

# D&DLS Bulletin

Derby & District Law Society



[www.derbylaw.net](http://www.derbylaw.net)

Oct / Nov 2019



## Derbyshire High Sheriff's Legal Service

From l to R: High Sheriff(William Burlington) Mrs Justice Andrews and Martin Salt

Also in this issue:

Queen's speech 2019: Bar Council reaction • EWI Conference

Gold Patrons of the Society



SEVERN TRENT SEARCHES a part of



## Contents

|   |  |
|---|--|
| 3 - Contents & Editorial                        | 18 - Government U-Turn on Probate Fees           |
| 4 - List of Officers                            | 18 - welcomed by Charity bodies                  |
| 5 - President's Page                            | 20 - Bar Council reaction to Queen's Speech 2019 |
| 6 - Words of Wisdom                             | 22 - What's magic about mediation?               |
| 6 - Situations Vacant                           | 25 - poweredbypie launches Document Portal       |
| 10 - A beacon of excellence across the midlands | 26 - EWI Conference 2019 review                  |
| 13 -Criminal Law Sub-Committee                  | 28 - Digitisation and Home-Buying                |
| 17 - Risks of Misunderstanding Wills            | 30 - Why Quill tick all the boxes                |

## Editorial



As the need for the editorial comes around every 8 weeks or so I seem to be constantly either seeing the children back to school or having them start yet another holiday. It is now half term. I have calculated that they go to school just 36 weeks of the year!!

Places are going well for the Quiz on the 14th November. I am told that all the questions are written and Peter Ball is entering a team this year! I am aware that he is a keen quizster (made up word alert) so Swindell and Pearson might not make it to three years in a row. Thank you to our good friends from Severn Trent Searches for saving the cheese and biscuits and sponsoring the event once again.

The Derby City Schools Debate Competition is bigger than ever this year with more teams and schools involved. An exhibition debate will have taken place at the University of Derby law school on the 23rd October involving a team of law students against the winning team from Littleover school from last year and judged by most of the team who won two years ago!

A fantastic event and thank you to all those lawyers who are supporting it by judging a debate or two.

Another thank you to all those 50 local lawyers who have stepped forward to mentor a Derby University Law student this year. It is a great advert for DDLS to have such strong links into our local community both legal and generally.

We are also proud of our Derby Junior Lawyers, indeed they are an active bunch socially, raising money for charity and again with their links into the University. They are also helping with the debate competition going into schools to be ambassadors for the profession. Please support DJL and consider getting a group of your younger staff together for their Christmas party. DDLS do not have a Christmas party so this is the chance to let your hair down. There is an advert for the party within this edition.

**Julia Saunders**  
admin@derbylaw.net  
01283 734989

# No waiting lists.

## We won't keep you waiting.

At Nuffield Health Derby Hospital you don't need private medical insurance, you can just pay for the treatment as and when you need it.

We're open to everyone and our treatment prices are all-inclusive\*, covering everything from your procedure through to recovery.

Call **01332 898 202** for further information.  
Or visit: [nuffieldhealth.com/hospitals/derby](http://nuffieldhealth.com/hospitals/derby)

\*Initial consultation(s), diagnostic scans/tests and investigations required to establish a diagnosis are not part of your procedure price.

# Officers and Committee Members for 2019-20

## Officers

### President\*

Martin Salt  
Martin.salt@chapsol.com  
Tel: 01773 540480  
Chapman & Chubb  
Shane House  
157 Nottingham Road  
Somercotes  
Alfreton  
Derbyshire  
DE55 4JH

### Vice-President\*

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

### Deputy Vice-President\*

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

### Honorary Secretary\*

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

### Honorary Treasurer\*

Ben Lawson  
Geldards LLP, Derby  
Tel: 01332 331631

### Immediate Past President\*

Ben Lawson  
Geldards LLP, Derby  
Tel: 01332 331631

(\* = Ex-Officio)

### Parliamentary Liaison Officer

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

### Public Relations Officer (+)

Vacant

### Derby Junior Lawyers

Natasha Hybner  
Swindell & Pearson  
01332 367051  
natashahybner@patents.co.uk

### Constituency Council Representative, Derbyshire (+)

Michael Williams  
Tel: 01298 24185  
mwilliams@bemerton.co.uk  
(+) attend Committee by invitation

### Other Committee Members

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

Andy Cash  
Cartwright King, Derby  
Tel: 01332 346111  
andy.cash@cartwrightking.co.uk

Andrew Cochrane  
Flint Bishop, Derby  
Tel: 01332 340211  
Via nikki.rennie@flintbishop.co.uk

Diana Copestake  
Freeth Cartwright LLP  
Tel: 0845 2725674  
diana.copestake@freeths.co.uk

David Hardy  
Tel: 01332 842008  
david.hardy1630@gmail.com

Natalie Haydon-Yeung  
Geldards LLP  
01332 331631  
natalie.yeung@geldards.com

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

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

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

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

### Solicitors' Benevolent Assoc. area representative

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

### Administrator / Bulletin Editor

Julia Saunders,  
14 Risborrow Close,  
Etwall,  
Derby  
DE65 6HY  
Tel: 01283 734989  
Mobile: 07964 358042  
Email: admin@derbylaw.net.

### Sub-Committees *(Secretary in italics)*

#### Criminal Litigation

*Simon Stevens*  
Andy Cash

Quentin Robbins

Andrew Oldroyd  
(01332 225225)

Nick Wright  
(01332 364751)

#### Education & Training

*Sue Jennings,*  
& all Sub-Committee Secretaries

#### Employment and Business Law

*Sue Jennings*

#### Family Law

*Fiona Apthorpe*

Vince Beckworth (Elliot Mather)

Diana Copestake

Joanna Jarvis (Bhatia Best)

Jane Lakin (Derbyshire County Council)

Ben Lawson

Manesha Ruparel  
(01332) 600005

Julie Skill

Melanie Bridgen  
(01283 2264440)

Claire Dean  
(01335 345454)

Liz Doherty-Astle  
(01332 592523)

David Guthrie  
(01332 293293)

Liz Guyler  
(01773 749955)

Nick Herbert  
(01332 293293)

Janine Hobday  
(01332 226477)

Ruth Jones  
(01332346084)  
Natalie Yeung  
(01332 331631)

#### Private Client

*Claire Rudkin*

Martin Salt  
saltmartin@hotmail.com

Nikki Spencer  
(0115) 932 4101

Christine Hinkley  
(01332) 836666

Kim Kirk  
(01332) 600005

Tim Dysterre-Clark  
(01332) 600005

Kirsten Wood  
(01332) 340211

Rachael Francis  
(01332) 340211

Julie Cook  
(01332) 340211

Dervla McLaughlin  
(0115) 932 4101

#### Sole Practitioners' Group (SPG)

*Tina Attenborough*

Last updated 23.08.19

# President's Page



Hello.

**We are rapidly heading towards the end of the year and the Christmas season is almost upon us. In the meantime we still wait for news as to how this country will leave the E.U. on October 31st 2019 - possibly..**

Brexit will represent the largest change to the UK's legal framework for some time, especially with regards to lawyers who practice across the E.U. The Law Society has provided some guidance on their website for firms and offer a detailed level of support.

I attended the Derbyshire High Sheriff's Legal Service at Derby Cathedral on Sunday 14th October 2019. The role of the High Sheriff dates back over 1000 years and the service is one of thanksgiving for our freedoms under the law. It was a privilege to be invited and to take part in the procession of judges, judges of the peace and other legal and non-legal dignitaries into the Cathedral for the service, especially as I was quite close to the front! Usually the procession begins at Derby Library and the participants walk past the Magistrates Court up to the Cathedral. Unfortunately this year the rain was most persistent and prevented a long procession. Instead the procession commenced from the Derby Cathedral Cafe, and even with the weather, a reasonable sized crowd were in attendance to see the event. Also in attendance were students from the University of Derby with Sue Jennings and hopefully as they progress through their careers in law they will see the tradition of the Derbyshire High Sheriff's Legal Service continue for many years to come.

