

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

June / July 2018

D&DLS WELCOME OUR NEW PRESIDENT BEN LAWSON



Ben Lawson, our new President, in the middle. Simon Stevens (Immediate Past President) on the right and Martin Salt (Vice President) on the left

Also in this issue: Back to the Future 2 • Annual Dinner 2018 • Coleman Cup Golf

Gold Patrons of the Society



OFF THE BEATEN TRACK in Derbyshire

A 40 mile journey of discovery through the countryside, guided by an historian, who has known the area intimately all her life and who has several years' experience of leading historic walks and coach trails in Scotland.

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- limestone quarries
- links with three well-known authors.

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Editorial



It has been a very busy eight weeks since the last Bulletin.

The Annual Dinner was well received (write up on page 10) and if anyone mentions British Standards in passing conversation we all now have information at our finger tips! You had to be there.

The AGM was very well attended. There were no threatening e-mails from your Administrator with warnings of how many attendees were needed for a quorum. For the first time in memory there was an election for DVP – complete with ballot papers! This can only be great news for your local law society. That there are people passionate enough about DDLS to put themselves “out there” is very encouraging. So well done and thank you to Julie Skill and Manesha Ruparel for volunteering and congratulations to Julie who won on the day by a narrow margin.

Mug shot on the front of the Bulletin shows Ben, Martin and Simon as they take up their new positions and from Ben's speech and piece on page 5 it sounds like it will be an exciting year. I hope to include a calendar for the year in the next issue.

At the AGM subscriptions were kept the same as last year. Renewals have been sent out so please send in those subs. Also, Sue Woodall retired from the committee. Sue has been a longstanding committee member as well as Treasurer and President and thanks from all of us for all those years of cheerfulness and hard work.

Any budding cricketers please note that the annual cricket match against Nottingham Law Society will take place on Thursday 30th August at Attenborough Cricket Ground. Volunteers for playing please get in touch. Spectators welcome.

It is that time of year when my house goes into half shut down half panic mode as GCSE's happen in the life of a grumpy teenager. Not sure how hard

he is working but he is sitting at his desk demanding food and drinks for long stretches of time. I will be very glad when exam time is finished and thoughts can turn to holidays. Advance warning then that DDLS will be shut for three weeks in the Summer when I am away. As I work from home and my address is in this publication there won't be an “out of office” message on the e-mail so please be patient and in the event of an emergency – nope can't think of anything that could ever be that urgent in the life of local law society???

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(Last updated 29th May 2018)

President's Page



How quickly time goes by. It only seems like yesterday that I attended the AGM when Andy Cash took over as President, Simon Stephens stepped up to become Vice President and I accepted the position of Deputy Vice President. I recall thinking, rather foolishly I now know, that there was plenty of time to consider and plan for the year that is now upon us.

It was great to see so many members at the AGM to support the society and the committee without whom we would not have the Society that we do. Following the AGM, I almost set a record for the shortest term as president after narrowly avoiding being run over. Had it not been for Julia's intervention, it may have been Martin Salt writing this introduction as well as a few words explaining what had happened during the 60 or so minutes that I held the role of President. This I am sure, will be the first of many thanks that I and the committee will give to Julia over the coming year.

In a first for Derby & District Law Society we had two applicants for the position of Deputy Vice President and that is one of three firsts for the Society. Also for the first time we will be supporting and working with a charity; the Derbyshire Children's Holiday Centre (DCHC). For those of you who have not heard of DCHC, it was established in 1891 to provide disadvantaged children in Derbyshire with holiday breaks to Skegness. Today, DCHC provides hundreds of children aged between 7 and 13 with a comfortable, caring and safe environment for much needed respite. I have been fortunate enough to visit the Centre in Skegness and to speak to the staff who support the children who benefit from the work of this amazing charity. I hope that together we can not only raise the profile of DCHC, but that we can also raise money to ensure that they can continue to help Derbyshire children for many years to come. I am in the process of arranging a sponsored cycle around Derbyshire and further details will be provided shortly.

The third first is the introduction of the Derby and District Law Society Legal Awards. At our Annual Dinner in 2019, we will celebrate the thriving local profession that we are all a part of with a number of awards for which we will be accepting nominations later this year. After relocating to Derby some ten years ago, I have seen numerous changes to the landscape of the profession locally. Legal Aid has been removed for the majority, firms have come and gone but our local profession continues to grow and I am proud to read and hear about the excellent work that is undertaken locally. The awards will be our celebration of that work and the efforts and achievements of our members.

I also hope that the next year will see a greater collaboration between the Derby and District Law Society and our partners at Derby Junior Lawyers. Over the past few years we have seen the numbers getting involved with Derby Junior Lawyers grow and grow and this again shows the strength of our local profession. We also have Derby Junior Lawyers to thank for arranging the Derby Legal Walk which was a huge hit last year and which will be taking place again on 11 June 2018. The Walk is a 10km

sponsored walk around Derby to raise money for local advice services in Derby and beyond.

