.

Ultimately, robust climate science indicates that we will see more hotter, drier summers and wetter winters as a result of our changing climate. These conditions are of real concern as they are likely to result in an increase in both the severity and frequency of climate-related impacts to our homes, infrastructure and, more worryingly, the health of vulnerable members of our communities.

In conveyancing, there is a tendency to look backwards to determine risk levels, however it is time to start using insight and data to look forward:

If we, as an industry, can increase awareness of climate change and its potential impact on our homes and communities, more people will become engaged and want understand how this may affect their property in the future and take steps to help mitigate risks posed by the changing climate.

If you would like to discuss this topic with me directly, you can connect via LinkedIn: www.linkedin.com/in/timothy-farewell-26557116/

To learn more about the Climate Report or to obtain a free sample, email Insight-sales@dyedurham.com **or visit** <https://dyedurham.com/insight-data-risks/>.

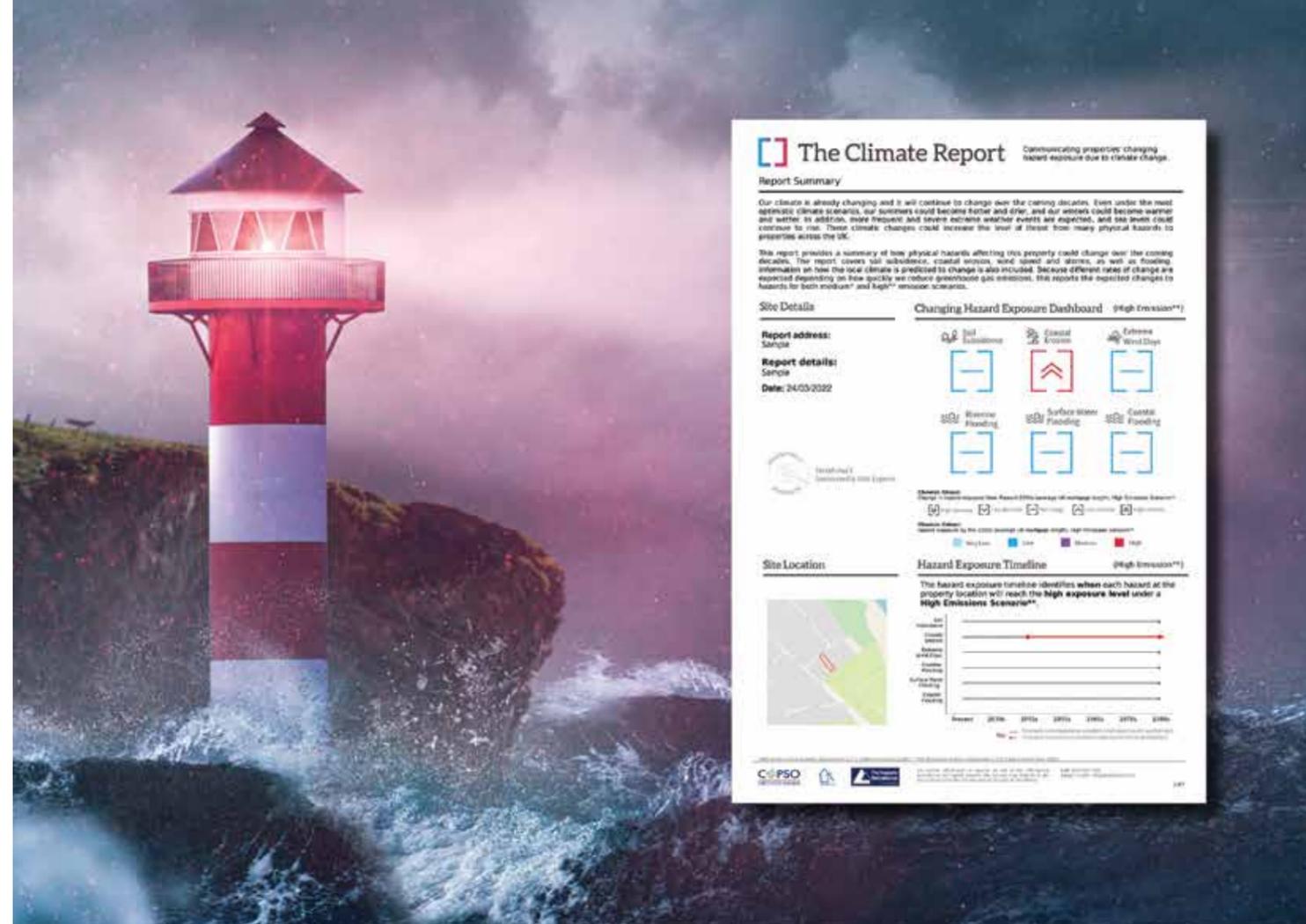
Dr. Tim Farewell,
Head of Science, Dye & Durham