As always the event was meticulously organised and my thanks go to Andrew Cochrane, a former president of the Derby Law Society, and the current Under Sheriff of Derbyshire and Deputy Lieutenant of Derbyshire for the invitation. Our Vice-President Julie Skill was also in attendance and will next year be stood at the front of procession, something which I am sure she and the following presidents will also enjoy.

On November 14th 2019 at the Derbyshire County Cricket Ground's Gateway Centre is the Derby & District Law Society Annual Quiz, sponsored by Severn Trent, eagerly anticipated with the usual intense fight for the Quiz Challenge Trophy. The event starts at 6.30pm and is always a good evening's entertainment and I hope to see you there.

Additionally, with Christmas fast approaching there are a number of events coming up which include the DJL Christmas Party Night taking place on Saturday 7th December at Jury's Inn, Derby.

Also coming up in the New Year is the now annual E4E Debating Competition for local schools which is run by our very own administrator Julia Saunders and has been a huge success. As always the event is run by volunteers and anyone wishing to attend or potentially help with judging should contact Julia.

In the meantime, thank you for your continued support of the Society and I look forward to seeing you at our upcoming events.

**Martin Salt,**  
President, 2019-20

## In the Community - E4E Awards



Derby and District Law Society sponsored the Debating Award at the Enterprise for Education Awards Event 2019. DDLS are keen to continue to

**support the initiative of the Derby City Schools Competition which is now entering its third successful year.**

The following is taken from a letter of thanks from Arshad Iqbal of E4E

*"Thank you so much for sponsoring the Enterprise for Education Awards Event 2019. Your support enabled us to celebrate the many young people making huge advancements in their lives and overcoming a range of barriers, and also recognise the industry volunteers and good practice in schools that directly support these young people.*

*The event itself, held on 2nd July, was a huge success and would not have been*

*possible without your support. Feedback from pupils, parents, employers and school staff has been overwhelmingly positive with many suggesting that we should do more to celebrate the achievements of young people, help them overcome adversity and further raise aspirations of our local young people. In recognition of this, E4E Board members are already discussing plans to turn this into an annual awards event.*

*On behalf of all at E4E, please accept our many thanks for helping raise aspirations of local young people and celebrate their successes."*

**The photo shows Martin Salt presenting the award to the winning debate team from Littleover Community School.**

## Words of wisdom 2019



Some benefits of using a local Conveyancer  
The modern trend is for Estate agents to try and persuade their clients to use their own pet conveyancers – often a factory type outlet miles away from the town in which the property is located; clients too will often go on line to find the cheapest quote, rather than look to their local firms.

When I began in practice in the mid 1980's there were two firms in the town where I worked, and two estate agents – all four being long established in one form or another; some clients – no doubt wary of small town gossip – took their conveyancing to the big city. By the turn of the century there were four law firms and five or six estate agents. Local knowledge was being diluted...

I well recall a couple of cases where my local knowledge saved the day. In one of them, a question had been asked by a buying conveyancer about the property's septic tank and storm drains which the vendor client could not answer; the firm's newly recruited young conveyancer came to me for help. A glance though the pre-registration deeds (remember them?)

showed the house had once been owned by someone I knew, although I did not know him when he lived there. I gave the chap a ring and asked him if he could remember anything about this property: his reply was, "remember it – I built it Chris: what do you need to know?" Chapter and verse was duly given and the query answered to the buyer's satisfaction. They went on to complete the transaction.

On another occasion, I was acting for a buyer of a house on a fairly new development in the town. A contract pack had arrived from the selling side – acting for a national relocation company. I knew what should have been in the pack and a lot was missing. When I rang the other side they said they had supplied everything they'd been given. I recalled another client who had bought directly from the developers and had left the deed packet in the firm's strongroom following completion. After a courtesy call to check they had no objection, I was able to extract a full set of copies of the missing documents: problem solved – or so I thought until the local search came back revealing that the estate road was not yet adopted and the Adoption Agreement & Bond had expired three months previously. Knowing the selling side would have no answers, I took a lunchtime walk and ascertained that for all intents and purposes the development

was complete: top surface on the road, pavements tarmacked, streetlights in place etc. On my return, I rang County Highways and asked to be put through to Ian who was in charge of adoptions. As soon as I mentioned the name of the road, he said, "You're going to tell me we've not adopted it and the Agreement's expired". Ian went on to say it was at the top of his hit list and the only things standing in the way of it being signed off were one broken kerbstone and one streetlight that did not come on at night. I advised my client accordingly and the decision was taken to proceed.

Let us now take a step back and think where both of these jobs could have ended if the client of today had been persuaded to use the conveyancing factory favoured by the estate agent rather than their local high street practice....

Even now, ten years since I retired from practice and came off the Solicitors' Roll, I get the occasional enquiry asking if I can remember anything about an anomaly on a particular development in that town. Only now the query usually comes from the local estate agents, because they know their recommended conveyancers in (say) Northampton won't have a clue.

**Chris Green**

## Situations Vacant



**POSITION;** Property Solicitor / Residential Conveyancer

**Hours;** Full time Monday to Friday 9 am to 5 pm (35 hours) (Part Time requests will be considered)

**QUALIFICATIONS;** Not essential but a Solicitor, Licensed Conveyancer or Legal Executive would be preferred

**EXPERIENCE;** Minimum of two years carrying out a full-time conveyancing caseload (A newly qualified Solicitor will also be considered)

**SALARY;** Market rate – dependent on experience.

**KEY DUTIES;** Working on all aspects of standard conveyancing files from start to finish, including sales, purchases, re-mortgages and transfer of equity, as well as shared ownership, leasehold, newbuild and unregistered properties.

The candidate should be able to;

- demonstrate a clear understanding of the conveyancing process and be familiar with the Law Society Conveyancing Protocol
- work independently in a busy legal environment without compromising the quality of work
- have attention to detail
- demonstrate strong organisation and file management skills
- be a team player, and be self-motivated
- be proficient with Office Outlook, Excel and Word

**To apply, please submit your CV and covering letter to Stephen Parrott through the firms website, or by email to [stephenp@killingsworthandparrott.co.uk](mailto:stephenp@killingsworthandparrott.co.uk), or by post to 65 Chapel Street Belper Derby DE56 1AR.**

# Stephen Bayliss

Vocalist - Corporate Entertainer

Stephen Bayliss is a vastly experienced and talented artist who has been entertaining people for over 30 years with a long list of successful events carried out to date.  
He is available for bookings covering events such as:

- Customised Live Entertainment
- Corporate Events
- Award ceremonies
- Sales Meetings
- Product Launches
- Christmas Parties

Available for both UK or International Bookings  
To book call: 01772 719674 / Mb: 07770 617 371  
or email [info@stephenbayliss.co.uk](mailto:info@stephenbayliss.co.uk)

Making Spirits Bright...

## Derby Junior Lawyers Christmas Party

Saturday 7th December  
£40 for members | £45 for non-members  
Jury's Inn, Derby

## UNIVERSITY OF FIRST CLASS FACILITIES



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

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



- Select the focus of your LLM and study at a time and pace to suit you

- **£200m** invested in facilities over the past ten years

- Postgraduate loan funding available



## POSTGRADUATE STUDY

### Visit us and find out more

Achieve your professional goals and get ahead in your career. By attending one of our Open Events, you can meet our teaching team and have an in-depth chat with the academic of your chosen subject area, find out about fees and funding and view our facilities.

Come and visit us at our Postgraduate and Professional Open Events:  
22 Jan and 14 May 2019

Book your place: [derby.ac.uk/open-days](http://derby.ac.uk/open-days)

# The Beacon of Excellence Across the Midlands!



As an independent school, Denstone College has the freedom to be bold and innovative in its approach to education. We aim to prepare our students for life in a changing world by providing a curriculum that offers more than just a focus on GCSE and A level courses. The highest possible standards in teaching and learning combines with fantastic educational facilities to produce excellent academic results.

cricketer and Old Denstonian, Jeremy Snape, which advises business leaders and global organisations on how to become and remain ahead of the game.