I would finally like to take the opportunity to thank our friends and colleagues at the University of Derby and the Law School. Not only are we incredibly grateful for their sponsorship but we are so very lucky to have their support and partnership on numerous events throughout the year, including the Skills Triathlon, the Schools Debating Competition and the Mentoring Scheme. I have mentored law students from the University for a number of years through the Mentoring Scheme and I continue to be amazed at the quality of students I meet. If you have never thought of getting involved in the Scheme, I would definitely recommend it.

At the AGM, I recall using the words overwhelmingly humbled when describing my feelings about becoming President. It is a great honour and one that still fills me with a mix of excitement and nervousness.

I look forward to seeing you at our various events throughout the year and I thank you all for your continued support.

Ben Lawson,
President, 2018-19

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Outgoing President's report to AGM

DDLS President's Criminal Sub-Committee final report



It hardly seems 12 months ago that I took over office as president from Andy Cash. I really don't know where the year has gone. I have been a pleasure and honour.

As President I have enjoyed chairing our Committee meetings where attendance has increased. The reports given from our sub-committees have all been informative and demonstrative of our members engaging and working hard to promote legal services in our area.

Our Counsel Representative Michael Williams seems to have had an enjoyable year and has kept us informed of all the changes afoot with vigour. It will be interesting to see how the Counsel and reform pan out.

I am delighted that again this year the Junior Lawyers have worked tirelessly to engage new members and promote the Society. It has been a pleasure to work with them and be part of some of

the events they have very successfully put on this last year. I would like to thank Ellis Pugh not only for all his hard work but to kindly agree to taking on the responsibility of Honorary Treasurer, a role I am sure he will undertake with his fantastic enthusiasm and commitment.

I hope everyone enjoyed the dinner last month. For me the run up to it was nearly as nerve wrecking as being Junior Counsel to Peter Joyce QC in a murder trial. But as in line with any advocacy, the huge amount of preparation, planning and sleepless nights thankfully paid off. Our administrator Julia did an exceptional job. I expect that there were quite a few sore heads the next morning. I know that it took a whole lap of Darley Park to clear mine.

Turning to the Criminal Sub-Committee this again has been a very busy year of change and challenges. We are currently seeing the Independent Bar refusing to take on any new work with Representation Orders. The Bar have thrown down the gauntlet at the most recent cuts to the pay scheme. The Government stated that the scheme was cost neutral and meant increased fees in some areas. However personally I have

seen fees cut for lower level crimes by around 45%. This means that many Defendants have been appearing before Crown Courts unrepresented. We have heard very worrying tales of Solicitors and back office staff being pushed into situations by the Courts that they should never have to be such as conducting advocacy and representing Defendants. Quite what their insurers will say I do not know in the event of a complaint.

Yesterday the Justice Committee heard evidence from Daniel Bonich, Vice Chair, Criminal Law Solicitors' Association, and Richard Miller, Head of Justice, The Law Society. The Committee heard very persuasive argument and representations on the terrible state of the funding and the whole system is at breaking point. If any members of our Society are experiencing difficulties or have any evidence of undue pressure imposed upon them then please could they email me so I can collate this information and relay it on. I can only hope that once further evidence is provided to the Committee a wholesale independent review of funding is undertaken. I do not hold my breath on this though.

Simon Stevens,
President, 2017-18

Back to the future 2



I have been exploring our minutes again and share some items that perhaps put some of our current concerns in focus;

125 years ago in 1893 the Annual Dinner was held immediately after the AGM at the Royal Hotel. Cost 7/6d [37 1/2p in new money] and the note confirms "Solicitors and their articled clerks, although not members of the society, are eligible to attend the dinner and they will be cordially welcomed by members"

A J Flint was in the chair but moved on to become treasurer handing on to J Potter esq with J H Powell as Vice.

Ever keen to protect solicitors sources of income, a note from 3rd March 1893 reports; "that a practice generally exists in District Probate Registries, of Registrars and their clerks giving legal advice and unnecessary assistance in personal applications for grants and in preparing legacy and succession duty accounts, contrary to the rule to this effect and which this meeting thinks should be stopped"

In times of internet and digital information we may lament that at the same meeting the secretary was directed to "have some books in the library repaired". The law moved more slowly then and it seems new editions

of standard texts were not even an annual event.

100 years ago 1918 The committee was consumed with representations as to how County Court work should be grouped. The suggestion that Long Eaton be grouped with Ilkeston was strongly objected to. Long Eaton then had a population of 20,000. Stapleford 7,789 and Toton 176, although "a large Shell filling factory has been built at Chilwell and the population has increased considerably". Some reluctantly felt that they would probably favour a grouping with Nottingham, "as the train journey is much shorter and the train service is much better than to Derby"

After discussion the committee resolved to oppose that suggestion as the balance of convenience reason was negated by the fact that a separate court was held at Long Eaton and so should be retained within the County in the same manner as it is for the Magistrates and other matters.

On 27th November 1918 under the heading "Demobilisation", a letter was read from The Law Society in London asking the Society to name "3 really pivotal solicitors for immediate release"

It was resolved that the names of LE Simpson, SG Taylor and HM Clifford be submitted if agreeable to those parties.