References:

¹ Climate change data has been calculated for Unique Property Reference Numbers (UPRNs) in Great Britain, based on a Medium Emissions Scenario (RCP:4.5 Equivalent to 2.4°C global warming by 2100s)

² Climate change data has been calculated based on a High Emission Scenario (RCP 8.5, Equivalent to 4.3°C global warming by 2100s)

³ <https://www.lawsociety.org.uk/topics/climate-change/creating-a-climate-conscious-approach-to-legal-practice>



The Climate Report

HELP YOUR CLIENT TO PROTECT THEIR INTERESTS, NOW AND IN THE FUTURE

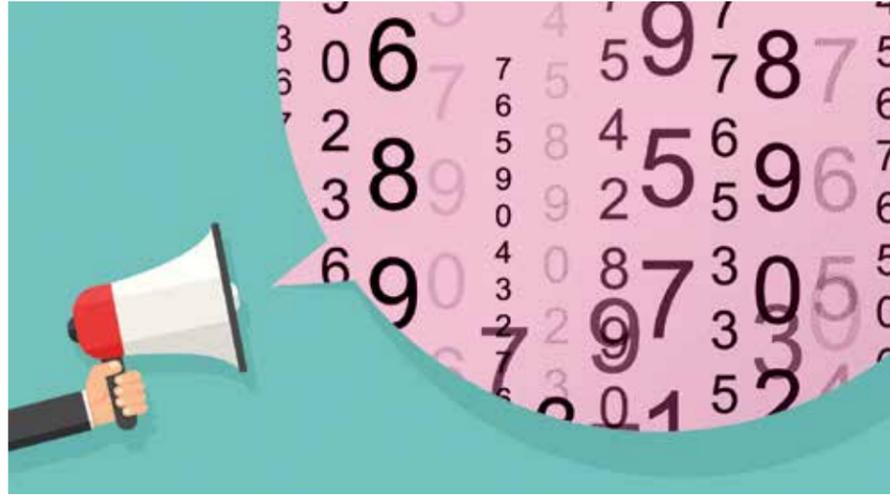
Informing homebuyers of the hazards arising from climate change that could affect their future property.



dyedurham.com/insight-data-risks/climate-report

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

Switching off on holiday

Have a proper break this summer

Many of us will find it difficult to leave the office for our summer holiday and it can be very difficult to switch off, especially when technology has made it so easy for us to stay connected. Here's our tips to make your break as relaxing as possible.

Prepare

Discuss your workload with colleagues; find out who will be covering your work - it might be best to pass your work over to several people. Let clients know as early as possible that you are taking some time off and who they should ask for in your absence.

Set expectations

Use the last day or two before your holiday to clear the decks, put ongoing work into a holding pattern, update clients on the progress of their matter. Let your colleagues know whether you can be contacted, and under what circumstances - don't say you will be checking email if you don't want to, or will be unable to. We suggest leaving your work phone and laptop at home so the temptation isn't there. It's not a break if you are mentally still in the office, and you will be better at your job if you return to work refreshed and well rested.

Checking email

If you must check email whilst away, disable email notifications so you don't pick up your phone every few minutes, and don't carry your work phone around with you. You could ask a colleague to forward anything really urgent to your personal email address so you don't need to look at all the other emails, or set certain times

aside to check your inbox. Remember there may not be Wi-Fi or 5G where you are going, and different time zones may make it difficult replying to emails.