The Denstone Diploma is our most exciting innovation to date. It is a new initiative designed to satisfy the academic thirst of our pupils beyond the taught curriculum. It provides an increasing range of opportunities for further academic endeavour and promotes the development of creative and intellectual talents across the school community. The structure of the Denstone Diploma enables us to further improve our oversight and celebration of academic excellence across the college.

Specific Sixth Form enrichment opportunities are in place for potential Oxbridge and Russell Group university applicants including subject mentors, university taster experiences, field trips, enrichment outings, discussion dinners, debating competitions, school-wide events such as 'Denstone College Question Time', UCAS mentoring, and many others.

Each year our young people leave us prepared for the very best UK and

international universities including Oxford, Cambridge, Russell Group and Times Top 20 universities. The last two years have seen pupils go on to study a wide range of subjects at their first choice university, including Medicine at Jesus College, Cambridge, Natural Sciences at Durham, Mathematics at Loughborough, Economics at Bath and Aeronautical and Astronautical Engineering at Southampton. Denstone College offers a rich, varied and stimulating learning environment which sets high standards and provides close mentoring to ensure our pupils exceed expectations.

What supports them in these efforts is an environment which applauds success, exceptional teaching by subject specialists, and a level of academic and pastoral mentoring that genuinely cherishes the individual.

The best way to discover what Denstone College can truly offer your child is to come and see us. We have annual Open Mornings, but we are also delighted to welcome you to visit at a time that suits you. Please contact Admissions at [admissions@denstonecollege.net](mailto:admissions@denstonecollege.net), or call 01889 591415 to make an appointment.



## A Denstone Education

Just a short drive from Derby and surrounding villages, Denstone College is set in one hundred acres of magnificent countryside with an extensive bus network for day pupils. The College offers a rounded education where a wide range of opportunities ensures that all pupils find and develop their individual talents, whilst at the same time providing an excellent academic foundation for the world beyond school. Come and see for yourself what a Denstone education can offer.

Future Open Mornings:

Saturday 16 May 2020

For more information please call Admissions on 01889 591415  
[admissions@denstonecollege.net](mailto:admissions@denstonecollege.net)  
[www.denstonecollege.org](http://www.denstonecollege.org)



## We always go the **extra smile**

**Providing conveyancing professionals with the service they deserve!**

- ✔ Legal indemnity insurance for ALL types of properties and developments
- ✔ Unrivalled customer service
- ✔ The option to have your own dedicated underwriter
  - ✔ Quick responses, speedy solutions
  - ✔ Fully comprehensive cover, competitive premiums

Anything we can do to get that extra smile.  
[www.gcs-title.co.uk/DB](http://www.gcs-title.co.uk/DB)

  
 Online

  
 Pack

  
 Bespoke

[gcs-title.co.uk](http://gcs-title.co.uk)
01435 868050
[underwriters@gcs-title.co.uk](mailto:underwriters@gcs-title.co.uk)

Guaranteed Conveyancing Solutions Limited is authorised and regulated by the Financial Conduct Authority. Registered in England and Wales no. 3623950. Registered office: GCS House, High Street, Heathfield, East Sussex, TN21 8JD

Achievement

Confidence

Happiness







**ARE YOU BEING HOUNDED BY OUT OF DATE MULTIPLE DWELLINGS RELIEF CLAIMS?**

**HAVE YOU RECEIVED A PRE-ACTION PROTOCOL LETTER ALLEGING PROFESSIONAL NEGLIGENCE?**

**IF SO, DON'T SETTLE UNTIL YOU HAVE SPOKEN TO US!**

[www.griffithsallen.co.uk](http://www.griffithsallen.co.uk)  
[office@griffithsallen.co.uk](mailto:office@griffithsallen.co.uk)  
 Telephone 0118 40 50 025







**IF YOU ARE CONCERNED THAT YOUR STAMP DUTY LAND TAX KNOWLEDGE IS NOT AS IT SHOULD BE, WE ARE HERE TO HELP YOU GET IT RIGHT.**

**CALL US - OUR FEES ARE FIXED TO AVOID SURPRISES**

[www.griffithsallen.co.uk](http://www.griffithsallen.co.uk)  
[office@griffithsallen.co.uk](mailto:office@griffithsallen.co.uk)  
 Telephone 0118 40 50 025

## D&DLS Criminal Committee

MINUTES OF MEETING – 19/09/19

### Present

Nick Wright, Andy Cash, Dave Gittins, Andy Oldroyd, Simon Stevens (members) Nattalie Mullings from the LAA, Laura Martin from CPS, Nicola Agalanya from the LAA and Glyn Plant from HMCTS.

### Apologies

Acting Inspector Wayne Gray apologised at the last minute for operational reasons.

### Police Matters

The issue was raised about suspects being interviewed at very, very late and unsociable hours to the detriment of defence lawyers sleep patterns, especially when, unlike police officers, they have to be back in the office the next morning. AC commented that he thought that if case can be resolved, in unsocial hours, then so be it. The suspects liberty might be at stake. AO gave an example of how matters can be dealt with just as efficiently the next morning especially when client is going to be kept for court.

NW is aware that the police view is to interview if at all possible, even if it is very late evening/early morning.

The issue was raised about cases where a suspect is interviewed about several allegations. And then charged with part of them but bailed back on others, only to be changed later. LM says that this is not good practice from their point of view, which is that everything should be dealt with in court at once.

GP said that he has pointed out to the constabulary that if cases are brought to court late, then it is likely to result in a lesser sentence for the defendant. Also, any delays presenting a domestic violence case in court when a Restraining Order is applied for, and that Restraining Order is less likely to be granted if nothing untoward has happened in the delayed period.

LM explained that because of the problem with the forensic science provider, Eurofins, there have been greater delays in getting forensic results. Simply because there have been less providers and less of a market to provide the service.

SS said that defence lawyers have an issue in

finding out from the police what the outcomes of cases are after a suspect/client has been RUI'd. The police often don't tell us. Officers who fail to reply to defence enquiries by their colleagues who do. All it takes is an email.

NW pointed out that there are many cases where a client is bailed back to the police station. Nobody will tell us what is going to happen at the bail back appointment and so attendance is necessary. On that attendance, it is discovered that the client has been technically re-bailed or even released under investigation. This is clearly inefficient and a waste of time. NW agreed to ask the police to remind officers to reply.

### Criminal Behaviour Orders

AC said that he understands that there are judicial concerns about ill prepared applications for CBO's. LM responded that CPS have a process with CBO's. They are reviewed 14 days before the hearing. Emma Heath-Tillson is the CBO lead at CPS locally. She reviews if there is anything unusual in an application, otherwise, it is by the reviewing lawyer. Mention was made of lots of police officers coming to court for no real purpose when CBO's are applied for. GP said that proportionality needs to be considered in applications for CBO's, e.g. if the original offence is of low level, then that would be less likely to indicate such an application is appropriate.

Apparently, Emma Heath-Tillson is to do some training for the relevant officers.

### HMCTS Matters

Happily, GP reported that volumes of youth cases are no longer falling.

The Court and CPS have discussed arrests on failure to attend warrants. The police have agreed not to turn anybody away when they are trying to surrender to a warrant. But, if somebody calls them to see if there is a warrant outstanding, they will be told that they can surrender to court. Similarly, the court will always hear applications to withdraw warrants (though they will not necessarily be granted). Such applications are advisable if there are good grounds.

If there are any examples of errors in the above process, GP would like to hear of them, please.

Similarly, national guidance is that local courts should take a fairly lenient view about accepting warrants from foreign courts. E.g.

Derby is more likely to accept a defendant on a warrant from, say, Penzance.

HMCTS have less legal advisers current than hereto for. There were 11.2 less legal advisers in Nottinghamshire and Derbyshire than a year ago bearing in mind various clerks leaving for judicial posts and the like. This means there is a possibility of criminal cases being delayed.

By October 2019 there is a plan to have all admin staff in Derby for Derbyshire and Mansfield crime admin will go to Nottingham. But in the long run, all criminal administration will be dealt with centrally somewhere in the region, at least that's the plan. In the same vein, family public law administration is going to be dealt with from Bennett House in Hanley sometime next year.

