

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

Sept/Oct 2023



Derby win the Battle of the A52!

Match report on pages 10-13

Also in this issue:

A tribute to John A Clarke • Cybercrime • Meet the Heir Hunter

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D&DLS Bulletin

Derby & District Law Society



Sept/Oct 2023

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Editorial



Summer is always a quiet time for DDLS although you can see from the cricket match write up on pages 10-13 that the annual cricket match against Notts Law Society

was well supported and a great evening.

As the schools go back and can you believe the Christmas selection boxes hit the supermarket shelves there are more and more events going into the DDLS diary. The write up for the first Tapas Thursday will be in the next edition but it was a really amazing event and it was great to see local professionals from many different business sectors get together for a chat and great food. Well done **Oliver** for organising this successful networking lunch.

I keep the website www.derbylaw.net up to date with future events but also please find and follow DDLS on LinkedIn.

As you can see from the President's piece his charity this year is the Enthusiasm Trust, a Derby based charity that provides a safe space and opportunities for young people and their communities to develop life skills to enable social mobility. At Tapas Thursday we heard from **Liam**, who benefitted from the work that Enthusiasm do in his younger years and who is now a caseworker for the charity, and his story was inspiring. The DDLS Charity Bake Off will be 9th October. Details will be sent out nearer the time but after the launch of the event last year we hope that even more firms will get involved.

There will be a Ghost Walk on Thursday 26th October run with DJL.

There is also a Diwali Curry from 5.30pm on Thursday 9th November at O'kra Derby. A great value event at £19.95 which includes a drink and everyone is welcome. E-mail me to book places.

Please also note that the Awards Dinner has been booked at Pride Park for Friday 15th March 2024.

The Derby City Schools Debate Competition will also start again this month with local schools being invited to sign up. The debates themselves take place after Christmas and I am always on the lookout for new judges. The debates take place 4.30-6.30pm on Wednesday afternoons at the University of Derby Law School on Agard Street and different lawyers judge each week so it requires a two hour commitment. Please e-mail me if you are interested in helping out.

We are also putting together a calendar of courses and as ever if you have any requests please just let me know.

I look forward to seeing you at an event soon.

Take care.

Julia Saunders

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Published by:
EAST PARK COMMUNICATIONS Ltd.
Unit 27a, Price St. Business Centre,
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CH41 4JQ
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© East Park Communications Ltd.

Design
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Accounts
Tory Kay

Published
September 2023

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President's Page



Oliver Maxwell

As I sit down to write this update, I find it hard to believe that my summer family trip to Spain is now behind us, my eldest child starts school a week tomorrow and the autumn equinox will be upon us in just over three weeks' time.

Very early signs of autumn are already beginning to adorn the ground in our local parks, and whilst there may be some amongst us (myself included) who feel somewhat cheated by the lack of a decent summer, we do of course have the glorious colours of autumn to look forward to as well as Halloween, bonfire night and then the exciting run up to Christmas. Before all that though, let me update you all on what has been happening since my last update.

My first presidential engagement after our last committee meeting was a sad one when I attended the funeral of the late **Quentin Robbins**. I didn't know Quentin personally, but the large crowds that gathered outside a packed St Bartholomew's Church in Elvaston certainly demonstrated what a liked, respected and loved individual he was. Quentin was a big supporter of the Derby and District Law Society and held the office of president between 2007 and 2008. He was also a big shooter, and so the committee have resolved to organise what we hope will become an annual Quentin Robbins memorial clay pigeon shoot. Further details on the memorial shoot will be released in due course but, in the meantime, on behalf of the society, I offer my sincere condolences to Quentin's family for their loss.

The week after Quentin's funeral, I met with the CEO of the society's chosen charity for this year, **April Allman**. April has been in post at the Enthusiasm Trust since August 2021. We discussed ideas about events which could be held over the course of the year and how, as a society, we can raise as much money as we can for this amazing charity. There will be further announcements about specific fundraisers in due course but, in the meantime, a provisional date of 09th October 2023 has been set for the society's annual charity bake off where all proceeds will go to Enthusiasm. The member firms will shortly be receiving an information pack about the event but, in the interim, please save this date in your diary.

As I mentioned in my last update, the society's inaugural "Tapas Thursday" networking event is due to be held at the award-winning Lorentes restaurant in Darley Abbey on 07th September. In readiness for the launch of the promotional material, I met with the manager of Lorentes on 27th July and, thereafter, secured

sponsorship for the event from both Nelsons Solicitors and STAT Building Consultancy. I would like to express my gratitude to both event sponsors for their kind generosity. As at the time of writing, the booking numbers are looking very healthy and there is a good mix of both lawyers and non-lawyers which is fantastic. I will, no doubt, be able to report back on the success of the event in my next update.

My next engagement was to attend the society's annual cricket match against the Nottinghamshire Law Society. It was a wonderful evening at the Attenborough Cricket Club and I would encourage anyone reading this to attend to show your support in the coming years. When I arrived, I was re-assured to learn that some of our team had not only arrived early to practice (with game faces firmly on), but had also met earlier in the week to get in some extra practice too. I have no doubt that this (despite us being a team-member down) led to our team being victorious. In doing so, they brought the "Battle of the A52" shield back to its rightful home. Congratulations to all the team for a fantastic win and to **David Williams** for organising the event on behalf of the society. Let's see if we can retain the shield next year and, as part of that, we will be offering a "curry 'n' cricket" style social with a view of recruiting more team members. Further information to follow on that in due course but, if you know anyone in the interim that might be interested in joining the team then please let me know.

Until the next edition, I wish you all the best and hope to see you soon.

Oliver Maxwell

President, 2023-24



Council Member's Report



Shama Gupta

CILEX consultation: The consultation document proposes that Legal Executives should cease to be regulated by CILEX Regulation Limited but instead come under the SRA alongside a number of other proposals. The consultation closes on 5 November 2023. TLS has set-up a high-level working group to respond to this, taking into account your views.

Further reading - CILEX Consultation Launch | Enhance Trust & Confidence:

https://www.cilex.org.uk/about_cilex/consultations/royal-charter/

Admission Ceremony: The first regional Admission Ceremony in many years is on 11 September 2023 at the Leeds Civic Hall, in collaboration with Leeds Law Society. Anyone who may be interested in attending should book by 6 September 2023 on <https://www.lawsociety.org.uk/events/products/law-society-regional-admissions-ceremony-leeds-11-september-2023>.

Further reading - Regional admissions ceremony open for all solicitors | The Law Society:

<https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/regional-admissions-ceremony-open-for-all-solicitors>



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Financial benchmarking survey: Please complete the financial benchmarking survey by 15 September 2023 to get a free report tailored for your firm. It's the annual financial health check for law firms which you can use to help monitor the firm's profitability, control overheads and inform business planning.