Out of office

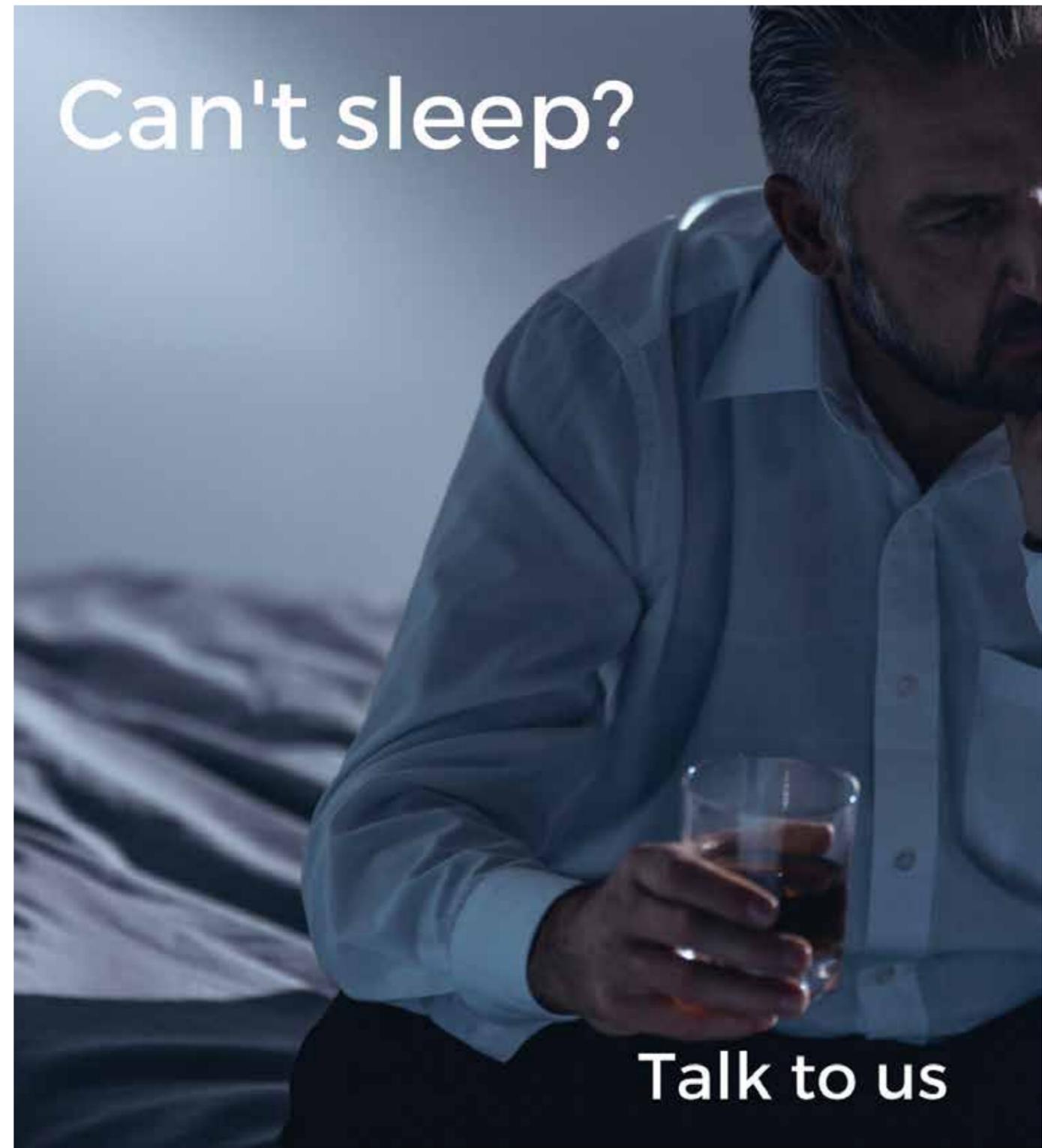
Set an out of office and voicemail while you are on holiday- if you are worried about an avalanche of emails ask for important emails to be resent after you get back, or you might want to say you will be back a day or two later than you actually are to give you time to catch up.