Following the retirement of District Judge Devas, a replacement is to be appointed.

In the Crown Court, HHJ Shant has asked that PSR's not be ordered unless a guilty plea is on a full facts' basis. Therefore, Magistrates will be guided by us as to whether that is the case.

Pre-sentence reports for sex offenders, youths, death by careless driving and any other offences that defence think causes one to be warranted will be considered unless custody is inevitable in which case, what is the point in a report?

Saturday occasional courts – visiting legal advisers having to come to Derby from all over the Midlands.

Apparently, there are falling numbers of remand prisoners from Chesterfield and Mansfield for unknown reasons.

### CPS Matters

LM reports that charging decisions will be made by CPS direct in threshold cases. But is a full code decision is to be made, it will be made by the CPS area lawyers. This should **not** result in anymore or less delays in matters coming to court.

On the subject of delays, the issue of suspects being released under investigation is being looked at Nationally and concerns have been expressed in many places, not least from national Law Society. The police are now tracking RUI's. They have lists of cases where somebody has been RUI'd for 180 days or more

*Continued over page...*

## D&DLS Criminal Committee continued...

and they are regularly reviewed. Further, if an alleged offence is more than three months old, the CPS are trying to find out from the police reasons for any delay. It is fair to say that this was an issue of concern for all defence lawyers.

### Disclosure

LM says that also work has been done to improve disclosure. Staff in the East Midlands have had training and there has been more proactive management involved. Currently, disclosure training is being done with the police.

LM also stated that IDPC should be sent by their office to known defence solicitors prior to the first hearing. If a defence firm sends a request for IDPC, there is a 20-minute target for it to be replied to.

SS and AC commented that if a request for IDPC is made early and not responded to, we have to chase CPS for it. The original emails appear to be lost.

There were general complaints about CPS failure to disclose any CCTV evidence early. This is an issue, amongst others, about which NWW will raise at a regional meeting in October. GP says that we can ask courts to make a direction for disclosure of CCTV/BWV and such applications are likely to be well-received.

Examples of the process above not being followed are welcomed by LM if anybody would care to send them. Their statistics indicate there is no problem following an examination of it in practice. This contrasts with defence solicitors' experiences.

LM did report that a number of rape prosecutions have **not** dropped in Derbyshire. This is contrary to some indication in the national press. However, it is noted that there have been delays in getting some cases to trial because of the Crown Court taking cases out of the list. A request has been made for better time estimates to be given by the Crown and Defence.

### Probation Matters

Some frustration was expressed by AC and DG at the pace of delivery of FDRs at Chesterfield. Delays mean that lawyers have to spend many more hours there than otherwise. GP has given written guidance to benches in what they can and can't do without a report. That has since been forwarded to NWW who has distributed it to members.

AC mentioned that there is a routine problem with liaison and diversion reports being available for Magistrates but not being disclosed to the defence. It is hoped that that will be corrected by legal advisers.

### LAA Matters

There was a change in provider for the DSCC service in August. The LAA apologised for the well-known issues caused by the change over in provider.

AC said that the DSCC website is currently not working very well at all and either doesn't load or is very slow at doing so. It was noted by all solicitors present that the previous suppliers appeared to function very well indeed. SS pointed that he discerned a gap in the number of cases received in the week of changeover of supplier, therefore questioning where on earth the missing cases had got to?

NM said that for between 26-30 August, if firms didn't get a DSCC number for a case, then they should simply make a note on the file what the issue was and there should be no problem with payment.

Regarding application for Representation Orders, SS commented that there had been some strange decisions recently on both interests of justice and means tests on applications for some of his clients. That has been an issue that does occur regularly.

An issue was raised about the LAA portal showing that a Representation Order had been granted, but the LAA not actually sending out Representation Orders. This can cause problems in some Crown Courts where without the actual order, firms are not allowed to access a file on the BCM. NM reported that this has been caused by an IT issue and is simply a backlog.

### GPS Tagging

This is due to become operational in Derbyshire on 30th September and is effectively location monitoring. GP agreed to send information to NWW. That has now been done and the information distributed to members.

### Any Other Business

The question was raised as to whether Section 36/38 appointments for cross examination on behalf of the court are to be done by rota of solicitors prepared to

act in such cases – or the solicitor being appointed in court. It works in different at Derby and Chesterfield. The answer is that it should be by rota.

### Next Meeting

5th December 2019 at 3pm at Derby Magistrates Court with many thanks to GP and HMCTS for the use of their room.

### News from The East Midlands Criminal Justice Board is as follows: -

In Leicestershire and Nottinghamshire there is going to be a strong focus on tackling serious youth and knife crime case.

It is also well-known following media activity that the number of Crown Court sitting days has been reduced for this current year e.g. in Leicester by about 20%, the equivalent of one court. Therefore, it will be of no surprise that the backlog of cases has gone up. And in line with current trends, it is not simply the volume but also the complexity that has increased.

Bail issues – regional management guidance on the management of pre-charge bail and RUI has been issued. There is a focus at an earlier stage on the risk//vulnerability of anybody involved which would indicate that a suspect should be bailed as opposed to being RUI'd. National guidance has been going about the cycle of supervisors' reviews of bail backs and RUI's. In most forces the proportion of most bail cases is now 18%.

If anybody has any issues to be raised at either the Derbyshire or East Midlands Criminal Justice Boards then they are welcome to contact Nick Wright to see what can be done. This is particularly relevant in connection with the effectiveness and efficiency matters. Efforts will be made, where appropriate, to get other organisations in the criminal justice system to assist.



**Nick Wright**  
Criminal Law  
Sub-Committee

# Coming soon...

We'll shortly be launching our new ordering system. Combining a range of innovative new features with the ease-of-use our customers have come to expect - ordering your searches has never been easier.

To find out more, or to arrange a demonstration, please call us on 0115 971 3550 or email [business@severntrentsearches.com](mailto:business@severntrentsearches.com)

## NEW FEATURES INCLUDE

- Responsive design
- Quote system
- Favourite searches
- Improved query facility
- Recommended searches
- Easier ordering process

[www.severntrentsearches.com](http://www.severntrentsearches.com)

0115 971 3550

[business@severntrentsearches.com](mailto:business@severntrentsearches.com)

SEVERN TRENT  
SEARCHES  
a part of  
SEVERN  
TRENT

# Leave a gift for the next generation

Donations and legacies enable us to offer the 'extras' that make a real difference to our patients.

When it comes to your will, we understand that the needs of your friends and family come first. After you have met the needs of your family you may like to leave a gift in your will to help provide for the healthcare of future generations.



 @derbyburtonhospitalscharity
  @hospitalcharity
  @derbyburtonhospitalscharity

Support your local hospital  
For more information:

Tel: 01332 785731  
 Email: [uhdb.charity@nhs.net](mailto:uhdb.charity@nhs.net)  
 Visit: [www.dbhc.org.uk](http://www.dbhc.org.uk)

## Misunderstanding of Wills Risks Inheritance Failing to Reach Children, Loved Ones and Charities



divided according to the rules of succession.

**James Antoniou**, Head of Wills at Co-op Legal Services added: "The importance of having a valid Will shouldn't be under-estimated. Many people wrongly think that their loved ones will automatically inherit their assets when they die but this isn't the case. If a person dies without a Will then they lose control of what happens to their estate meaning that their final wishes may not take effect, leaving disappointed loved ones behind."

The large majority (70%) of Brits believe their family will easily agree on how to divide assets between themselves, despite recent figures from the Ministry of Justice showing that inheritance disputes have trebled over the past decade<sup>1</sup>.

To help shed some light on these misconceptions, Remember A Charity has been working with BAFTA award-winning comedian Matt Berry to create a series of comedy films that challenge the biggest myths about gifts in Wills, inspiring people to consider including their favourite charity in their Will.

The films can be viewed through the Remember A Charity website.

Cope adds: "Legacy giving is absolutely vital to the charity sector and every gift counts – no matter what size. As part of our tenth awareness week, we want to inspire the public to pass on something wonderful and make a real difference to future generations by taking action and writing a gift in their Will."