Finally moving forward to 1922 the committee was concerned with Criminal Law, which it must be said is rarely mentioned in our records;

15th December 1922

"A letter received from the Justices Clerk requesting solicitors to robe in the Derby Borough Police Court and a letter stating the opinion of the Law Society was read and after discussion a vote was taken and the secretary instructed to inform the justices Clerk that this Society could not see their was to recommend its members to robe as the Derby Borough Police Court was the only Police Court in the county where this was done."

And finally back to Regionalization! Faced with a suggestion that the Assizes be removed to Nottingham;

Resolved "that this meeting views with alarm and strongly protests against the suggestion to remove the assize for the County of Derby to Nottingham or elsewhere as in their opinion it will enormously increase the cost to litigants, witnesses and jurymen residing in the county"

I wonder what the committee of '22 would make of the last 50 years relentless march towards regionalized crime centres.

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D&DLS Annual Dinner 27th April 2018



Another year – another Dinner – hopefully enjoyed by all those almost 200 guests who attended.

President Simon Stevens welcomed guests including the High Sheriff, two Circuit Judges, two criminal District Judges and representatives from other professional bodies and local law societies.

We were pleased this year to welcome our old friends and Gold Patrons the University of Derby and Severn Trent Searches and new friends, a lively group of Barristers from Bank House Chambers in Sheffield, who were our generous Dinner sponsors. One website tells me that the collective noun for a group of Barristers is a “boast” and that seems appropriate somehow!

Proceedings moved on quickly and the whole atmosphere was lively as the local profession gathered together to congratulate itself on surviving another year and swap gossip.

Following the meal President Simon welcomed everyone with a short speech and a summary of his year in office. We were then entertained by Phil Heath. His speech will make for a memorable Dinner and we all know as much as we will ever need to know about British Standards.

The disco started promptly at 10.30pm and the Derby Junior Lawyers hit the dance floor and were soon joined by more enthusiastic dancers showing off their moves. In fact, I hear that a couple of our lady Solicitors rediscovered their youth to such an extent that they hit the bright lights of Derby City following our event and crawled to bed at 3am – really!!

Thanks to our Gold Patrons



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-	Conveyancing Update	5	3/10/18	-	Derby	CLT
-	Commercial Property Update	5	4/10/18	-	Derby	CLT
-	Family Law Update	6	25/10/18	-	Derby	CLT
-	Pensions on Divorce - a foundation for family lawyers	3	15/10/18	-	Derby	CLT
-	Data Protection and GDPR Update 2018	3	27/11/18	-	Derby	CLT

The Society is able to offer a comprehensive programme of CPD courses, seminars and workshops through the year. If your firm would like to put on a training event for the Members please contact Julia Saunders (admin@derbylaw.net). Requests for courses please to the Administrator - anything from managing the work life balance to recent changes in Data Protection.

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Practice Management Software: when is the right time for a change?

We all recognise the fact that software dates quite quickly. Practice management software is no different. It is often easier to hang on to your existing software because your staff are familiar with it and because change can be expensive and disruptive.

So, how do you know when the system you are using is coming to the end of its useful life? Here are a few key pointers to help you decide if your software is a little long in the tooth.

“Sunsetting”.

Let's start with the most obvious one. If you've received a “sunsetting” notice from your practice management software supplier, cancel Christmas! These notices usually mean that the current version of your software will no longer be supported or upgraded. This happens for a variety of reasons, for example: a more modern software version or the buyout of your existing supplier by another company.

Whatever the case, understand the position this leaves you in. Without support, you will be on your own when your systems go wrong or need amending. Without upgrades and patches, your software, over time, will become more vulnerable to hacks and security breaches.

Lack of integration.

Doubtless you will have seen the claim “fully integrated” on many software packages. This can mean one single package or database managing your data or several packages and databases which slot together. If it is the latter, the real question to ask is does lack of integration cost you time, effort and money? Creating and storing records in a case management system and then having to duplicate the effort to update your accounts package is inefficient.

Don't just believe what it says on the tin. If effort is being duplicated, it's an inefficient system.

Is your system compliant?

The latest round of data protection legislation has raised a new set of hurdles for law firms. Older or unsupported software is unlikely to cope with these challenges. However, it's not just about data protection compliance. Your system should be capable of easily handling various checks such as money laundering, ID verification and conflict of interest.

Your software should also enable you to perform regular compliance audits and produce data effortlessly when inspections are due.

How accessible is your System?

In the modern world, what is the point of being restricted to your office desktop? Flexible working from home, office, court or client premises is a must. That means being able to access your data just as easily on a laptop, tablet and mobile phone as you can in the office.

If your system restricts you to the office, you should consider a rethink.

In conclusion.

Deciding whether your existing system is up to par is one thing. Choosing a new one is quite another. When doing so, the points I raised above are well worth considering. However, there are two critical factors that should lead your search:

1. Will the new system lead to a better service and delivery experience for my clients?
2. Will the new system make my business more efficient?

The two go hand in glove, but the former is the more important consideration.