Returning to work

You might want to book in something in the first week to look forward to, a yoga class or lunch with a colleague for example. This is also a good time to review your working practices, and analyse how your colleagues handled things without you. Try to focus on what you love about your job and congratulate yourself for what you achieve during those first few days back. If the holiday blues don't dissipate after a few days it might be time to think about your work life and whether it is making you unhappy. Perhaps you need to make some changes, or even look for a new role.

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LSSA announces appointment of new vice chair to support drive towards digitalisation of legal industry API frameworks



The LSSA is excited to announce the appointment of Paul Albone, COO of TM Group, as vice chair. Paul's role will involve working with the chair, Tim Smith and the leadership team to set and maintain professional standards within the industry and manage areas of mutual interest between lawyers and software providers.

Paul has over 30 years' experience of leading tech teams in developing large scale IT platforms and is responsible for the strategic direction of TM Group.

When asked why he had decided to take on the role Paul says:

"This role will allow me to bring my experience, specifically in conveyancing, to the LSSA to help drive digitalisation of processes and the development of robust API frameworks so organisations can interact cross-platform on the same housing transaction."

He adds:

"I've always believed that integration between platforms and how we can better serve our shared customer base is fundamental to reducing the amount of re-keying that takes place. My technology background and experience will enable the LSSA to lead the agenda on how we can drive data streamlining processes and save time for all involved."

"This is what's great about being a member of the LSSA and is the exciting opportunity for the future. I'm looking forward to working with Tim to champion the benefits of digitalisation in the industry."

Chair of LSSA, **Tim Smith** says,

"We're delighted to bring onboard someone of Paul's experience and enthusiasm. It will be great to work with him to help drive the LSSA forward into an exciting new era."

Find out more about Paul Albone and his new role with the LSSA in our Q&A:

<https://www.lssa.co.uk/2022/08/04/interview-with-paul-albone-new-vice-chair-of-lssa/>

LSSA publishes white paper to help law firms procure legal software

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 Smoove. 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:

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.

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.

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.

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.

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.

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.

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.



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Inclusion is not an add on or a tick box exercise; woven into the fabric of an organisation, it drives meaningful change, benefitting everyone.



Over 20% of working age adults have a disability, mental health or long-term health condition, or are neurodivergent.¹ This is a significant proportion of the population, but this is rarely, if ever reflected, in the number of people who choose to share this with their employer. 70-80% of these are unseen conditions, also known as hidden or invisible disabilities.² 83% of people also acquire a disability during their working lives³, either gradually (through deterioration of sight/hearing etc) or suddenly as a result of a diagnosis.

If your workforce does not reflect these numbers, do you know the reason for this?

- Are you confident you have asked the right questions?
- Does your workforce feel safe to share their disability, neurodivergence and long-term condition with you?
- Do they attend work as their authentic selves able to perform at their best, or are they masking something or not working to their full potential?
- Are your HR teams and line managers appropriately trained and empowered to have conversations around disability and identify appropriate adjustments?

'Legally Disabled? The career experiences of disabled people working in the legal profession' (Foster & Hirst, 2020) research found that there was much to be done to improve the experiences of disabled people in the legal profession. Whilst there is a groundswell of change, very often employees don't share their disability as they are unsure if their condition would be classed as a disability, they 'don't feel disabled enough' or will only tell their employer if they run into difficulties, rather than being set up to succeed from the outset. Line managers can often be apprehensive about the language to use, questions to ask and concerned about the potential for causing offence. So, we end up with an impasse where people mask or conceal the impact of their disability and can't work to their strengths.

At Enable Disability & Inclusion Consultants we offer end-to-end solution-focused support to enable organisations to remove barriers to high performance through meaningful inclusion. Delivering specialist consultancy, audits, training and individual workplace assessments, we are passionate about supporting our clients to attract, build and retain an agile, high performing and diverse workforce.