To find out more about Remember A Charity Week (9-15 September 2019), visit [www.rememberacharity.org.uk](http://www.rememberacharity.org.uk)

### Notes

<sup>1</sup> Research conducted in August 2019 by Censuswide with a representative sample of 2,000 British adults.

<sup>2</sup> Based on UK population figures of 18+ year olds in the UK British Gov 2011 Census. Research conducted in March 2019 by OnePoll with a representative sample of 2,000 British adults.

<sup>3</sup> Source: Osbornes Law Firm, 2018



Rob Cope

believing that Will-writing is time-consuming (30%), complicated (28%) and expensive (27%). Only 1 in 4 (25%) say they have planned for death.

What's more, many Brits are unaware of the flexibility and benefits of legacy giving. More than half (57%) don't know that giving to charity is exempt from inheritance tax and over one fifth (22%) believe that you have to be wealthy to donate to charity from your Will.

- Over two-thirds (68%) of Brits don't have a fully written Will, with almost a third (30%) believing that they only need to have a Will in place if they are very wealthy
- Nearly 2 in 5 respondents (37%) think that if they don't have a will, their inheritance will go straight to their partner or children
- Remember A Charity in Your Will Week is underway, encouraging everyone to have a Will in place and to consider leaving a gift to charity after family and friends are taken care of

"We've certainly seen from the research that there is a huge knowledge gap about how Wills and inheritance works," says **Rob Cope**, Director of Remember A Charity. "This remains a key barrier to growing legacy giving and underlines the importance for working together with solicitors, Will-writers, government and other partners to reduce intestacy.

"Writing a Will is the only way for the public to ensure their final wishes are met. But the great news is that it can be both quick and easy. During Remember A Charity Week, we're reaching out across the country and encouraging the public to make sure their loved ones are looked after in this way and to consider leaving a gift to charity in their Will."

**WEDNESDAY 11 SEPTEMBER 2019, LONDON:** New research<sup>1</sup> from Remember A Charity reveals that 68% of adults across the UK don't have a completed Will in place (47% of over 55s), with nearly two in five respondents (37%) assuming it will automatically go to their partner and children.

Almost a third of Brits (30%) don't think they're wealthy enough to write a Will, with many

Without a Will in place, an estimated 27.9 million Brits<sup>2</sup> are leaving their final wishes at the mercy of Government intestacy rules. In England and Wales, if someone dies intestate and there is a surviving partner, any children and close family will only inherit in some circumstances. Meanwhile, in Scotland, the estate would be

## Government U-turn on Probate Fees welcomed by charity bodies

MONDAY 14 OCTOBER 2019, LONDON: After lobbying Government to abandon plans for a new probate fee regime that could threaten legacy giving, Remember A Charity and the Institute of Fundraising are pleased to welcome this weekend's announcement that the proposed changes are to be scrapped.

Dubbed a 'stealth tax', the proposed probate system would have seen thousands of bereaved families a year facing sliding charges of up to £6,000, as opposed to the current flat rate fee of £215. The Ministry of Justice expected to generate around £185 million from the increased fees by 2022-23. However, charity sector bodies had raised concerns with HMCTS and the Ministry of Justice that the planned fee increases could severely disrupt legacy giving, a 'lifeline' for charitable causes.

Remember A Charity warned that such a hefty price tag for wealthy individuals –

many of whom leave sizable gifts to charity – could discourage legacy giving and estate planning altogether.

Speaking to The Daily Mail, Justice Secretary **Robert Buckland** confirmed the new fee structure had been abolished, saying: "I have listened very carefully to the strong views aired on proposed new probate fees.

"While fees are necessary to properly fund our world-leading courts system, they must be fair and proportionate. We will withdraw these proposals, and keep the current system while we take a closer look at these court fees as part of our annual wider review."

**Rob Cope**, Director of Remember A Charity, says: "We're hugely relieved to hear that there will be no major increase to probate fees and that the current structure

will be retained, at least for the time-being. Charities large and small rely heavily on gifts in Wills. Worth around £3 billion a year, we simply can't afford to risk jeopardising such an important income stream or to reverse the trend for growth in legacy giving."

"We'll continue to work closely with Government to ensure the sector's views are heard and that the legacy environment is protected. This includes ensuring that concerns about the prolonged delays to probate are addressed and the sector keep informed."

**REMEMBER US IN YOUR WILL**  
Help our work live on...



The Royal Navy & Royal Marines Children's Fund

The only charity dedicated to supporting children whose parents serve, or have served, in the Naval Service.

Originally set up as an orphanage, we now assist children with a wide range of needs and at times of family crisis. Applications can be made at any time and those seeking assistance can contact the office directly for an application form, or download it from our website.

311 Twyford Avenue, Portsmouth PO2 8RN  
t: 023 9263 9534 e: caseworkers@rnmchildrensfund.org.uk  
www.rnmchildrensfund.org.uk

RNRMCF Registered charity number: 1160182 Patron: HRH The Duke of York, KG



**Moorcroft Racehorse Welfare Centre**  
Huntingrove Stud, Slinfold,  
West Sussex, RH13 0RB  
Charity No: 1076278

This centre in the south of England was set up to ensure that retired racehorses whatever age, can be re-trained to find another career in life. Much care and attention is given to each individual horse and when fully retrained new homes are found. The centre retains ownership for life and visits these horses every 6 months to ensure that all is well.

This charity depends on generous donations and/or legacies from horse lovers. Many horses need a time for rehabilitation due to injury etc and start to enjoy an easier life after their racing careers.

Visits by appointment are welcomed. Please ring Mary on 07929 666408 for more information or to arrange a visit.

www.moorcrotracehorse.org.uk

The British Horse Society  
BHS Approved  
Highly Commended

# We promise we'll never put down a healthy dog.



**Please promise to help us with a gift in your Will.**

Every year, Dogs Trust cares for over 15,000 dogs in our 20 rehoming centres across the UK. **We never put down a healthy dog.** By leaving a gift in your Will, your love of dogs can live on and help us make the world a better place for them.

For more information email:  
**infopack@dogstrust.org.uk**  
or call: **020 7837 0006**

Please quote "334299"



www.dogstrust.org.uk  
Registered Charity Numbers: 227523 & SC037843

# LIVING LEGENDS WANTED

Gifts left to us in Wills fund 1 in 7 of our lifesaving missions



Give the gift of a lifetime, and save lives, by including a donation in your Will.

 your local **air ambulance**  
Derbyshire · Leicestershire · Rutland  
Warwickshire · Northamptonshire

Call 0300 3045 999  
Email [legacies@theairambulance.org.uk](mailto:legacies@theairambulance.org.uk)



## Queen's speech 2019: Bar Council reaction



Richard Atkins QC, Chair of the Bar Council, which represents all barristers in England and Wales, said:

"Today's Queen's Speech acknowledged that public confidence needs to be restored in the criminal justice system. I hope that this is an

acceptance of what we have long warned, that our criminal justice system can bear no more. For the last decade, the Ministry of Justice has been in dire need of rescue as it has buckled under the strain of greater budget cuts than any other Whitehall department - 40% since 2010.

The focus on justice in this speech, as evidenced by the number of Bills on the agenda, including the Sentencing (Pre-consolidation Amendments) Bill and the Domestic Abuse Bill, is not only necessary, but long overdue. I am also pleased the Government has recognised the need to ensure that UK courts can continue to deliver justice across borders, post-Brexit, by bringing forward legislation to ratify the Hague Conventions in civil and family justice matters.

In order to continue the online court reform programme, the Government will need to introduce legislation to give effect to online procedural changes. The Bar Council will work with the Ministry of Justice to ensure that the various measures introduced in the Courts and Tribunals (Online Procedure) Bill in the last Parliamentary session are carried through.

"Justice must stay high on the priority list of any government. We will be watching closely to see whether the repairs that our crumbling justice system so desperately needs will be delivered."

# IGNORANCE IS NO DEFENCE



DevAssist investigates locations for development risks that could impact a property.  
We are an accredited CPD provider on development and planning.