Mike O'Donnell,
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Coleman Cup (lawyers and medics golf day) 16th May at the Chevin Golf Course Duffield



Sadly, no silverware for the lawyers on this occasion, but the sun made an appearance and everyone enjoyed the golf and the socialising. The day embodied all the reasons I enjoy golf – meeting both new and old friends, being active and just a tiny bit competitive!

Thanks to Simon Rowley for organising and Russ Davies for his administration skills on the day and to my playing partner Stephen Savage for his patient encouragement as I negotiated the mountains of Duffield. Apparently, it is just one hill but we seemed to go up and down it several times!!

PIB Insurance Brokers urges law firms to prepare for proposed SRA changes to PII provision

One of the UK's leading insurance brokers is calling for law firms to prepare for proposed SRA changes to PII provision, urging solicitors to seek specialist advice in advance.

Business leaders at PIB Insurance Brokers have highlighted the potential repercussions that the Solicitors Regulation Authority (SRA) proposed changes to professional indemnity insurance (PII) could have on the profession if adopted. They have warned that purchasing protection will no longer be a straightforward process.

The call for firms to act comes as the SRA revives proposals to introduce changes to the minimum terms and conditions via their consultation process, including cutting the minimum levels of insurance cover by significant amounts both in indemnity limit and scope of cover.

Jon Cook, Head of Professions at PIB, said: "Solicitors should take steps now to seek out expert advice ahead of the potential introduction of far-reaching changes outlined in the consultation, 'Protecting the users of legal services: balancing cost and access to legal services'.

"The proposals are more likely to get the go-ahead this time given the time and input that's gone into this consultation.

"Firms need to work on the assumption these changes will happen. They need to be ready for it and fully prepared as these changes could most likely first impact those who have PII renewals in spring 2019 or thereafter.

"We're urging law firms to act now in preparation. Purchasing PII has become easier recently however it's going to get harder because of the need to build cover more specifically designed for each individual firm. Solicitors should seek the right level of advice to help them navigate these proposed changes before they are introduced. Here at PIB we can offer extensive expertise, knowledge and guidance to help firms manage and minimise the impact of the proposed changes."

Key proposals outlined in the consultation, which lasts until 15th June, include:

- Revival of a proposal, previously rejected by the Legal Services Board, to reduce the minimum professional indemnity insurance cover from £2 million/£3 million to £500,000. Firms conducting conveyancing work would need £1 million cover for each claim.
- Flexibility around who pays defence costs.
- Doing away with the requirement for compulsory insurance to include cover for large commercial clients such as lenders in a conveyancing transaction.

- Maintaining the need for a six year run-off period of insurance cover but with a £3 million cap for those needing conveyancing services cover and £1.5 million for other firms.

The SRA says changes could have a positive impact on premiums, encouraging a more competitive marketplace. It states over half of firms take out more than the minimum cover currently required and 98% of PII claims against law firms are valued at under £500,000. The SRA estimate premium savings between 9-17% if the proposals are implemented.

Ged Wood, PIB Regional Manager, Professional Risks, added:

"The market's already competitive, what drives the market is claims and claims costs; it's what drives every insurance market. Reduce the claims costs and premiums will reflect this, risk management is the key in this market - not just tinkering with the policy wording."

While the SRA has indicated the call for change is to improve access to legal services and cutting PII cover will potentially reduce insurance overheads, Mick Eardley, Northern Regional Manager at PIB, doesn't think that will automatically be the case. He said: "While we agree with some of what the SRA is proposing it's not as straightforward as it appears. While you cannot argue with the time, effort and input that's gone into the latest consultation document, what you can argue with, is the likely outcomes given our anecdotal evidence from insurers.

"Some have indicated it's unlikely their premiums will change if the limit goes down and most likely not at the lower end of the scale. Some insurers have said if there's a minimum of £500,000 they may not offer that minimum, instead keeping the cover at the current levels, because reducing the cover creates a risk for them of the business going bust with the insurer becoming exposed to even greater risk. Overall, the view in the insurance market is these proposals will have little or no effect on costs."

"Our advice is all firms need to be prepared and seek the right advice on the effects of the proposals. Ultimately we're all about ensuring lawyers understand risk and can manage it better than they're doing because actually that's the main thing that does drive price down."