We specialise in neurodiversity, mental health and unseen conditions, also known as hidden or invisible disabilities and offer a professional, pragmatic, and supportive approach, enabling your people to work to their strengths. Our services will benefit your organisation as a whole, by maximising satisfaction and productivity

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Kate Dean,

Director of Enable Disability & Inclusion Consultants

¹The employment of disabled people 2021 DWP (February 2022): <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2021/the-employment-of-disabled-people-2021>

²<https://hiddendisabilitiesstore.com/insights/category/invisible-disabilities>

³Disability Confident: <https://www.gov.uk/government/publications/disability-confident-guidance-for-levels-1-2-and-3/level-2-disability-confident-employer>

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Direct Payments to Pay for Social Care Support.

Local authorities, after a care assessment has decided that an individual is entitled to care support, they can either be offered the care support or they can have the choice to receive a Direct Payment. Direct Payments enable a person or their family to use the DP funding to arrange their own care provision.

To receive a Direct Payment, talk to your local Social Services department.

Direct Payments give a person flexibility to choose their care provider, to communicate directly with them and to change to another provider if they are not satisfied with the one they have. Control is with the person or their family.

It also gives the opportunity to 'shop around' for the best value for their budget.

Direct Payments also give the opportunity to hire your own care support. This may be that you become an employer, which does have responsibilities, but many people prefer to have wages, tax, NIC, etc. managed for them by an outside broker, accountant, etc.

If a person is already receiving practical support from their Council but would like to change to a Direct Payment, then contact the Direct Payment Support Service at your local Council.

Angela Gifford

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Post-Nominals – do they matter?



Chris Makin

This is a moral tale about your choice of expert.

A little while ago – see <https://chrismakin.co.uk/when-experts-wreck-your-case/> – I wrote about Andrew Ager, an “expert” appointed by the CPS to give evidence at the trial of some men accused of the sale of voluntary carbon credits. His incompetence, lack of experience and malpractice were quite breathtaking, causing the criminal trial to collapse and the CPS having to revisit several previous trials at which his unsafe expert evidence had helped to achieve convictions.

I will not repeat Ager’s failings here, but that article tells a story which is difficult to believe.

More recently, we hear of the failings of Carl Stokes who gave evidence at the Grenfell enquiry. This is another story which is difficult to believe, but please read on.

Carl Stokes is a former firefighter who became a fire safety consultant on retirement, and bid for the work of assessing fire safety at Grenfell Tower for the Kensington and Chelsea Tenant Management Association [KCTMO]. He carried out six fire safety inspections between 2009 and 2016; that is, from long before the fire on 14 June 2017 until after installation of the disastrous cladding which Sir Martin Moore Bick, the enquiry chairman, found did not comply with building regulations.

Stokes’s evidence to the enquiry was that he got the job with KCTMO because he appended to his name six post-nominals to which he was not entitled or which did not exist. The report I have seen makes reference to some of them, from which one may deduce that his business card must have read something like this:

Carl Stokes fire eng (FPA), IFE assessor/auditor (FSO), NEBOSH, FIA BS5839 system designer, competent engineer BS 5266 (plus one more, unknown)

That’s ugly enough, but some of these were simply reference numbers for courses he had attended, and he was not an IFE (member of the Institution of Fire Engineers). When challenged on that, he replied that anyone could check that he did not have that qualification if they had looked at the list of members at IFA!

This was clearly a person whose competence should have been questioned. And in further evidence it was revealed that he did not carry out proper inspections; in fact he cut and pasted extracts from other reports into his Grenfell reports, with the result, for example, that he commented on the Grenfell balconies. Grenfell did not have balconies.

The moral is that someone at KCTMO should have checked this man’s qualifications when he was selected. And preaching the obvious, this should also be done by you as instructing solicitors when choosing your experts.