PROTECTING BUYERS, SOLICITORS & LENDERS

Our products:

  
DEVASSESS PREMIUM

  
DEVASSESS

  
DEVASSIST CITY

  
DEVASSESS PROBATE

For more information:

t: 01342 890010  
e: [helpdesk@devassist.co.uk](mailto:helpdesk@devassist.co.uk)  
w: [www.devassist.co.uk](http://www.devassist.co.uk)

# What's magic about mediation?



Chris Makin

It often seems that the world of litigation lawyers divides into two camps: those who have never mediated, and those who are passionate advocates for mediation. The third group – lawyers who have tried it and say “never again” – doesn't exist.

Why? Well, it seems that the blandishments of many senior judges, including Lord Justice Ward (with whom I had the great honour of co-mediating more than once), and the costs penalties for failure to mediate, have still not had the desired effect on some; yet when those laggard lawyers finally take the plunge, they become converts overnight.

So there must be something magic about the mediation process. What is it?

Before I launch into my list of reasons, two things. First, I must declare an interest. I am an experienced mediator – 110 chaired to date, vast range of topics, 80% success rate – so you can expect me to be passionate about mediation. But second, I don't even depend on it for much of my income. My main profession is expert accountant in litigation, which means I have spent a great deal of time with lawyers, and with nervous parties facing a process they don't understand. There has to be a better way. There is, and I am an advocate for mediation mainly because I have seen how it has transformed people's lives for the better. And I sincerely love helping people. Don't you?

What then is the magic?

Let us take as read all the usual reasons: speed, relatively modest cost, privacy, the parties are in charge, no precedents set, and so on. Instead, let us concentrate on what happens at mediation, and on how and why it works in practice.

The two most important things to remember are these: that the mediator is a highly trained individual who knows how to listen to people, and establish their true needs by picking up clues when the parties are asked to tell their story in private; and that the mediator, as the day progresses, is the only one who knows the whole story because he is the only one who has heard in private what each party has to say. He (or she) respects that knowledge and uses it very carefully. He never breaks a confidence, and he shares information only with express permission. Nor must the mediator be a messenger-boy; information with permission is shared only when it is considered to have the most impact in helping the parties to a settlement.

Some of the many techniques used come from “Influence – the Psychology of Persuasion” by Robert Cialdini. Very briefly, they work like this:

**Authority:** the parties and their advisers must have confidence in the mediator and in the mediation process. I always dress smartly to look the part, and insist on having an opening ceremony where I recite my experience and explain how successful mediation can be. Some parties try to avoid meeting the “enemy” at the opening joint meeting, but I have never failed to persuade them that it is important, and it certainly gets the mediation moving very effectively.

**Commitment and Consistency:** The parties are asked to commit to the process by saying out loud: “I have authority to settle this dispute”, and the mediator must be consistent in managing the day. For example, I say in terms that I do not know either party, and that my sole intention is to help them to solve their problems; I never break confidences; I make a point of destroying all my notes at the end as I promised to do at the beginning, and so on.

**Liking:** As in life, so in mediation, it is much easier to work with people if you like them. It's easy for me because I genuinely like people, but the mediator must be a chameleon who gets on with everyone, and the first private meeting is always important in establishing rapport.

**Reciprocation:** If one party gives something in negotiation, it is much harder for the other not to. In a particularly nasty probate mediation, brother and sister hated each other with a passion, but I picked up that brother desperately wanted the family grandfather clock, and sister wasn't bothered. After that, it was easy to draw the parties together and agree far more important matters than who took the clock.

**Social Proof:** Parties will agree things if they think it is the right thing to do in their family or community. So, for example, Asian parties sometimes nip out to call an elder in the community who hasn't heard the discussions. More often, it becomes clear that a party is concerned about what their wife or husband will say about the settlement they intend to make. One must respect such important considerations.

**Scarcity:** “Buy One Get One Free – offer ends tomorrow.” Irresistible? With litigation consider the worry, expense, loss of management time, uncertainty of outcome, and the fact that some of the winner's costs will be “taxed off” even if they win on all heads of claim. It is far better to reach a settlement you can live with and get on with your life. I tell the parties litigation is like dancing with a gorilla: the dance stops only when the gorilla decides to let go. But today, in mediation, you are in charge, and you can agree to anything the other side will live with. If that fails, the gorilla of litigation will dance on, and you will have nothing to look forward to but worry and expense. So why not settle today, before the offer expires?

I recall a three-way property development I did some months ago. One party had given up quite a bit to reach a settlement, but on my feedback form had written: “All disputes should if possible be settled this way – Great Mediator!”

So ADR does **not** stand for “Alarming Drop in Revenue”. If you have mediated, thank you and congratulations; you are one of the converted. If you haven't, do give it a try. You won't regret it!

chris@chrismakin.co.uk  
www.chrismakin.co.uk

**Biog:** Chris Makin has practised as a forensic accountant and expert witness for 30 years. He is one of only 100 out of 140,000 chartered accountants to become accredited as an expert witness and forensic accountant – see [www.icaew.com/forensicaccreditation/register](http://www.icaew.com/forensicaccreditation/register). He also performs expert determinations. For his mediation website (with videos!), see [www.chrismakin.co.uk](http://www.chrismakin.co.uk)

Chris Makin

Chartered Accountant  
Accredited Civil Mediator  
Accredited Expert Determiner

Chartered Accountant with 20+ years experience as Forensic Accountant and Expert Witness at national firm partner level; Mediator for 10+ years: High settlement rate. See website for more details, including mediation scale of fees.

**Mediated disputes in:**

- Partnerships
- Share Valuations
- Company Sale & Purchase
- Professional Fees
- Rights of Way & Boundaries
- Construction
- Intellectual Property
- Professional Negligence
- Business Interruption
- Defamation
- Housing Disrepair
- Very Expensive Motor Cars
- Employment
- Contractual Failings
- Inheritance Act and ToLATAs

**Civil and criminal experience as expert for over 20 years in:**

- Loss of Profit and Consequential Loss
- Business & Share Valuations
- Matrimonial Valuations
- Partnership & Director Disputes
- Professional Negligence
- Criminal & Commercial Fraud Investigations
- Personal Injury & Fatal Accident
- Drug Trafficking etc. Asset Tracing & Confiscation
- Section 994 Disputes
- Director Disqualification
- Expert Determinations



N Christopher Makin FCA FCMI FAE QDR MCIArb  
Call for a FREE initial discussion without obligation  
01924 495888 or 07887 660072  
[www.chrismakin.co.uk](http://www.chrismakin.co.uk)

**Listening books**  
Registered Charity number 264221

We are a UK charity providing a fantastic selection of high-quality audiobooks to some 50,000 people across the UK who find it difficult or impossible to read due to an illness, disability, learning or mental health difficulty. We charge a membership fee to only half of our members - those who feel they can make some contribution and that is heavily subsidised. The other half need to be fully funded. Listening Books receives no central government funding whatsoever and very little local government funding. The reality is that Listening Books simply could not survive without the generous support of sponsors and the active co-operation of publishers.

Whether you have already written your will or are thinking about writing one in the near future, we ask that you consider leaving a legacy to Listening Books. Your legacy will make a vital difference to the lives of our members for years to come.

CALL US NOW  
on 020 7407 9417  
or email us at:  
bdee@listening-books.org.uk

[www.listening-books.org.uk/Legacies](http://www.listening-books.org.uk/Legacies)  
12 Lant Street, London SE1 1QH

the hampden consultancy

Building services (mechanical & electrical) consulting engineers  
Expert witnesses / Expert advisers / Expert assessors



Since 1993 we have specialised in assisting clients in resolving technical and contractual problems with respect to mechanical & electrical engineering services that can (and often do!) occur on many construction projects, whether during the pre-contract or construction phases, or indeed post-contract.

As such we have been retained either as expert advisers, party-appointed experts or as single joint experts in respect to disputes between building owners/end-users & their contractors or between contractors & their sub-contractors concerning technical and/or contractual aspects related to mechanical & electrical engineering services. We have also acted for clients in issues involving professional negligence of M&E consulting engineers.