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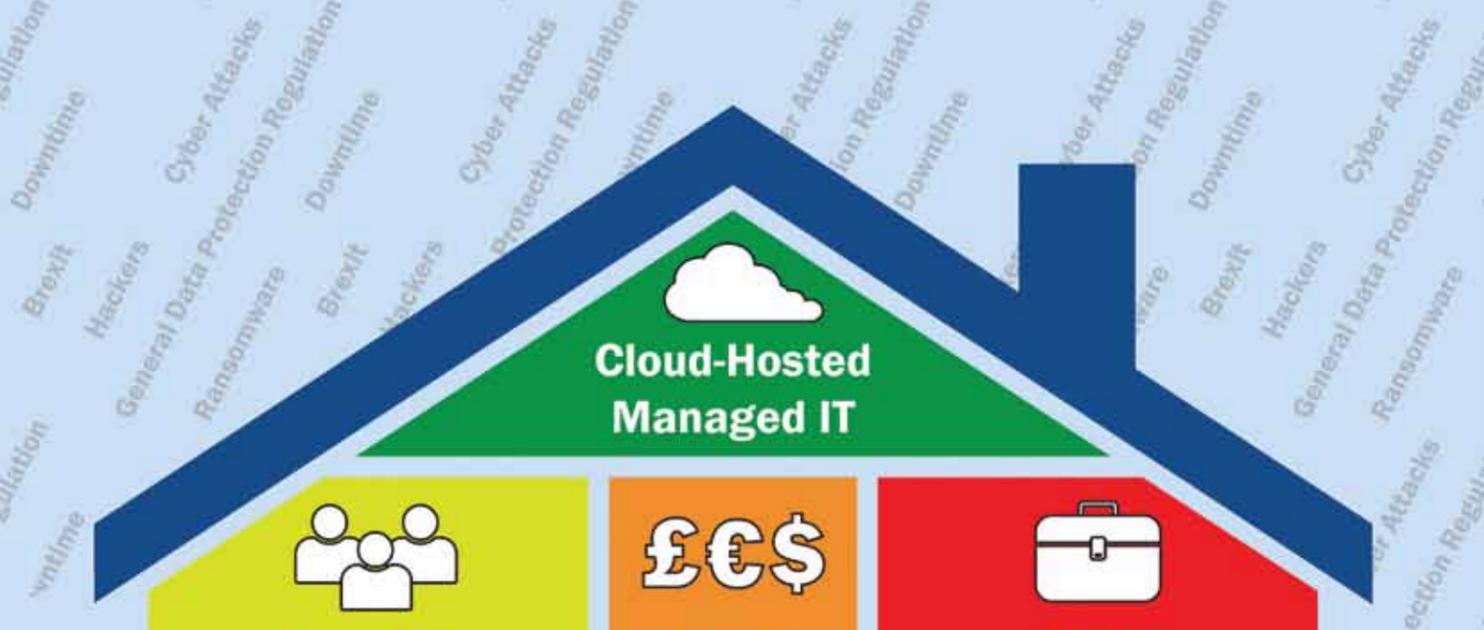


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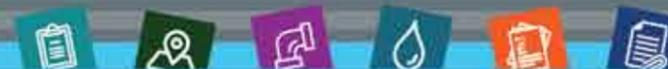
The redesigned CON29DW from Geodesys launched this April with the following key features:

- a **new crystal-clear front-page customer dashboard** highlighting information on key questions
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Is There no Limit to the Powers of Mediation?



Chris Makin

understanding by the parents of each other's positions. Few users of the court system will be in a greater state of turmoil and grief than parents in the position that these parents have been in and anything which helps them to understand the process and the viewpoint of the other side, even if they profoundly disagree with it, would in my judgment be of benefit and I hope that some lessons can therefore be taken from this tragic case which it has been my duty to oversee."

A few days ago we saw the funeral of brave Alfie Evans, the terminally ill little boy of 23 months who died despite a campaign to have him treated in Italy, supported by no less an advocate than the Pope, and whose parents had taken his case right up to the European Court of Human Rights. One cannot but be moved by such a tragic case.

Now, I'm just a humble chartered accountant and commercial mediator, and not a social campaigner; but even I recognise the heart-wrenching dilemma of parents who seize every change of life for their beloved children.

The previous similar case was that of Charlie Gard¹ where, again, parents had to fight it out with the medical profession through the courts and where, again, they lost, and Charlie died. But the words of **The Hon Mr Justice Francis** in the High Court stage of that fight are illuminating, since they include a plea for mediation to be used even in a case such as this. The emphasis is mine:

[20] "Fourthly, I want to mention, again, the subject of mediation. Almost all family proceedings are now subject to compulsory court led dispute resolution hearings. This applies in disputed money cases, private law children cases and in all cases involving the welfare of children who might be the subject of care proceedings. I recognise, of course, that negotiating issues such as the life or death of a child seems impossible and often will be. However, **it is my clear view that mediation should be attempted in all cases such as this one even if all that it does is achieve a greater**

¹ *Great Ormond Street Hospital -v- Yates and Gard* [2017] EWHC 1909 (Fam).

So his Lordship did not expect that mediation would necessarily achieve a bridging of such disparate views, but he saw great value in the understanding of different viewpoints which it could bring. So too in the commercial cases which I often mediate. Very few of them fail to achieve a settlement but, even with the small number which don't see an end to the dispute on the day, there are advantages. There may be a settlement soon afterwards when the parties realised they were not so very far apart; what is learned at a mediation, although being without prejudice, can help to craft a persuasive Part 36 offer; and, even if all of that fails, you will have seen the whites of the enemy's eyes and counsel can plan their advocacy and cross-examination accordingly.

But the fact is that mediation, being so powerful, really can achieve a settlement in the most difficult circumstances. I always hold a joint meeting at the start, even with parties who at first refuse to sit in the same room as their enemy; and it is surprising just how often such an unpromising start does lead on to settlement. And why not? Where, as so often is the case, the future legal costs to trial are likely to be more than the claimed amount, what possible sense can there be in fighting on?