Chris Makin

Chartered Accountant
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- Drug Trafficking etc. Asset Tracing & Confiscation
- Section 994 Disputes
- Director Disqualification
- Expert Determinations

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Your intended expert’s post-nominals should stand scrutiny. As an example, here are mine with their provenance:

- FCA = Fellow, Institute of Chartered Accountants in England & Wales
- FCFI = Fellow, Chartered Management Institute
- FAE = Fellow, The Academy of Experts (one of only about 60 worldwide)
- QDR = Qualified in Dispute Resolution. (In fact, I have this twice: as an accredited mediator at The Academy of Experts and as an accredited expert determiner there, in the first batch of five ever to be awarded this. I could put QDR QDR after my name, or perhaps QDR2, but that would be pretentious!)
- MCI Arb = Member, Chartered Institute of Arbitrators (as an accredited mediator)

And even before checking my extensive experience as a forensic accountant, expert witness, civil & commercial mediator and expert determiner, you could gain assurance that I am who I say I am, by checking the members’ lists on all those professional bodies.

You, dear litigation lawyer, will have spent a great deal of time and effort on your cases. When you reach the point of instructing experts, don’t be fooled by a long string of invented qualifications. Relying on the likes of Andrew Ager or Carl Stokes as your expert may not be wise.

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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LEGAL AID HANDBOOK 2022/23

Edited by Vicky Ling and Sue James

ISBN 978 1 91364 8 442

LEGAL ACTION GROUP

www.lag.org.uk

the access to justice charity

AN ABSOLUTELY ESSENTIAL PURCHASE AS THE COST-OF-LIVING CRISIS WORSENS IN THE 2020s

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

In times such as these with a dramatic strain on our everyday expenses, called the "cost of living crisis", we welcome the new edition of the Legal Action Group's "Legal Aid Handbook" for 2022/23, edited by Vicky Ling and Sue James. LAG is the access to justice charity.

This handbook arrives for practitioners at just the right time for the fiftieth anniversary of LAG. The Legal Action Group began its excellent work way back in 1972. Advisers and practitioners since the 1970s have come to rely on LAG books, especially in the early years of their practice. All the LAG books remain, for us, just the right practitioner/adviser texts for modern advocacy with their mix of common-sense and detail. They are also easy to read and readily navigable for the legal novice.

It is rightly described as "the only comprehensive guide to the legal aid scheme". The handbook remains the one book no legal aid lawyer can afford to be without. What we get here is detailed coverage of the legal framework of the scheme, with full discussion of civil, criminal, and family legal aid, and analysis of the leading case-law since LASPO arrived- all those years ago!

The handbook remains easy to read. It offers the following structure and contents set out for lawyers and advisers, giving us a practical, step by step guidance on conducting cases, getting paid, advocacy, and financial and contract management.

There is a comprehensive guidance on performance monitoring and quality standards; specialist chapters on family, immigration, mental health, community care, housing, crime, exceptional case funding

and public law; tactics and tips on using CCMS, with useful workarounds; in-depth guidance on costs and a new chapter on IFA and ICA cost appeals; plus, all the latest policy developments which LAG excels at describing!

What we get with the new edition for 2022-23 includes the following legal areas: The Standard Crime Contract 2022; The Legal Aid Agency's (LAA) Covid contingency arrangements where relevant in the handbook; a discussion of the LAA's new interface with CCMS; the latest available information on the Housing Possession Court Duty Scheme; and useful reference to guidance on the LAA's new training and support website which is well worth reviewing.

The date of publication of this new paperback edition is cited as 28th February 2022. Always ensure you refer to the latest edition when researching legal aid.

BESWICK AND WINE: BUYING AND SELLING PRIVATE COMPANIES AND BUSINESSES

11th edition

By Susan Singleton

ISBN 978 1 52651 612 1

Bloomsbury Professional

www.bloomsburyprofessional.com

INVOLVED IN PRIVATE COMPANY MERGERS AND ACQUISITIONS? CHECK OUT THE NEW ELEVENTH EDITION OF THIS AUTHORITATIVE TEXT

As its author Susan Singleton explains, this new edition of Beswick and Wine is 'primarily designed for solicitors, accountants and corporate financiers involved in private company mergers and acquisitions,' adding that 'it provides a step-by-step guide to the sales and purchase process and the key commercial tax and legal issues arising from it.'