Please call Bob Swayne EngTech AMIHEEM for an initial discussion without obligation on 01434868868 or 07768497005 or visit our website on [www.thehampdenconsultancy.com](http://www.thehampdenconsultancy.com) for more details.



**ELIZABETH J. SOILLEUX**  
MA, MB, BChir, PhD, FRCPath  
**CONSULTANT PATHOLOGIST**

Experienced Cambridge and Oxford-trained consultant pathologist with particular interests in haematopathology (lymphomas, leukaemias), cardiovascular pathology & autopsy pathology.

Expert Witness Certificate (Civil Law), Bond Solon / Cardiff University

- Biopsy Pathology (esp Lymphoma & Leukaemia)
- Autopsy Pathology (esp Cardiovascular Pathology)
- Professional Conduct (GMC work undertaken)

Department of Pathology, Cambridge University / Addenbrookes Hospital, Cambridge  
Tel: 07798 643879 Email: [ljsuilleux@gmail.com](mailto:ljsuilleux@gmail.com)  
[www.expertwitnesspathologist.co.uk](http://www.expertwitnesspathologist.co.uk)

**EPC**  
EAST PARK COMMUNICATIONS

FINDING YOUR VOICE IN DIGITAL AND PRINT MEDIA

[www.eastparkcommunications.co.uk](http://www.eastparkcommunications.co.uk)

# Looking for a safe alternative to post and email?

You're in safe hands with Document Portal.

**Document Portal.**  
A clever new add-on, only available as part of Brighter Law.

Cyber Security is a top priority for law firms, protecting your client and the reputation of your business is vital. Our latest service provides a secure environment for the exchange of sensitive client information whilst streamlining your processes and helping to avoid delays in the transaction. **For a free, no obligation demo email [info@brighterlaw.co.uk](mailto:info@brighterlaw.co.uk)**

## poweredbypie Launches Document Portal to Enable Secure Exchange of Sensitive Client Data



Search and software provider poweredbypie has announced the launch of Document Portal, a new solution for solicitors to enable the secure electronic exchange of all documentation within the conveyancing process. By removing the need to 'print and post', Document Portal offers a simple, secure solution to speed-up the exchange of documentation between solicitors and clients.

**Carole Ankers**, chief product & technology officer, poweredbypie explains: "Document Portal is part of our Brighter Law suite of products. For many years, Brighter Law has allowed solicitors to streamline communication online, by managing new client interaction and providing instant quotations with the aim of increasing conversion rates.

"Following many months of research and development we have taken the time to understand the needs of solicitors and the challenges they face in the conveyancing process," continues Ankers. "The result of this insight is Document Portal, which allows client documents to be stored, accessed and shared safely online, negating the need for physical copies. It is both simple to use and set-up and takes care of the technology needed to supply a secure 2 Factor Authentication for electronic document exchange, removing the delays associated with paper-based legal forms and mitigating the risks posed by email communications.

"As Cybersecurity continues to be one of the most serious threats facing the legal community, it is essential for firms to take a secure approach to the protection of sensitive client data. According to the SRA Risk Outlook 2018/19, in the first quarter of 2018 over 70% of all cybersecurity reports were directly attributed to email modification fraud, a sophisticated method of interception designed to capture client bank details and personal information. Document Portal removes this risk, providing secure 2 Factor Authentication to store and share legal documents which are accessible only to those with authorised access."

Document Portal now enables law firms to create a document portfolio which includes intuitive, editable forms and digital signature facility

provided by the leading eSignature brand DocuSign. Not only does this provide a secure, streamlined environment for client data, it also highlights to the client exactly what information needs to be filled-in, first time, every time."

On 4 September 2019 the Law Commission set out a statement to end uncertainty and increase confidence in the use of electronic signatures <https://www.lawcom.gov.uk/project/electronic-execution-of-documents/>. Commercial and Common Law Commissioner, **Stephen Lewis** said: "Our report aims to provide an accessible statement of the law which makes it clear that an electronic signature can generally be used in place of a handwritten signature as long as the usual rules on signatures are met."

Carole Ankers continues, "As a technical solutions provider and partner to law firms up and down the country, it's our job to look at the issues that affect our clients and come up with solutions. We are very excited to launch our secure portal that enables solicitors to exchange sensitive documentation giving the law firm a real point of difference while inspiring confidence and trust."

For further information please see: [www.poweredbypie.co.uk](http://www.poweredbypie.co.uk)

**New and improved  
D&DLS blog  
coming soon!**

[www.derbyanddistrictlawsocietybulletin.com](http://www.derbyanddistrictlawsocietybulletin.com)  
An EPC Production



When it comes to supporting the rule of law...

## EXPERTS MATTER ...

As Lord Neuberger delivers the keynote address at the annual conference of the Expert Witness Institute in October 2019 Elizabeth Robson Taylor of Richmond Green Chambers went along to observe....

Looking back on autumn, lawyers will recall that it isn't just a season of mists and mellow fruitfulness (although most do enjoy these). With predictable regularity, the falling leaves of autumn not only herald in the new legal year, they also create a really quite inspiring backdrop for fruitful new opportunities to meet, greet, network, contemplate and confer.

Yes, the season of conferences kicks off in autumn, usually commencing — as far as the legal profession is concerned — with the annual conference of the Expert Witness Institute at Church House, Westminster — an event of particular interest to lawyers.



The testimony of the highly qualified, rigorously trained expert witness can be crucial in court across a range of cases and circumstances, as Lord Neuberger emphasized in his keynote address — and it is the primary aim of the EWI to foster and nurture

this role. As EWI Chair, Martin Spencer has insisted — 'it has never been more important to have a credible voice for expert witnesses highlighting the critical role they play in our justice system.'

If anything, the Conference held up a mirror to the uncertainties of 2019, with its stated theme expressed as: 'Nothing stays the same; is everything changing?' Well, yes, actually — the implication being that as moving with the times is an imperative, mental agility and a willingness to adapt to change are what you need in any profession when 'nothing stays the same.' As Conference Chair and EWI Governor Amanda Stevens reminded the delegates in her opening address, 'change is the only constant.'

At the same time, impartiality on the part of the expert witness is also key, a point emphasized by Lord Neuberger, retired President of the Supreme Court. 'Experts,' he said, occupied a 'very difficult position' in balancing their duty to the paying party with their duty to the court. While conceding that there is 'no perfect answer' here, he pointed out the necessity for everyone to bear in mind their responsibilities.

## The judge needs help

'When it comes to expert witnesses,' Neuberger said, 'the whole point is that the judge needs help, because he or she does not know about the topic. It is almost more dangerous for a judge trying a case when they know about the topic than when they don't.'

Neuberger then addressed a number of other topical issues, covering a number of key points. He referred, for example, to the then recent historic decision of the Supreme Court that Parliament could not be prorogued. Also, under scrutiny in his speech were the differences between 'negligence' 'recklessness' and 'dishonesty.'

Primarily, 'negligence' stems from carelessness. 'Recklessness' means you don't care whether you're wrong or not, 'Dishonesty?' Basically, a deliberate lie when the liar who's lying knows he's lying but lies anyway. The Attorney General's advice relating to the above-mentioned case was therefore not 'negligent', merely 'wrong'. (A controversial view if there ever was one). Referring to a specific case, Neuberger stressed the importance judges assign to honesty, warning that in the event of dishonesty, 'the law will come down on your head.'

Other issues, such as over-long documentation and contingency fees were also brought up. The former is disapproved of due to time constraints and the destruction of paper. The latter 'make judges uneasy' in view of the expert's obvious financial incentives. 'If you are charging on this basis, make sure the court knows,' is Lord Neuberger's advice.

Generally, the relentlessly increasing pressures on time and costs, is exacerbated by what Lord Neuberger termed the 'tsunami of documentation' a problem which might, he added, be dealt with in the future by AI — Artificial Intelligence.



## Losing our jobs to robots?

Obviously, there are 'no magic answers' to this question as, like Brexit and its long-term effects, so much is unknowable. So, the image of a row of robots perching in a future Supreme Court is definitely in the realm of fantasy.