Further reading - Take part in our Financial Benchmarking Survey 2024 ([lawsociety.org.uk](https://protect-eu.mimecast.com/s/lr39CX6jOSmygmF7F16u?domain=communities.lawsociety.org.uk)):

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Duty Solicitor Campaign - Write to Your MP: TLS encourages you to write to your MP about the crisis in the criminal justice system and the loss of duty solicitors. If you receive a reply from your MP, please would you share it with campaigns@lawsociety.org.uk who are monitoring responses. Those who have yet to contact your MP, please do so as soon as possible. The link with the template letter is at: <https://act.lawsociety.org.uk/page/123386/action/1>.

Further reading - Stop the demise of duty solicitors ([lawsociety.org.uk](https://act.lawsociety.org.uk/page/123386/action/1)):

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TLS welcomes feedback from you and I would like to hear from you about anything you may wish to share concerning your professional needs. Please contact me at <https://www.lawsociety.org.uk/about-us/our-governance/council-constituencies-and-current-members/shama-gupta>.

Don't forget to update your personal information on My LSI!

Shama Gupta
Law Society (TLS) Council Member, August 2023

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ADVERTISING FEATURE

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Like it or not, insurance to protect you and your family from the worst is important. So here's a quick guide to what's what in life, illness and income protection, and how to make them work for you

Nobody looks forward to tackling their life assurance, critical illness plans or income protection. Unlike a mortgage, investment or pension, there's nothing aspirational about them either. They can seem like just another load of household expenses.

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We understand it's all too easy to bury your head in the sand

Let's talk life insurance

There are two types of life insurance and both pay out lump sums when you die. Term insurance provides cover over a pre-determined period only, while whole of life assurance continues until you die. With the latter, a payout is guaranteed. So which is best for you? Think about who the insurance is for and why. How much cover do you need and for how long? It's also worth checking whether your employer provides a death in service benefit.

If you're looking at term insurance to provide security for your family, it might be worth considering 'family income benefit' as an alternative. Rather than a lump sum, this pays out a regular income until the end of a specified period and is relatively inexpensive.

What about illness cover?

Critical illness cover (CIC) pays out a lump sum if you're diagnosed with one of a specific range of conditions, from heart complaints and cancers to rarer diseases. Typically, a policy will cover 40-50 conditions. These can vary considerably, however, which makes it tricky to compare like with like.

You can buy CIC as an extension to life insurance or as a standalone product. The right option will depend on personal circumstances.

Income protection gives you a regular income if you become unable to work due to sickness or disability. It's the most expensive of these insurance options, as it's the most likely to be called upon. It's also one that's often overlooked, typically because people think that prolonged health problems are covered by their employer. Sadly, this is rarely the case, so make sure you check.

If you're trying to prioritise, you're more likely to need income protection than critical illness and more likely to need critical illness than life assurance. Consider a survey by the Financial Conduct Authority (Financial Lives survey 2020, updated February 2021), which reveals 39% of adults saying that, were they to lose their main source of income, they'd be able to cover less than three months' living expenses. That's more than 20 million people - and their families - at risk.

For the average family, income protection is probably the most important type of cover

There are savings to be had, however. Cover becomes cheaper, for example, if you're prepared to extend the length of time before the replacement income kicks in. Short-term income protection contracts that pay out for between two and four years are another relatively affordable option.

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SJP Approval 22/02/2023

SJP/CP/01/03/23

A tribute to John A Clarke 1949-2023



with a local Derby firm of solicitors.

John was originally in articles with Moody and Woolley and then transferred his articles to Gadsby, Coxon and Copestake and then onto Flint, Bishop and Barnett where he qualified and eventually became a Partner. However, just before he was 40 he decided partnerships were not for him and he became a sole practitioner, under the name of John A Clarke Solicitor. He first practised in Ripley and latterly for over 20 years was based on Town Street in Duffield.

Sport was a major part of John's life, in his younger years he played rugby for Burton Rugby Club, hockey for Derby Hockey Club, Football for Derbyshire Amateurs and cricket with the Grass Hoppers.

John was also a member of Chevin Golf Club for over 40 years but work and health stopped him from playing as he would have liked. In his later years he enjoyed watching many different sports including golf, cricket and football. The TV channel was permanently on Sky or BT sports.

During his 20's he and a group of business colleagues joined together and inaugurated the start of Derby Derwent 1206 Round Table which ran along side with City of Derby 126. This was a major part of his life until he was forty. He was

Chairman in 1986 and also served on the area sports committee. As a family they enjoyed many both social and fundraising events during those years. Fund raising and fun ran together. From Soap box Derby races where each different Round table in the area made their own soap box and raced it down hill-many falling to pieces before the end of the race. There were Duck races, Pudsey bear collections, Christmas Santa Street Collections, family bike rides, BBQ's and of course the Safari Suppers. The list was endless. With many happy memories of parties, nearly always in fancy dress and of course the National Conferences where much fun was found to be had.

Finally, John thought the world of his wife Elaine, his children and grandchildren. Always supporting them in their interests and hobbies, encouraging them to work to their best ability. In the latter years he was not able to do a great deal with his grandchildren, but he enjoyed having the children to stay the night and playing chess with his Grandson Josh. Towards the end Josh often winning.

He had a very full enjoyable life and I know John will be dearly missed by all of his family, former colleagues and all of his friends.

Phil Best - John's son in law

John was born in Mickleover on 8th April 1949 to Herbert and Edna Clarke and he had an elder sister, Janice. He grew up in Derby and attended Smallwood Manor prep school and then Repton.

John's Father encouraged him to pursue a career in engineering and in September 1967 he found himself on a Higher National Diploma course at Birmingham College of Commerce. It was a 'sandwich' course between college and attending GKN to learn the business and how things were done. Needless to say John discovered 'it was not for him' and left. John was then successful in gaining Articles of Clerkship


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Battle of the A52 - Nottinghamshire Law Society 'v' Derby & District Law Society Match Report 2023



The coin toss... Nottinghamshire to open batting... Derby to field... Let battle commence!

The sun was shining on Attenborough Cricket Club, when the two teams from astride the A52 met to compete for the coveted cricket shield.

and representing Nottinghamshire Law Society **Alistair Rose**, took the coin toss. Derby won and chose to field first putting Nottinghamshire into bat first!

Thursday 24th August, was the day set for the Battle of the A52 between Nottinghamshire Law Society against Derby & District Law Society.

Beginning the batting for Nottinghamshire is **Joshua Ganley** and **Jak Ward**, with **Alex Needham** and **Hugh White** bowling for Derby & District, within the first few hits of the ball **Josh** hits a 4 and we are off to good start!

Nottinghamshire Law Society were the winners in 2022, can they retain the trophy this year?

As the game progresses, dot balls are apparent, good for Derby & District, not so good for Nottinghamshire!

Derby & District Captain, **Phil Bramall**



Nottinghamshire Law Society – Battle of the A52 Cricket Team



Then there is another good hit by **Joshua Ganley** but caught out by **Peter Kidd**. After 17 runs, **Joshua** was out, and **Matt Slade** was sent into bat alongside **Jak Ward**.

Scores on the doors current 31 runs, 1 wicket and 3 overs... it's going to be a tight game!

Kieran Chappell takes to bowling for Derby & District pitching some fast balls towards the Nottinghamshire batters.