Going back to heart-breaking medical cases, another infamous case – which again featured Alder Hey Children's Hospital – was that where a consultant had been retaining the organs of deceased children "for research" without their

parents' permission, so that hundreds of parents had buried their children without knowing that they were incomplete. That most heart-wrenching case went to mediation.

Now, it is often said that the parents and other relatives of loved ones who had received negligent medical care want, above all else, two things: an apology, and assurance that others will not suffer in the same way.

The Alder Hey mediation achieved those things. The hospital apologised – something which in litigation could have been construed as an admission of liability. The offending consultant had long since left, and procedures were put in place to retain children's organs for research or organ donor purposes only after the parents' informed consent had been given. And then, at the hospital's expense, a peace garden was established, in memory of all those little children who were with the angels but in incomplete bodies.

Mediation is a wonderful process. If there really is a limit to its power, I haven't found it yet.

Biog:

Chris Makin was one of the first 30 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness. He is also an accredited civil & commercial mediator and an accredited expert determiner. He has given expert evidence at least 100 times and worked on a vast range of cases over the last 30 years. For CV, war stories and much more, go to his newly relaunched www.chrismakin.co.uk - with videos!

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What are the emerging risks for law firms?



We look into our crystal ball to see what the future holds for this fast-changing sector.

"The legal market is in a remarkable state of flux. In less than two decades, the way in which lawyers work will change radically," writes Richard Susskind in *Tomorrow's Lawyers*. **These changes will pose new risks for law firms. Those that fail to manage them could struggle, but for nimble and forward-thinking firms, they present opportunities.**

COULD AGILE WORKING BE BAD FOR YOUR COMPANY?

More firms are embracing agile working to attract and retain younger lawyers who are demanding a shift away from the profession's traditional high-pressure, long-hours culture to a better work-life balance. Losing the talent war is seen as the biggest risk for law firms over the next five years, according to a survey we commissioned in 2017.

Of the law firms surveyed by CBRE, 30% already have an agile working policy, while a further 40% are looking to implement one over the next 12 months. But it's important they consider the potential risks with flexible working.

"Agile working empowers people and enables them to be judged by their results rather than by the number of hours they spend in the office. But it does present issues," says Paul Smith, Senior Risk Management Consultant at Travelers Europe.

Agile working involves more than simply letting employees work from home. It requires firms to rethink how they operate to ensure remote-working staff are properly managed and that all team members are up to speed.

"It's important that agile working doesn't mean firms unwittingly slip back into the 'silo' working habits that were prevalent 30 years ago. Then mistakes went unnoticed because lawyers weren't properly supervised," says Paddy

Synnott, a PI Specialist at Miller.

Firms also need to take extra steps to make sure information remains secure as more of their lawyers take case files home or access the firm's computer systems remotely. *"Solicitors need to remember their duty of confidence to clients, as losing sensitive information could result in a claim that could tarnish the firm's reputation,"* says Smith.

Miller recently launched agile working across its London head office. *"Agile working for us is not just about working from home,"* says Susan Downey, Miller's Head of Human Resources. *"It also means flexible working arrangements, options to purchase additional leave and the ability to work in other locations."*

A good agile working policy that is well implemented increases staff engagement, retention and productivity, benefiting both employees and organisations alike, says Downey. Implementing the right technology, providing clear guidelines and avoiding a "one size fits all" approach were key to rolling out Miller's programme successfully, Downey adds.

HOW WILL THE ROBOT REVOLUTION IMPACT LAW FIRMS?

Technology is set to transform the legal sector – for the better according to lawyers who attended a Miller workshop on emerging risks held in London in February 2018.

Computers are expected to help lawyers work quicker and more accurately. By using machines to do many of the profession's mundane tasks, the Law Society predicts the legal sector's productivity could double by 2025.

The increasing use of computers could cut the large number of negligence claims caused by

simple errors: a missed deadline, a forgotten property search or clause omitted from a contract. Only around one in every seven PI claims are the result of faulty legal advice, says Travelers' Smith.

"If increasing computerisation helps improve law firms' processes then that would reduce the number of claims, which, in turn, would help bring down premiums," says Synnott.

But what if the intelligent machines on which the legal profession – perhaps even the legal system – could come to rely were found to be fallible? There have already been reports that a legal software program, used extensively by the US courts, is racially biased against black people.

source: <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>.

"The problem is that as computers become more sophisticated they also become more opaque," says Synnott. *"If the data they depend on to 'learn' is incorrect or biased then they will only reflect or ingrain human errors or prejudices. But it's difficult to find out what went wrong from a piece of computer code."*

Technology makes a good servant but a bad master. That could become an increasing problem if, as the Law Society predicts, computers take over many of the roles currently performed by people. It forecasts that 78,000 jobs in the legal sector could be lost over the next 20 years through automation.

"There could be an issue if whole processes are effectively delegated to machines," says Smith. *"Machines, no matter how intelligent, need to be supervised by humans. Otherwise, as we've recently seen with autonomous cars, there could be terrible outcomes."*

WILL FIRMS BE STRANGLING BY RED TAPE?