Aimed in effect, at all practitioners dealing with private companies and businesses, it is no wonder that this long-established work of reference has now been brought out in this, its latest edition -- the eleventh, no less, from publishers Bloomsbury Professional.

Primarily and most importantly, the book presents a logically organised and detailed viewpoint which focuses first on the seller's

perspective in Part I and the purchaser's perspective in Part II. Both the buying and selling processes are presented in a logical six-step order consisting of --- assessment... preparation... marketing... negotiation... and finally, agreement.

As the numerous tangled pathways toward the Nirvana of agreement can be more than a little difficult to navigate, (including the attendant legal implications), the authoritative guidance this book provides should prove invaluable and certainly timesaving for busy practitioners.

The author is careful to stress that the subject matter of this text applies specifically to private companies, pointing out that there are important additional rules applicable to the sales of public companies which are not addressed in this book. Also stressed is the fact that although mergers and acquisitions activity has continued despite the coronavirus pandemic from 2020 to 2022, 'the bread-and-butter work of an M&A lawyer' continues to be in relation to legal due diligence -- and drafting and negotiating the share of assets sale agreement and ancillary documents -- 'the core of the book.'

In all this, the book certainly excels -- and it is small wonder that the author has been responsible for the previous four editions, continuing a distinguished publishing pedigree dating from about 1979 when the early editions were written solely by Humphrey Wine, with later editions edited by Simon Beswick.

Now in the time of post-Covid and post-Brexit, this new eleventh edition incorporates important changes in the law 'and applicable regulations' since the last edition -- and as you would expect, there is detailed coverage of case law. Also note the tables of statutes, statutory instruments, cases, and EC material, plus 15 pages of downloadable precedents in Part VI -- accessible online using the password provided.

As the author reminds us, 'most acquisitions in the UK are not of public companies' -- an excellent reason why practitioners embroiled in the sale and purchase of private companies and businesses should acquire the latest edition of this highly regarded text.

The law is stated last as 1st June 2022. The paperback eleventh edition was published by Bloomsbury on 30th June 2022.

Maintaining healthy boundaries between home and work



Many of us struggle with maintaining a boundary between home and work, especially since the pandemic with the rise in homeworking. Whilst homeworking is great for some, others find it difficult to switch off at a reasonable time, and answer emails at all times of day and night. This can result in burnout.

As legal professionals your greatest asset is your brain, and it is essential you look after and protect your wellbeing in order to do your best work and stay well. It is tempting when we are stressed to bury our head in the sand and do even more work to try and assuage the feeling of panic, but in fact we need to do the opposite -- take a break, set in place healthy boundaries between work and life outside of work, teach ourselves to switch off. Here's some tips to help you regain some balance.

Tips for managing healthy boundaries with work

- Have two phones and email addresses, one for work, one for private use. NEVER give a client your private mobile number or email address.
- Take regular breaks, including a lunch break, and try and get out for a walk every day. This may seem impossible but you will do better work if you do this.
- To avoid overwhelm do one thing at a time and break complex tasks down into manageable chunks. Disable notifications so you can focus.
- Breathe -- if you can feel yourself getting anxious try taking ten deep breaths, inhaling for 5 seconds and exhaling for 10 seconds. It can make you feel calmer.
- Work sensible hours -- you are not doing your best work at 11pm at night. Working longer hours is often counter-productive.
- Remember you can sometimes say no to clients, colleagues, your superiors, family and friends -- only you can effectively manage your time and prevent yourself from getting overwhelmed. Everyone has a limit and it's better to say from the outset that you will not be able to do something than leave it until the last minute.
- On finishing work for the day
- Write a list of the must-dos for tomorrow each day and leave it where you will see it on return to your desk.
- Put your work phone and laptop in a drawer and lock it in the evenings and weekends.
- Pause, reflect for a minute or so and mark the moment you are ending your working day and transitioning to life outside work.
- If you have an office at home

shut the 'office' door when the day is over. If you have an area in a room to work in consider a screen, curtains or something to cover the space. You want to literally block work out.