Keiran changes bowling overs to Derby & District Captain **Phil Bramall**, yet more mean bowling hurtling towards our batters, **Jak** and **Matt**.



Derby & District Law Society – Battle of the A52 Cricket Team



Nottinghamshire Law Society **Michelle Foster** with **Lucy Tissington**, Deputy Vice President of Derby & District Law Society.



President **Oliver Maxwell** and **Julia Saunders**, Derby & District Administrator.

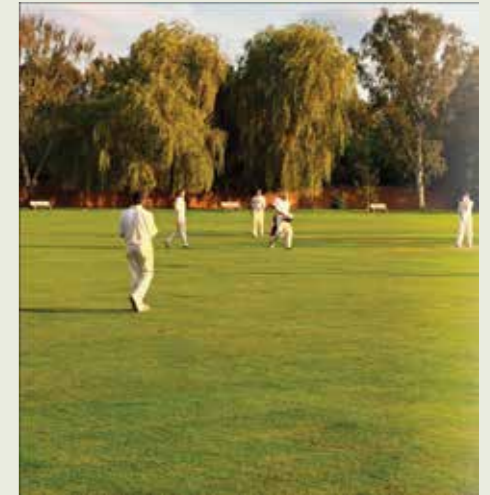
John Ellis is the wicket keeper for Derby & District and doing an excellent job, well done **John!**

shield stays with Nottinghamshire.

Alex Needham and **Hugh White**, the fast bowlers are the first out to bat for Derby, with **Aaron Singh** and **Joshua Ganley** as the first paired bowlers.

Clouds begin to fill the sky, the light is dimming, and the Derby & District batters are scoring 4-6-6 in their first hits, with many runs. It's not long before Derby's score reaches 20 runs, 0 wickets and 3 overs.

There is a constant sound of the willow being hit by the ball...



Jak Ward retires early and Nottinghamshire Law Society's Cricket Captain, **Aaron Singh** goes into bat, starting with some good runs, swiftly followed by some more excellent runs by **Matt Slade**.

Matt is bowled out and **John Hooper** goes into play but, sadly for not long, the Derby guys are on it and **John** is bowled out too...

At 8 overs Nottinghamshire is at 42 runs with 2 wickets, the game is still remaining tight, can Nottinghamshire hold onto the shield?

Shiv Nand runs out to play and yet again, the Derby players bowl out, they are definitely on it to get the shield this year!

Philip Cordery steps up to bat and hits some whoppers, Nottinghamshire is back into getting the runs in taking us to 58 runs, 4 wickets and 9 overs.

After 23 runs, **Philip's** ball hits the wicket, his run comes to an end and **Martin Foulds** steps up to bat, this time **Alex Needham** is back into bowl.

Alex's fast bowling eventually gets Nottinghamshire Captain **Aaron Singh** out, so it's time for **George Neville** to pick up the gauntlet.

Kieran Chappell returns to bowl, with lots of dot balls. Nottinghamshire is now at 86 runs, 6 wickets and 12 overs. Change of bowler to **Hugh White**, we had already seen his bowling skills earlier. Final set of overs sees **Phil Bramall** bowling for Derby.

The last set of overs sees **Peter Kidd** bowling and we are finished at 105 runs, 6 wickets and 15 overs!

Swift change over whilst the light is still with us, we are out fielding, and we need to ensure the

Philip Cordery steps up to bowl and finally bowls out **Alex Needham** after 28 runs. **Alex** is replaced by **Mangot Shokar** with **Josh Wilson**, between **Philip** and **Matt Slade** bowling we are on a mission to defend our reigning title of trophy holders!

New to the Nottinghamshire team this match is **Beth Eady**, sporting a hat and showing some excellent fielding skills. **Aaron Singh**, nearly caught an exceptionally good ball hit by **Mangot Shokar**, **Mangot** stays into bat more runs...





The bowling and the batting is fast and furious on both sides and at 8 overs, Derby finds themselves with 73 runs for 2 wickets.

Shiv Nand is next to bowl for Nottinghamshire with **Mangot Shokar** and **Josh Wilson** still batting. **Josh** finally retires with 30 runs and is replaced by **Kieran Chappell**.

Change of ends and **Alistair Rose** begins to bowl, Derby are now setting a good pace, where at one point the game was tight for both teams, Derby seem to be running ahead with 83 runs, 2 wickets on 9 overs!

Shiv bowls a fantastic ball and **Mangot** is bowled out with 13 fantastic runs under his belt!

The evening is drawing in and so is Derby & District with their scores, 93 runs, 3 wickets and 9 overs, Nottinghamshire can see the shield slipping away to the other side of the A52.

Phil Bramall and **Kieran Chappell** take the final bats for Derby with **Wesley Walton** bowling, then it's all over 108 runs, 3 wickets and 12 overs...

They think it's all over; it is now!

Thank you to the game's umpires **Colin** and **Phil** not forgetting scoring **Dave Williams**. Handshakes all round and it's off to the Pavillion for the shield presentation, a well-deserved pint of liquid refreshment and a sandwich or two!

Thank you for your sportsmanship this year, see you again next year...

Nottinghamshire Law Society
Captain – Aaron Singh

Kassra Powles, Shiv Nand, Wesley Walton, Jak Ward, Matt Slade, Beth Eady, George Neville, Philip Cordery, Martin Foulds, Joshua Ganley, John Hooper and Alistair Rose

Derby & District Law Society
Captain – Phil Bramall

James Newton, Ben Newton, Kieran Chappell,

Peter Kidd, Mangot Shokar, John Ellis, Hugh White, Oliver Makepiece and Josh Wilson



Nottinghamshire's Captain Aaron Singh presents the Shield to Derby & District Captain Phil Bramall and Society President Oliver Maxwell.



Derby & District Law Society – Battle of the A52 Cricket Team Winners 2023



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Proposals To Abolish Inheritance Tax Must Take Into Account Risk Of Legacy Income Loss For Charities

REMEMBER A CHARITY
IN YOUR WILL
Help the work live on...

Over 50 MPs have called for Inheritance Tax (IHT) to be abolished, and Government is reported to be considering including the proposal in the Conservative manifesto. With the current IHT framework offering generous incentives for legacy giving – a growing and crucial income stream for UK charities, Remember A Charity will be calling on government and policymakers to consult with the sector and to ensure that legacy income will be protected.

Lucinda Frostick, director of Remember A Charity, says: *“Any change to Inheritance Tax that fails to consider the likely impact on legacy giving and just how vital this income stream is for UK charities would be of great concern to us at Remember A Charity.”*

“Legacy giving has become a lifeline for thousands of charities and community-based organisations, building resilience and long-term income that has proved crucial in the current economic climate.”

“As a representative body for 200 charities that rely on legacy income, we will be urging government and policymakers to consult with us and the wider sector to explore the likely impact on charities of proposed changes, ensuring that legacy income will be protected.”

What are the IHT benefits?

Charitable gifts in Wills are currently exempt from Inheritance Tax (IHT), charged at 40% above the IHT threshold. What’s more, those that donate 10% or more of their estate to charity benefit from a discounted IHT rate of 36%. This can make a considerable reduction in the amount of tax paid per estate, enabling people to give generously, while also supporting their family and friends.