The amount of box ticking and form filling law firms need to do has long been a bugbear and further changes to regulation (including the SRA's minimum terms and conditions for PI insurance) are among their biggest fears for the future, according to our survey.

"The general feeling among lawyers at our workshop in February was that there was too much for small firms to deal with," says Synnott. The biggest worry is that it will put small law firms at a disadvantage to more lightly regulated alternative business structures (ABSs).

But, although it's a tightrope, new regulations can be the catalyst to make firms rethink what they do and how they work – often for the better.

The General Data Protection Regulation (GDPR), imposing tougher new data-privacy responsibilities when it comes into effect later this month, is for some an extra burden that hard-pressed law firms could do without. But, suggests Smith, it could also be an opportunity to streamline how they operate.

"One solution to reduce your data-security exposure under GDPR might be to simply hold less data. It might make firms realise they collect a lot of information that they really don't need and that they could be far more efficient if they just get rid of it."

Innovation offers a way for law firms to prevent being stifled by increasing regulation in future. The SRA has shown its willingness to work with legal service providers, waiving rules if that enables them to deliver new products or services in a way that suits them and their clients. In 2017, it granted 60% of waiver applications it received. Furthermore, in April, it published a consultation document

to allow it further flexibility to waive rules if it encouraged innovation and competition.

But, traditional law firms have been less likely than ABSs to come up with new ideas, according to research by the SRA. Increasing competition could encourage lawyers to innovate more.

MERGER MANIA?

Facing growing competition in a crowded market might make some firms feel the urge to merge.

"The legal sector might be regarded as ripe for consolidation. There are over 10,000 law firms in the UK. Are all those firms offering something unique or different?" asks Smith.

After a wave of deals following the financial crisis, M&A seems to be off the agenda, at least for now. Nearly three quarters of firms (72%) that took part in Smith & Williamson's 2017 legal survey said they did not expect to be involved in a deal over the next 12 months. They are confident about their immediate future – although perhaps that's because increased competition has yet to bite into their income.

But, with the legal sector facing an increasingly uncertain future – economic turmoil, falling fee income and shrinking business are among the biggest risks cited by the law firms we surveyed – M&A could come back on the radar.

Firms considering M&A should think first about why they want to do a deal. *"There are good reasons, like acquiring expertise or because the two firms fit well together. But sometimes a deal might treat the symptoms from which a firm is suffering rather than the root cause, in which case the partners should look closer to home for answers as to why their firm is in difficulties. Two weak firms don't combine to make one strong one,"* concludes Smith.

Paddy Synnott

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SBA is perhaps best known for supporting retired solicitors or their elderly dependants. These individuals invariably live on permanently low fixed incomes and SBA has been able to commit long-term financial assistance to help them retain their independence and dignity in later life.

However, the overall demographic has changed significantly for SBA in recent years. Improvements in pensioner income as well as successive waves of contraction in legal services mean that the average age of someone approaching SBA for the first time today is now 46.

Triggers for applying to SBA can be a complex mixture of personal and professional issues which often require specialist skills to tease out. This is why, when seeking new volunteers, SBA looks first to colleagues within the legal community. The SBA volunteer network is now some 70-strong and comprises current and retired solicitors from many diverse practice areas, who are all at different stages in their legal careers.

Each person has their own reasons for volunteering but – whatever their motivation – they all have two things in common: they all understand the pressures of life in the law and they all want to make a difference by helping those who turn to the charity when times get tough.

The main function of our volunteers is to support SBA's application process by meeting applicants and beneficiaries on a one-to-one basis. These meetings usually take place in applicants' homes. Where needed, volunteers assist with completing the application form and verifying relevant underlying documentary evidence on our behalf. The Area Representative's report on their visit is critical in helping SBA assess the most effective way of providing help.

SBA is looking for people with excellent communication skills, the ability to listen, empathise and gather information without judgement and a commitment to confidentiality.

Last year, SBA awarded £1.4M to support colleagues and their families but there is far more we want to do to reach solicitors in need. If you would like to discuss opportunities for volunteering for SBA, please contact Sue Ellis at sue@sba.org.uk T: 020 8675 6440. We'd be delighted to hear from you.




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Catch-all solution to in-house staffing problems: outsourcing!

By Julian Bryan, Managing Director, Quill

Every employer knows that, at some point in their life, employees will be absent and depart their place of work. Such matters are not always possible to predict. That's the main reason for the immense popularity of outsourced cashiering services as a more reliable alternative to in-house staff.

Businesses have a real fight on their hands when they're understaffed because it's unfair to expect other people to share their absent colleagues' additional workload. The same argument applies when staff are departing. It's a similarly tough challenge allocating sufficient time to the recruitment process. On top of pre-existing responsibilities, adequate attention should be given to the advertising, shortlisting, interviewing, selection and initiation processes. This is too tall an order for most companies.

The preferred way to man a business is outsourcing. With this type of set up, staffing is constant. Typically, firms will be allocated a named cashier. Just like anyone else in employment, there will be occasions when this cashier's off work. Unlike a traditional set up, however, an assigned deputy will pick up the workload until the cashier's return. It's seamless. No service interruption. Ever.