- Announce to yourself: 'The office is now closed'
- Have a shower/bath, put on some music, go for a walk -- do something to mark the end of the working day and the start of your evening.

If you are struggling

- It's easy to let healthy habits slip when we are at stressed but make sure you eat well, get to bed at a reasonable time and find time to do some exercise. These are essential basic requirements of staying mentally healthy and if you let them slide the quality of your work will suffer, as will you.
- Take some time off work. We all need time to rest, relax, recuperate and reset and something to look forward to.
- Talk to someone. Talking your problems through makes a real difference and provides reassurance you are not alone. Contact the free, independent and confidential LawCare support service on 0800 279 6888, email support@lawcare.org.uk or access online chat at www.lawcare.org.uk. You'll always speak to someone who works in or has worked in the law so understands the challenges you face.
- If you're feeling anxious, depressed or not sleeping make an appointment with your GP.

A silver lining for LANLS members ahead of the October '22 insurance renewal

There are several very positive signs coming from the solicitors' professional indemnity marketplace that are set to create a much more stable renewal environment for insurance buyers compared to recent experiences.



Brian Boehmer



Some established insurers have started the renewal process early and have expressed a desire to grow their respective portfolios. As a result, they are offering straightforward renewal quotes and extended policy period options. This demonstrates insurers' commitment to the sector and an interest in maintaining their current client portfolio, potentially creating some competition which may benefit legal practices. Insurance buyers are already facing alternative options in the marketplace for additional coverage

above the mandated or compulsory coverage. This first excess layer above the compulsory limit, also referred to as working layer, was not very attractive for insurers in recent years but this has changed due to past price corrections. There are also signs that some new and strongly rated insurers may enter this segment soon.

As a result, LANLS members can generally (subject to claims history) expect more moderate rate increases than the double-digit quotes received in recent years when insurers were eager to address rising claims costs. In the upcoming renewal, other factors will carry more weight such as fee income levels and the risk profile of a legal practice. Rising asset and transaction values as well as inflation are also set to play a bigger role.

Whilst many established insurers have an appetite to grow, their underwriters are likely to continue to adopt some caution in line with their corporate strategic parameters and risk appetite, reflecting the current economic and political environment. Ultimately, underwriters need to ensure that the business remains profitable by taking decisions according to the results of a strict risk assessment. Practice areas that are potentially more exposed to recessionary claims will again be under the spotlight. Consequently, practices with high property exposures will have fewer options available to them and will therefore require a more elaborate strategic renewal approach.

Due to the current talent war, there has been a lot of movement in the solicitors PII underwriting community recently, with many underwriters moving to competitors, to new capacity providers, but also to different insurance segments. Generally, this tends to produce a positive outcome for insurance through greater competition, but given the regulatory framework, internal governance requirements, contractual notice periods and covenants, the legal profession is unlikely to benefit from this movement until 2023 at the earliest.

In the short term, this may create some capacity limitations for insurers servicing the legal profession in the UK due to the finite number of underwriters that are entrusted by these organisations to underwrite and deploy their companies' capital.

Given that approximately 55% of practices will be renewing their insurance programme at the same time, and the fact that some underwriting teams may have capacity limitations, we advise LANLS members to start the renewal preparation process early. Producing a quality presentation that articulates how and why the specific practice is unique and special is essential to ensure the best possible outcome at renewal.

Scattering the insurance request across the market is ill-advised. LANLS members should therefore enquire which insurers their representative can access directly on their behalf. It would also be prudent to ask for information about the level of appetite these insurers have for the specific risks that are to be transferred. There is no benefit in presenting risks to insurers that fall outside of their appetite framework.

Furthermore, to streamline the process it is advisable to remove unnecessary links in the chain and ascertain whether your current broker can undertake an extensive direct marketing exercise on your behalf. If this isn't the case, act quickly and either complement or replace the services with a reputable alternative.

Please do contact me directly or a member of the Lockton dedicated solicitors' team to see how we may be able to assist your practice and help it capitalise on the improving PII landscape.

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



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