Read more:

What is the impact of the IHT incentives on legacy giving?

Legacy giving has grown substantially – with consumer polling indicating growth of over 40% in the past decade, and while it’s impossible to state with certainty how much of that is driven by the IHT incentives, the tax framework can be powerful influence on people’s capacity and propensity to give. Crucially, the IHT incentive creates the opportunity and impetus for solicitors, professional Will-writers and other legal advisers to raise legacy giving with clients. Research from the Behavioural Insights Team indicates that even the simplest of charitable reference by solicitors during the Will-writing process doubles the chances that clients will leave a gift. Having tracked charitable estate trends reported by solicitors and Will-writers since 2014, we can see a 50% increase (from 16%-24%) in the proportion of professionally written Wills that include a charitable donation.

Key facts and figures

IHT is a minority tax impacting fewer than 4% of deaths (27,000 in 2020/21), and yet,

Estates paying IHT account for around one quarter of all charitable estates (9,680) and half of legacy income donated (£1.8 billion in 2020/21)*

Over one third (36%) of IHT estates include a charitable gift, with one in

four of those charitable estates (2,590 in 2020/21) including donations of 10% or more, qualifying for the reduced IHT rate*

Legacy giving is around six times more prevalent for IHT estates – 36%* vs 6%**

Gifts in Wills now raise almost £3.9 billion*** for good causes annually, funding vital charitable services for charities and community-based organisations across the country. Legacy giving is an integral and thriving part of the UK’s philanthropic landscape.

Remember A Charity is working with the Chartered Institute of Fundraising and fellow sector bodies to build up a body of evidence on the importance of the IHT incentive and to formulate a collaborative response to Government.

Sources:

*HMRC IHT statistics and commentary, 2020/2021

**Smee and Ford, Legacy Trends Report, 2023

***Legacy Foresight, 2023 For more information see www.rememberacharity.org.uk/IHT

Please help us to continue serving the theatrical profession by making a donation or leaving a gift to the Actors' Benevolent Fund in your will.

In 1880, the great actor manager Sir Henry Irving founded the Actors' Benevolent Fund with a promise to help actors and actresses experiencing hardship due to accident, illness or old age.

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For further information, including details of inheritance tax relief, please call us or visit our website.

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actorsbenevolentfund.co.uk

Registered charity number: 1206524



Derby & Burton
Hospitals Charity

Registered Charity Number: 1061812

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New consumer campaign to launch Remember A Charity Week (11-17 September 2023)

REMEMBER A CHARITY IN YOUR WILL
Help the work live on...

This year's campaign for Remember A Charity Week (11-17 September 2023) will showcase the breadth of people who choose to leave a gift to charity in their Will. With a new humorous consumer campaign encouraging people to be remembered for 'even more' than the warm and quirky moments in their lifetime, the consortium aims to open up conversation and inspire people to leave their own gift.

Remember A Charity Week brings together around 200 member charities and the campaign's network of over 800 solicitors and Will-writers to encourage everyone to consider leaving a gift to their favourite charities in their Will, alongside gifts for family and friends.

The Week serves as a platform for charities to engage with supporters and the giving public, sharing their own legacy message. It's also an opportunity to get their whole organisation's support and buy-in for legacies, championing the legacy message internally and with external audiences. For professional advisers, it's a chance for them to promote to clients and prospects the importance of having an up to date Will.

Lucinda Frostick, Director of Remember A Charity, says: "We're encouraging charities, professional advisers, campaign partners and others to come together for Remember A Charity Week and use this opportunity to shine a light on the importance of legacies for charities across the country."



Lucinda Frostick

"In the current economic environment, with even more pressure on budgets, prioritising legacy fundraising and securing sufficient resource isn't always easy. So, this year, we're providing new resources for charities to use internally, as well as customisable legacy materials that help charities start their own legacy conversations with supporters – and to build on that momentum and dialogue throughout the year."

Customisable legacy promotion assets

Alongside the new consumer campaign, Remember A Charity is issuing a new suite of customisable digital legacy marketing assets (including social posts, banner ads, posters, bookmarks) ahead of Remember A Charity Week, which member charities can personalise with their own messaging, imagery and branding.

Promotional activity for legacy giving continues throughout the year, with Remember A Charity working to drive conversation and build understanding of the importance of legacy giving among the giving public, government, and professional advisers.

To find out more or take part in Remember A Charity Week (11-17 September 2023), visit www.rememberacharity.org.uk



If our brain breaks down, we break down.

Let's unite to accelerate the progress of brain research.

Leaving a gift in your will to Brain Research UK is a wonderful way to make a lasting difference to future generations by helping to accelerate research into neurological conditions. It will cost you nothing in your lifetime, but will help us to make a difference in years to come. Gifts both large and small help fund research to accelerate the progress of brain research.

We hope you'll consider leaving a gift to Brain Research UK

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LawCare

Supporting the Legal Community



Elizabeth Rimmer

support. Although this can be beneficial, workplaces need to go wider and look at their organisational culture and working practices and consider their responsibilities to ensure that they create an environment which supports psychological safety and mental health.

What are psychosocial risks?

Risks to mental health at work, also known as psychosocial risks, are a broad range of factors relating to the workplace and working that can cause psychological harm and can come from:

- Work management or design
- The work environment
- Workplace relationships and social interactions
- The World Health Organization has identified common risks to mental health at work (Guidelines on mental health at work) and those that are relevant to the legal sector include:
 - Excessive workloads
 - Long, unsocial, or inflexible hours
 - Lack of control over workload or job design
 - Organisational culture that enables negative behaviours
 - Poor workplace relationships
 - Limited support from colleagues, poor management, or authoritarian supervision
 - Harassment, sexual harassment or bullying
 - Discrimination and exclusion
 - Unclear job role and expectations
 - Low reward and recognition, poor investment in career development
 - Conflicting home/work demands
 - Isolated or remote working
 - Exposure to traumatic events

How does exposure to psychosocial risk cause harm?

Some of these risk factors, such as exposure to traumatic events, have the potential to directly cause harm. Legal professionals working in family, criminal, immigration, or crime may develop vicarious trauma because of exposure to the trauma experienced by their clients.

However, for most people, it is a combination of exposure to psychosocial risks at work which can undermine their mental health and lead to anxiety, stress, burnout, or depression.

The legal workplace is characterised by inherent psychosocial risks - working long hours, poor work life balance, meeting the expectations of demanding clients, heavy caseloads, the pressure of deadlines and billing targets, whilst maintaining high standards of ethical and professional conduct.

This is evidenced by our Life in the Law Study published in 2021, which showed that legal professionals were at high risk of burnout associated with a high workload, working long hours and a psychologically unsafe working environment, and 20% reported being bullied, harassed, or discriminated against.

How can legal workplaces manage psychosocial risk?