Here we're going to address some of the causes of absent and departing cashiers to demonstrate exactly what employers can find themselves up against...

1. CASHIER RETIRING?

The combination of an increased life expectancy and government-introduced austerity measures mean that the state pension retirement age is now 67. In theory, while this is good news for employers, who get to keep valued employees for longer, in reality it's actually possible to retire on a state pension as soon as age 55. It's new pension reforms that are enabling people to build up bigger pension pots thereby giving them greater freedom to retire early.

2. CASHIER RESIGNING?

Retirement aside, there are multiple other causes of employees to quit their jobs in order to progress their career elsewhere. Staff turnover is a real issue for today's employers, and a talent management strategy and succession planning are essential elements of a senior leadership team's toolkit.

3. CASHIER ON HOLIDAY?

Holiday entitlements are typically around the 25-day mark of paid annual leave each year, often escalating with length of service. While holidaying employees don't cause a notable problem for much of the year, there are peak holiday periods when it does, school summer months and Christmas amongst them.

During these times, organisations are stripped right back to a core staffing structure. While staffing problems will be magnified in holiday season, all employers have to accept that staff members will request days off work in order to spend time with family and friends, most likely at the same time as other colleagues.

4. CASHIER ON SICK LEAVE?

One thing that simply can't be planned is sickness. Sometimes people do know in advance about scheduled operations or medical procedures that necessitate time off work. Largely not, though. The wide spectrum of illnesses has minor complaints and infections at one end to serious diseases and disorders at the other.

Current reports estimate sick leave costs UK employers £29 billion a year in lost productivity, a figure predicted to maintain an upward trend because of factors such as an ageing workforce and rising mental health problems.

5. CASHIER ON MATERNITY LEAVE?

Statutory maternity leave entitlements are up to 52 weeks, the first 26 weeks being 'ordinary maternity leave' and the last 26 weeks being 'additional maternity leave'. There are also fathers' rights to bear in mind with paternity and shared parental leave obligations. It's 2 weeks' leave for the former, and up to 52 weeks' leave between mother and father for the latter.

6. CASHIER GOING PART TIME?

The need to switch from full to part time working can be driven by many things including family commitments and health concerns. For employers, job sharing isn't always the most desirable solution. Recruiting two part timers can be more costly than one full timer. There may not be enough workload to warrant appointing a part timer and full timer simultaneously. It's a dilemma and one that's aggravated by complicated employment legislation. I could go on and on... jury service, study leave, dependant leave, career breaks etc. The key message being the plethora of

motives that exist, resulting in a deficient staffing structure and making it difficult to run a business efficiently.

What may be surprising to learn is that, although these are tricky to remedy with in-house solutions, they're really easily solved with outsourced service support. Outsourcing can be instructed in all manner of ways. By and large, outsourcing is a permanent, full time arrangement. Less frequently, but no less effective, outsourcing is a temporary resource engineered ad hoc to help companies through what may be a slight rough patch or critical emergency situation.

Outsourcing providers operate in similar ways with subtle differences in cashier allocation, cashier-firm interaction, software utilised and so forth. As a Quill client, you have a named cashier and deputy for the duration of your cover period. Our cashiers use our own legal accounting software, Interactive, and its echits functionality is the tool that closely connects your firm with its Quill cashier.

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To find out more on Quill's Pinpoint outsourced legal cashiering service, visit www.quill.co.uk/quillit, email info@quill.co.uk or call 0161 236 2910.



Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill is the UK's largest outsourced legal cashiering provider with 40 years' experience supplying outsourcing services and software to the legal profession.



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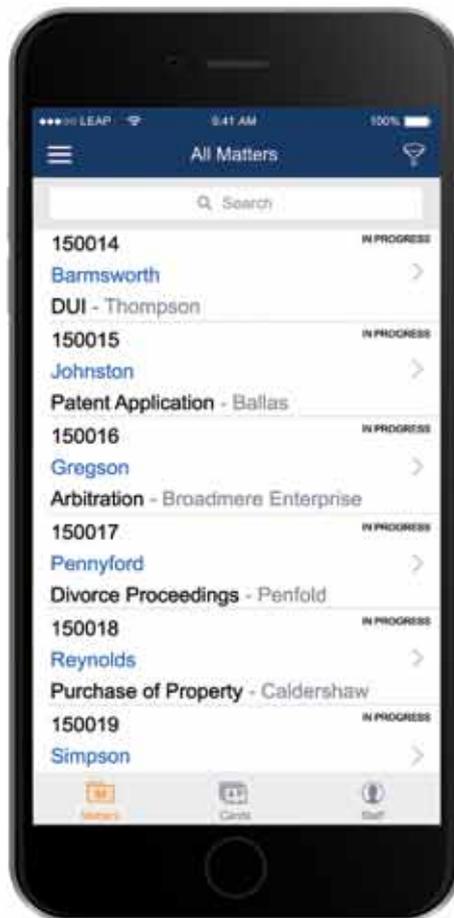
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