The tendency in legal workplaces is to respond to people with work related mental health conditions, once the problem has arisen; the goal should be to prevent work related mental health conditions developing in the first place. Actively managing psychosocial risks is the

key to prevention. Employers should assess and identify the workplace risks to mental health, identify who may be exposed to these and which groups may be at particular risk, then take steps to mitigate, modify or remove these risks and monitor the impact these steps have had. Managing psychosocial risks should be embedded in the organisational risk management system.

Practical steps to mitigate risks

Start with a strategic review of your organisational culture. Consult with colleagues about their perspectives on this, find out if they feel they work in an environment that fosters trust, respect, and psychological safety where they can speak up about their mental health and work-related concerns. If they don't, consider and take the steps needed to address this, in particular the role of leaders in demonstrating their commitment to a positive workplace culture and capacity for change.

Although it may seem challenging to implement measures to manage the psychosocial risks in legal workplaces, there are some practical steps that employers can take such as:

- Invest in management training so that those with responsibility for others have the skills and capacity to do this effectively
- Ensure staff have the support they need – regular 1:1 catch ups with their manager or supervisor and participation in relevant mentoring and peer support schemes
- Monitor and manage workloads and ensure staff and teams are adequately resourced
- Check in regularly with staff working remotely
- Adopt a zero-tolerance policy to bullying, harassment and discrimination
- Address poor workplace relationships or conflict
- Support staff to work healthy hours, take breaks and their holiday entitlement
- Ensure transparent processes for work allocation, reward, and career progression
- For those exposed to traumatic events or materials, provide education, support and

training

- Provide flexible working arrangements e.g., working from home or flexible hours to allow more time for responsibilities outside work and for activities that support mental wellbeing
- Adopting a proactive approach to managing psychosocial risks supports an engaged, productive, and inclusive workplace which enables people to thrive.

LawCare is the mental wellbeing charity for the legal profession offering free, confidential, emotional support, peer support, and resources to those working in the law. LawCare promotes mental health and wellbeing best practice in legal workplaces and drives culture change in education, training and practice. If you need support call LawCare on 0800 279 6888, email support@lawcare.org.uk or go to www.lawcare.org.uk.

Elizabeth Rimmer.
CEO of LawCare

CAN YOU HELP US FIGHT PAIN ?

PAIN RELIEF FOUNDATION

RELIEVING CHRONIC PAIN THROUGH RESEARCH

Chronic Pain
Pain that carries on for longer than 12 weeks despite medication

Chronic Pain effects people of all walks of life, 43% of the population suffer from chronic pain.

Sure, we all experience pain. Whether its stubbing your toe or getting a papercut, we all know what it feels like. But for 43% of the UK population the pain is excruciating and a daily obstacle that is so hard to overcome; conditions include Back pain, Pelvic pain, Migraine, Fibromyalgia, Arthritis, Cancer pain, Nerve pain, Neuropathic pain, CRPS, Diabetic Neuropathy, Dental pain. These are known as chronic pain.

The Pain Relief Foundation based in Aintree, Liverpool is the only registered charity with the aims & objectives to fund research into chronic pain, seeking new treatments to fight the endless suffering it causes, using a multidisciplinary approach. We receive no official funding from the NHS or any Government body therefore we rely entirely on charitable contributions & fundraising.

Help Support people with chronic pain with a legacy gift in your will or make a donation today.

For more information about the Pain Relief Foundation, please visit our website www.painreliefoundation.org.uk
Email lorraine.roberts@painreliefoundation.org.uk or call 0151 529 5820

REGISTERED CHARITY NO 1156227

- 1 in 10 people in the UK suffer from chronic pain - which does not go away.
- Over half of sufferers endure chronic pain all day every day.
- Many say they can't remember what it is like not to be in pain.
- Thousands of sufferers lose their jobs because the pain is so bad they can't work.
- Pain stops sufferer enjoying walking, sleeping, shopping and even playing with their children.

Domestic abuse legal support charity seeks extension to current premises



National charitable legal service Affordable Justice seeks donations to expand its premises to manage extra demand on its domestic abuse legal services

Non-profit legal charity Affordable Justice is seeking funding of £205,000 for the construction of a two storey extension to its office accommodation at the Preston Road Women's Centre in Hull. The investment is the direct result of an increasing demand for its family law service which is offered both locally in Hull through the women's centre, and nationwide through online consultations.

Established in 2016 Affordable Justice has stripped out the profit element normally added by commercial legal firms, enabling them to charge less than a third of the usual cost. This makes their services more affordable for women who have been disproportionately affected by the cuts to legal aid which were implemented in 2013.

"The growth of Affordable Justice has demonstrated the inherent need across the UK for legal services based on our feminist framework," said founder and director **Lisa Hilder**. "Locally we are finding increasing numbers of women accessing our services through the Women's Centre, and despite holding more and more consultations online, we do not envisage these face-to-face meetings diminishing in any way."

The funding is being secured in association with Preston Road Women's Centre - also known locally as The Purple House. The Centre is recognized as a safe haven for women suffering from domestic abuse across the region. It incorporates a range of facilities and amenities that give these women a gentle focus for a visit which leaves no digital trace. These women can visit the charity shop, use the laundry, and find some respite by leaving their children at the nursery.



Lisa Hilder

"As they become more familiar with the Centre and its facilities, they often find their way to our service where they can start to explore their legal options out of their current abusive situation," continued **Lisa Hilder**. "Within our feminist framework, we are led by the women and what they want and feel comfortable with. Affordable Justice is not governed by generating profit. We are governed by operating within an integrated service model that puts the woman at the centre of everything we do. Our key driving forces are empowerment, self determination and sustainability, and adhering to these values has given thousands of women the space and courage to seek help."

The working from home mandates of 2020 and the COVID pandemic meant that Affordable Justice was, in the same way as everyone else, forced to go online. This created a working business model that was replicable across the UK while still adhering to its core feminist values. This has inevitably put a strain on the resources back in Hull. The new office space is vital for back office administrative support as well as additional consultation rooms which can be used for both face-to-face and online meetings.

Chief executive for the Preston Road Women's Centre, **Ann Clarkson**, has secured planning permission on the extension and is looking forward to brushing down her purple hard hat and high viz jacket, retained from the construction of the women's centre - the first of its kind in the UK.

"Affordable Justice has been a key part of the so far 23 year journey that we have been following here at The Purple House," commented **Ann Clarkson**. "This extension forms a natural next step in our overall growth. Unfortunately domestic abuse and its impact on women's emotional and physical wellbeing is never going to go away, but our integrated model of services, of which Affordable Justice is a crucial element, allows women to envisage a different future devoid of the pain and fear of abuse. We welcome any individual or company who is interested in helping us to secure the funding so that we can start construction as soon as possible."

Both Affordable Justice and Preston Road Women's Centre honour their feminist roots by using the purple, green and white colours of the suffragette movement, and this is also becoming synonymous in the recognition of protecting the rights of women within a misogynistic family law system. Long term, Affordable Justice is seeking to strengthen its sustainable business model and influence systemic change in the way domestic abuse and childcare arrangements are processed through the family law courts.

If you are an individual or company representative and would like to support Affordable Justice in its bid to raise the £205,000 needed to fund the extension, please contact Lisa Hilder on lisa.hilder@purplehouse.co.uk.



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Solicitors PII October Renewal Season Update



Brian Boehmer

The solicitors PII season is now well underway, with many of the leading insurers kicking off proceedings earlier than in previous years, following the reintroduction of early/easy renewal offers for certain longer-standing clients, and a generally wider availability of cover.

One very disappointing development in the PII marketplace is that, due to a complicated regulatory process, a much-anticipated new A-rated entrant has advised its broking partners that it will not be able to offer a solution for the legal profession of England and Wales in time for October renewals. Thankfully, this is purely a timing issue; the insurer's commitment to the sector remains, and should be fully operational to access next year.

Despite this disappointing news, our optimism remains. The vast majority of leading participating insurers have an appetite to actively grow their respective portfolios with the addition of new business. Further evidence of this is demonstrated by the return of extended policy periods, particularly for those practices with a desirable risk profile.

Each insurer's appetite for business will naturally vary. In the main, this is typically defined by the following factors: Partner (Director/ Member) numbers, fee income, activity profile, and claims. Some insurers focus on smaller practices, others on larger practices, some like specialist others prefer generalist. Of particular interest to many leading insurers is the level of conveyance work a given practice undertakes, with conveyance caps remaining in force (although these too vary considerably across the marketplace). As such, the market for firms with fee income below £3M and over 35% conveyance continues to be challenging, albeit not impossible for quality firms with a decent presentation. In recent renewal seasons, a number of insurers have also insisted on practices having a separate cyber policy in place. This approach persists, with some insurers refusing to quote without evidence of such a policy, and even applying a premium loading for applicants deemed particularly high-risk.

As a result of these improved market conditions, and despite the inflationary pressures facing insurers, rates within the market have stabilised. Subject to perhaps a consistent area of practice being undertaken, firms with a reasonable claims performance are not experiencing further erosion of their profit. Some are actually benefiting from a concession in the rate applied to their fees, particularly if they have reduced higher-risk practice areas, or where further risk improvement measures have been articulated and, importantly, shared with insurers.

While it is still early to report on rate and pricing accurately, from what we have seen so far,

premiums have not been reducing significantly. The main reason for this is the fact that many SRA-regulated practices have experienced substantial growth in their fee income – a primary driver for the premium charged by insurers.

New Questions

Each renewal season typically introduces a number of new questions, or sees existing questions refined. This renewal season is no different.

Due to the ongoing Russian invasion of Ukraine, along with the heightened spotlight on AML, varying sanctions-related questions remain. Many of these relate to property work, which continues to be the largest contributor of claims experienced by the legal profession of England and Wales. Questions relating to the Building Safety Act have also been introduced, with insurers seeking confirmation that those active are alive to the changes and the additional risks involved, and have implemented measures to mitigate risk.

In addition to this, some insurers are looking specifically at the lenders involved in conveyance work undertaken. They are seeking confirmation that practices only have a modest exposure (sub 5%) to secondary lenders, defined as those lenders which have not signed up to the UK Government's Mortgage Charter.

Approach

While insurers have an appetite to grow their portfolios, it is the job of their underwriting teams to deploy capital to deliver a profit. Given the current economic environment, many underwriters will still adopt a level of caution. To capitalise on the improving insurance market conditions, it is recommended that firms take the time to prepare a quality presentation that provides a positive reflection of their practice. As Lockton has advised countless times, this is firms' shop window for insurers, so they must use the opportunity wisely. It is prudent to remember that approximately two-thirds of the legal profession of England and Wales renew at the end of September, so you will be vying for the attention of underwriting teams along with a substantial number of their peers. If you provide the bare minimum and do not share positive news about your practice, how will your representative and more importantly the underwriter know?

The good news is that we have an active market, the leading insurers have an increased appetite for business, but remember their underwriting teams will only have a finite amount of time to undertake their risk assessments. At the time of writing, approximately 10-15% of those due to renew have done so already,

while 50-60% of the entire SRA-regulated profession renew their insurance in the coming weeks.

With that in mind, make sure your practice stands out from the crowd. Should you have experienced claims, provide a narrative of the situation, along

with detail of the measures implemented to prevent their repeat. Simply stating that the fee earner responsible for the claims is no longer with your firm isn't necessarily enough to satisfy insurers. Likewise, if firms only provide the bare minimum, and do not share any positive news with their representatives, then how will the underwriter know?

I encourage you to use this opportunity to help your chosen representative(s) to educate insurers about your firm, what you do, and how you do it. Consider the fact that specialist underwriters are not solicitors, and although they will understand risk, and the ramifications of any mistakes, they may not comprehend the intricacies of your specialism entirely. At the same time, no two practices are identical, so articulate why you are better. As they say, perception is not always the reality – an underwriter could always form an opinion which is incorrect. And once opinions are formed, they are much harder to change.

It would also be wise to begin exploring finance options much earlier than you may have done previously, given that the due diligence process at most lenders has increased. Added to that, high interest rates may mean that you need to shop around to get the most favourable terms.

Representation

Choose your representative(s) wisely, acknowledging the fact that it would not be advantageous to scatter your presentation across the marketplace, as this may dilute the work that you have done to present your practice in a positive light. There is also a possibility that your representative may not be able to reach all the active participating insurers directly, and this may well result in you not being able to achieve the optimum solution possible for your practice.

Before selecting your representative(s), establish which insurers that they can approach directly on your behalf. You simply will not truly benefit from an improving PII landscape should you inadvertently exclude half of the active participating insurers. Likewise, remember that each insurer will have a different appetite to business. Therefore, you need to make sure that you approach the insurers who will be attracted to your practice.

We would welcome the opportunity to canvass the market for all Derbyshire Law Society members, or, as a minimum, to provide each of you with a second opinion. We have direct access to more active participating insurers than any of our peers, and will have insurer solutions that your current representatives cannot provide for you, for a broad spectrum of risk profiles.

I do hope that you take up this offer, and wish you all the best.

Brian Boehmer

Partner

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Neil Shaw and Tim Rookes, Directors of True MSP

Cyber-crime is a serious and growing threat to businesses of all sizes, especially small and medium-sized enterprises (SMEs). According to the latest statistics from the UK government, 39% of UK businesses reported suffering a cyber-attack in 2022, and cyber-crime cost UK businesses an average of £4,700,000 last year alone. This article will provide an overview of the current cyber-crime landscape for UK SMEs and offer tips on how to protect your business from cyber threats.

One of the most common types of cyber-attacks facing UK SMEs is **phishing**, which involves sending fraudulent emails or messages that appear to come from legitimate sources, such as banks, suppliers, customers, or even falsely representing one of your own team. The aim of phishing is to trick recipients into clicking on malicious links or attachments, or to provide personal or financial information. Phishing accounted for 83% of the cyber-attacks identified by UK businesses last year, and affected half of the users who suffered a data breach in 2021.

Another type of cyber-attack that has become more prevalent in recent years is **ransomware**, which involves encrypting the victim's data or systems and demanding a ransom for their release. Ransomware attacks can cause significant disruption and damage to businesses, as well as reputational harm

and legal liability. In 2022, around 236 million ransomware attacks occurred globally in the first half of the year, and 21% of UK businesses identified a ransomware attack among their cyber incidents. However, the criminals know that only half of UK businesses have a policy not to pay ransoms, which may encourage further attacks.

The cyber-crime landscape is **constantly evolving** and adapting to innovative technologies and opportunities. For example, the recent invasion of Ukraine by Russia has increased the cyber activity from Russian-based actors, targeting email addresses of European and US-based businesses with phishing attacks. Moreover, the COVID-19 pandemic has created new challenges and vulnerabilities for UK SMEs, as many have shifted to remote working and online services, exposing them to more cyber risks.

Therefore, it is essential for UK SMEs to **take proactive measures** to enhance their cyber security and resilience. Some steps that can help prevent or mitigate cyber-attacks include:

- **Enabling 2-Factor Authentication.** 2FA adds a layer of security and stops 99.9% of automated attacks, 96% of phishing attacks and 76% of targeted attacks, and in most cases is FREE to enable.
- **Investing in adequate cyber security solutions** and services, such as antivirus software, advanced threat protection, firewalls, backup systems, encryption tools, and cloud services.
- **Define cyber security roles and responsibilities** by implementing a policy and business culture that sets clear rules and standards, and promotes awareness and best practices among employees and stakeholders.

- **Report any cyber incidents or breaches** to the relevant authorities, such as the National Cyber Security Centre (NCSC), the Information Commissioner's Office (ICO), or the police. This can help receive support and guidance, as well as prevent further harm or legal consequences.

Cyber-crime should not be ignored or underestimated by SMEs. By staying informed and prepared, you can reduce your exposure, limit the impact from cyber threats and ensure your business continuity.

True MSP offer tailored IT Managed Services which focus on cybersecurity and business continuity; so, when your business becomes a target, your systems and data are in safe hands and are protected by innovative cybersecurity solutions.

Following the success of last month's offer, **True MSP are extending our complimentary Cybersecurity audit for another month.** Many local businesses who benefitted from our FREE security audit last month have now increased their cybersecurity protection and will have peace of mind that they're doing more to keep the threats at bay.

This offer is open to the first 10 Law firms who contact us and mention this D&DLS article. More details can be found on page (Please insert page number).

Our mission is to ensure our clients don't have to worry about cyber-crime.



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LEAP and WillSuite support Free Wills Month with free subscription offer

In support of Free Wills Month this October, LEAP, the forward-thinking legal practice management software provider, and its integration partner WillSuite, are offering a free month's subscription to WillSuite's will writing software*. This offer will enable LEAP's existing estate planning customers to take part in Free Wills Month and draft wills quickly and easily.

Working seamlessly with LEAP, the WillSuite solution enables solicitors, will writers and estate planners to draft wills easily in plain English with clauses maintained by a panel of TEP-qualified lawyers. Using data held in LEAP and guided by questionnaires, LEAP customers can utilise the WillSuite integration to produce wills, lasting power of attorneys and supporting documents quickly and efficiently.

Free Wills Month takes place twice a year and was launched by a group of charities, including the National Trust, British Heart Foundation and Marie Curie, to offer members of the public aged 55 and over the opportunity to have their simple Wills written or updated free of charge by using participating solicitors in selected locations across England and Scotland.

"We're very pleased to be working with the team at WillSuite to help our clients support the Free Wills Month initiative this October," explains Craig Matthews, Director of Lifetime planning at LEAP. "Free Wills Month offers a fantastic opportunity for members of the public to ensure their Wills are up to date and their wishes are respected. Our integration with WillSuite greatly streamlines the will writing process, which saves both the solicitors and their clients a huge amount of valuable time."

Further benefits of WillSuite include:

Mirror Wills with ease: Once the first version has been completed, user create the mirrored will in seconds using the mirror function.

Copy LPAs saving time: If creating a Health and Wealth and Financial LPA at the same time, for the same parties, users can create one then copy the data across to create the other.

Combine the above: WillSuite's powerful mirror and copy functionality means two wills and four LPAs can be drafted by completing just two questionnaires.

LEAP customers can sign up to WillSuite this September by enabling the WillSuite App on LEAP Marketplace and benefit from the offer in October.

**On registration to WillSuite, the first month's subscription is free. This offer is available to existing LEAP customers that do not currently have a WillSuite subscription.*

About LEAP

LEAP Legal Software has been helping small to mid-sized law firms to become more efficient and profitable globally for more than 25 years. LEAP is committed to consistently providing world-class legal practice productivity solutions and has innovation at the heart of its research and development so that users continually have the best possible experience.

Occupying a unique position in the legal software market, LEAP includes legal case management, legal accounting, document assembly, document management and legal publishing assets in one solution. Its software is designed to streamline tasks such as matter management, time recording document management, email management, automated forms, client accounting, billing, reporting and remote working.

For more information, please visit www.leap.co.uk.

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Statement of Truth? Forget it!



Chris Makin

Those of who (thank you!) who have had the patience and loyalty to read some of my past articles will be aware that I am

quite scathing about the performance of some expert witnesses. In some cases it's merely incompetence, but with others it's more serious.

Looking at the incompetents first, we have such inept examples as in *Van Oord Ltd & Anr -v- Allseas UK Ltd* [2015] EWHC 3074 (TCC), where the expert failed in his duty by:

- not even considering or formulating the costs as incurred by the claimant (and he was the costs expert!);
- admitting in cross-examination that he did not even agree with his own report (this is amazing!) and
- admitting that the views he had expressed in his report were merely the assertions of his clients, who themselves had resiled from those very assertions in their own cross-examination.

How pathetic is that? But read on – it gets worse.

How about the expert who thinks they are a good team player? This, from Thorpe LJ in *Vernon -v- Bosley* (No 1) [1996], when he talks of plaintiff and defendant walking down either side of the road, but the expert must be "...ever mindful of the need to walk straight down the middle of the road and to resist the temptation to join the party from whom his instructions come on the pavement." The fact is that the expert must never be in one team or the other, but must always walk down the middle of the road.

Then we come to experts who purposely ignore their duty to the court, and knowingly fabricate evidence. There is a chilling example in *Liverpool Victoria Insurance Company Ltd -v- Dr Asef Zafar* [2019] EWCA Civ 392, where the medical expert produced an amended report, saying the claimant had more serious injuries than in his first report, and both reports (oops!) were disclosed to the defence. And LV=, clearly tired of being misled by experts ("it's only insurance – it won't cost anything!") took both the claimant solicitor and his expert to court for perjury. The result? The solicitor was jailed and is no

longer a solicitor, and the so-called medical expert was warned that he had narrowly missed being jailed, too.

But now we come to a case which has not attracted the attention it deserves, a blatant example of expert witness reports and oral evidence being produced falsely on a truly industrial scale.

The case is *Accident Exchange Ltd -v- Nathan John George-Broom and six others* [2017] EWHC 1096 (Admin). This is the scene. Accident Exchange ("AE") was a car hire and claims management company with a fleet of specialist and prestige vehicles which it provided to accident victims on a credit hire basis. Now, credit hire terms tend to be much higher than the basic hire rate, and motor insurers were keen to have the credit hire costs reduced.

It followed that many insurers engaged Autofocus Ltd ("AF") to provide experts who would research the market, find equivalent prestige cars for hire at a more reasonable rate, and produce an expert report (and oral evidence in some cases) so that much reduced amounts were recovered by AE from insurers. Insurers loved it, but the figures were startling. In one such case (*Archer -v- Skanska*) the Recorder accepted that "Mr George-Broom gave careful and precise evidence about the researches which he carried out on behalf of the Defendant", and the judge reduced the car hire charge from £32,963.61 to £11,358.20. It was all false; there was a retrial, this rate evidence was abandoned, and George-Broom was committed to prison.

The scale of the scam was huge: AE alleged that the activities of AF had cost them £126million and caused three hundred redundancies.

AF went into insolvent liquidation, and after a tussle with the liquidator, the claimant obtained a vital piece of evidence: known as the Mirror Disk, it was a hard disk which recorded all the activities of the team at AF, including the number and duration of each and every telephone call made.

This was important, because the team at AF were "rates surveyors", whose task it was to telephone car hire companies and ask for a quote of a daily rate for the particular car AE had supplied to the accident victim. Hire

rates vary daily, and there was the question of availability, since not all hire companies keep all models of cars, especially the more exotic ones. Under many motor insurance policies, the insured has the right to have a loan car of the same or similar model whilst their own is being repaired. But if the damages vehicle is a recent Aston Martin, or a McLaren, a loan car could be difficult to find.

On the face of it, each rates surveyor made their own calls: Do you have this model available? Would it have been available at the relevant time? What is your daily rate now? What would it have been at the relevant time?

Then each rates surveyor would write an expert report, sign a statement of truth, and if necessary give oral evidence at trial.

That was the theory, but the practice was very different:

- Many of the car hire companies did not have the relevant vehicles available, but the report said they did.
- There would be reference to the name of a person who gave the rates to the surveyor; in many cases there was evidence that no such person had ever worked there.
- Some of the car hire depots had not existed at the time of the hire, but the reports said they did.
- Some of the rates were pure invention.
- It was agreed evidence that a call to obtain a quote would take at least 3-4 minutes, but some calls quoted in expert reports were as short as 11 seconds.
- AF kept a database of all the quotes obtained, so that if they couldn't get one in future they could invent a quote from that database. All seven defendants denied at trial the existence of that database; the Mirror Disk showed it existed.
- Rates surveyors made notes of quotes obtained before putting them on the database; all denied at trial that such notes were made.
- There was coaching of the experts, with mock trials held, and the surveyors were taught the standard replies they should give in cross examination.
- There was a cavalier approach to who had written the expert report; if the author was not going to be available at trial, a different expert would adopt the report and say at trial that this was their own research.
- Some of the figures on the reports were changed, principally by the second defendant Elaine Walker, a director of AF.

The outcome was that all seven defendants were found guilty of perjury, and all were jailed for up to 13 months. And they could count themselves lucky that this was not the USA, where jail terms for such offences run to decades, not months.

This was such an extreme case that it is difficult to draw any moral. I thank the Lord that I live in the world of conscientious experts, who treat the Statement of Truth with the respect it deserves.

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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Mr Richard Bailey has over 20 years experience as a consultant and clinical lead in Accident & Emergency Medicine at a busy DGH. He instructs on advanced trauma courses.

He advises his NHS trust on cases pending litigation and has attended courses aimed at improving the court skills of an expert witness. His expertise covers the whole remit of emergency medicine, but he has a special interest in trauma.

Mr Bailey can act for either claimant or defendant or as a Single Joint Expert and he has been preparing personal injury, medical negligence and medical reports for the Police/CPS for over 10 years.

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Meet the Heir Hunter

Danny Curran is the founder and Managing Director of Finders International, an award-winning Probate Genealogy firm. Finders International's main area of business is to trace, identify and locate missing beneficiaries to estates, property and assets all over the world. Danny has now become the spokesperson for the industry with features on The Morning, Forbes and local BBC radio.



Danny Curran

How did Finders start?

Danny: Finders was set up in 1997, I started as a sole trader, but here we are 25 years later as the largest UK firm in our field.

What do you enjoy most about Finders?

Danny: I think what I enjoy the most about Finders is the fact we can make a difference to many different people's lives. The work we do often surprises people, it's a windfall, pennies from heaven, it's something unexpected and something that can have a really positive impact on them, whether they are due a small amount of money or a large amount of money often it doesn't make any difference.

Aside from the money, there's also, of course, the human story and the fact they're discovering something about their family history often that they never knew.

At Finders, what achievements are you most proud of?

Danny: I think what I'm most proud of with Finders is creating a company with a very positive culture. The fact that we've grown to the size that we have, and maintained our ethics, our standards, bringing and introducing environmental factors to the company. We have got an ISO 14001 Environmental Standards, plus we are living wage employer - all these ethical things are really good to do and if you can do them as an employer it's a really good feeling.

What's been most surprising about the journey so far?

Danny: The most surprising thing about the journey with Finders so far

has that we've managed to incorporate and learn from the experiences that have happened to us over the years. We've maintained a very business-like approach. So from being a newcomer to the industry we've reached a point now where we can lead the conversation with the legal profession and make a positive impact, not just for our clients but also for the employees of the company as well.

How do you feel your presence in the media has affected Finders and the Industry?

Danny: Finders began filming BBC One's TV series Heir Hunters quite a few years ago, and following on from that, we've really embraced the media conversation around probate research as the stories we have are often very positive and heart-warming. Sometimes it's very bittersweet stories where people find money they're due money from someone they never knew, and would've liked to have known, but I think what's been great is that we've been able to embrace the media stories and create greater standards for the industry at the same time.

What's next for Finders?

Danny: The goals for the future really are to try and enhance and improve the reputation of the probate research industry. I think we've come a really long way since I started. In 1990 it was very much, a kind of, maverick industry that many lawyers had not even heard of, but now that we're becoming more entrenched in the legal process and we're forming key partnerships with lawyers and others.

I think what I want to do is make that relationship with the legal world on a par with lawyers so we can help them and support them in everything we do. It's a very important part I think, it helps with standards, for the lawyers themselves for the world of probate research and to try and make sure that we maintain the standards going into the future.

What is the Finders Culture like?

Danny: We have an amazing team of people here and we've done so well over the years to maintain a very positive culture, for people to enjoy what they're doing and have some pride in what they're doing. It's not an ordinary job it's a very unusual job and I think we've captured the imagination of not only the public with the media and the TV, but also within our employees who've stayed with us for a long time, they can see the good we're doing and the difference that we're making.

So a huge thank you to everyone who has worked with us over the years and for current staff and all the people who have endured working with me for 20 plus years - a very big thank you!

Finders International have a range of services for both the Private and Public Sectors. For more information visit our website www.findersinternational.co.uk or contact us on freephone 0800 085 8796 or email contact@findersinternational.co.uk.



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