In the here and now, however, the future of the EWI hinges on training. Many useful courses are available for EWI members and certainly training is one of the benefits of EWI membership. Experts may be expert in their own respective fields (from architecture and accountancy to a range of medical specialisms), but all need further instruction on such matters as court procedure and writing expert reports. Also useful are the opportunities for networking that conferences provide. 'People who don't come to these conferences,' observed Lord Neuberger, 'are the very people who should.'

## 'Boris the Spider' ... and the Lady and the Brooch

Certainly, if you were one of those experts who for whatever reason, had decided not to attend the Conference you'd have missed having a laugh at. Martin Spencer's reference — in his Chair's address to the delegates — to Lady Hale's now famous sparkling arachnid brooch which sparked no small amount of comment.

Could this item of jewellery have been an oblique reference to the classic 'Who' song, 'Boris the Spider?' ('Look who's crawling up my wall' etc, etc.) Considering that anything to do with Brexit has been monumentally somber and serious, this bit of lightheartedness was to be welcomed.

In all, however, Spencer's speech was very much on the same or similar page as Lord Neuberger's. Focusing on the changing context for expert witnesses, he stressed that the 'critical role the expert witness plays in the justice system necessitates their compliance with the relevant legislation and regulations.'

Quite rightly he has taken the view that experts appointed by instructing parties have the qualifications they say they have. A leading clinical negligence barrister from Hailsham Chambers, Spencer had some pithy things to say about experts who may be experts in their own area, but not expert in understanding their duty to the Courts. 'The time has come,' Spencer insisted, 'when experts are accepted only when their credentials as experts are verified.'

## Discussions and speakers.



Following a subsequent panel discussion chaired by barrister and professor of law science, Penny



Cooper in which Martin Spencer participated, the conference featured a range of topics presented by distinguished speaker after distinguished speaker. 'I have no doubt,' said Martin Spencer in his welcome note to the delegates, 'that you will leave here at the end of the day a better and in particular, a more confident expert'. It is unlikely that any delegate would have disagreed with that.

Elizabeth Robson Taylor

## The definitive medical opinion



**McCollum CONSULTANTS**  
Expert Medico-Legal Advice

McCollum Consultants is a handpicked team of independent medico-legal experts, providing the most reliable and persuasive advice.

Founded and run by a barrister and one of the UK's leading cardiovascular experts, we offer a unique blend of medical expertise and a deep understanding of the law.

We cover a broad range of medical and surgical specialisms, including but not limited to:

- Cardiovascular
- Anaesthesia
- Cardiology
- Diabetology
- ENT
- General Practice
- Haematology
- Intensive Care
- Microbiology
- Neurology
- Orthopaedics
- Psychiatry
- Radiology
- Respiratory
- Stroke
- Vascular

Contact Richard Williams-Lees LL.B(Hons), PgDip(Law)

0161 266 1074 info@McCollumConsultants.com www.McCollumConsultants.com

McCollum Consultants are The Lawyer Monthly's Cardiovascular Expert Firm of the Year 2018.



# How digitisation is changing the future of home-buying

By **Jonny Davey**, Product Manager at Geodesys



Data in the 21<sup>st</sup> century has been described as the oil of the 18<sup>th</sup> century – an incredibly valuable resource with potential for immense rewards for those who learn how to extract and use it<sup>1</sup>. Living in a connected, digital economy means that we are increasingly reliant on data in order to function and evolve, so businesses and consumers alike have a part to play in shaping the role of digital information in our society.

The commercial value of data has already been recognised by the automotive industry, where mobile phone signals and GPS positioning have been used to reveal important information about driver behaviours. Monitoring of parking locations, destinations, mileage and speed, even the frequency of sudden braking feeds huge back-end systems that collate that data and package it to be resold.

While that data can ostensibly help by keeping costs down for careful drivers, it remains to be seen whether it's good news for all from a financial perspective. Where it should benefit everyone is in speeding up the insurance claims process for those involved in a road incident.

Similarly, house-buying is ripe with data and there is always appetite to streamline the process. Current estimates indicate that half of all UK house sales fall through before completion<sup>2</sup>, so there is a clear need to improve the home-buying process and make the data that we have work for rather than against us.

Information collected along the way includes personal data about buyers and sellers as well as surveyor reports, significant property improvements and environmental data. While these records are useful, managing the sheer volume of repetitive data associated with the house-buying process is often cited as a major cause of delay in transactions going through and even leading to ultimate failure.

Stakeholders from all quarters are keen to improve the process, and HM Land Registry is leading the charge with a wholesale review launched in 2017 to make home-buying simpler, faster and cheaper.

Local Authority data is often considered as one of the most troublesome areas, with searches into planning permissions, conservation areas, TPOs, smoke control zone conditions or light obstruction notice conditions taking weeks if not months to be returned. It has therefore been prioritised for digitisation with a pilot scheme being launched across five Local Authorities as a first wave in 2018. The plan is that this will be rolled out across all Local Authorities in time.

The digital Local Land Charges Registry scheme aims to provide 24/7 access to data, which is free to view or access for

reference. As with the automotive industry, there is scope for monetisation, such as the £15 fee already in place for official copies that can be saved, printed, and re-run for six months, a service that is particularly useful when checking whether any information has changed following a delayed or drawn-out transaction.

*The scheme has been universally acclaimed by those that are already participating and is due to roll out across a further 18 Local Authorities over the next 18 months. It's hoped that all 326 Local Authorities within England will be offering digital LLC within 5 - 7 years.*

The Land Registry's initiative is a great showcase for the power of data and how it can be used to streamline processes, so how can we expand this across other areas of the market?

Could we imagine a future when holders of flood data, contaminated land data, or drainage and water information make these details accessible through an online portal, attributed to every registered address and summarised instantly for potential buyers (and their legal representatives) at the touch of a button and for a set fee?

In other words, each property would come complete with its own set of data at the point of being offered for sale. Sound familiar? It's not entirely different to the abandoned Home Information Packs of the mid-noughties, in fact. With the advances in digital technology and data management since then, perhaps it's time to revisit the concept.

<sup>1</sup><https://www.wired.com/insights/2014/07/data-new-oil-digital-economy/>

<sup>2</sup><https://www.estateagenttoday.co.uk/breaking-news/2019/1/shock-fall-through-figures-show-almost-50-of-sales-collapsing>



If you're using any Drainage and Water report other than the CON29DW...

# Good Luck.



**CON29DW**  
DRAINAGE AND WATER ENQUIRY

The CON29DW is the only drainage and water report that gives your clients all the information they need.

**No inferring, no ignoring, no insuring.**

When it's your reputation on the line, do you really want to leave it to luck? **It's your call...**



# Why Quill ticks all the boxes

By **Julian Bryan**, Managing Director, Quill

Our recently acquired Cyber Essentials accreditation is yet another tick in the growing list of reasons to use Quill's software and outsourced support. Carrying the National Cyber Security Centre's seal of approval with Cyber Essentials certification means our infrastructure is recognised as robust and we're committed to raising the security bar even higher. Clients now have more incentive to choose their trusted full-service supplier.

But the rationale for designating Quill preferential provider status doesn't end there. No other legal sector software and outsourcing house can boast the unique combination of Cyber Essentials endorsement along with:

#### CONTINUALLY ENHANCING SOFTWARE

Our Interactive Cloud case management, document management and legal accounts application is subject to an extensive development roadmap which is responsive to end users' demands and agile enough to flex as marketplace priorities change. Functionality is added constantly and communicated to clients through our monthly e-newsletters. Law firms using Interactive are assured of having the optimum toolkit for complete practice management from accounting and AML checking to matter management and time recording.

With an absolute focus on compliance, all new and enhanced features are designed with regulatory guidelines at their core. Essentially, we see our role as software provider to lighten the load where compliance is concerned. We liaise intently with regulators, keep abreast of ever-changing rules and develop our systems accordingly way ahead of deadline.

Take the refined SRA Accounts Rules 2019. Although the rules themselves are simplified, being less prescriptive actually makes them more open to interpretation with accompanying higher risk of error. And the penalties for mistakes are no less severe than previously. We've been introducing important changes to Interactive in line with the new rules, for example warning messages about transferring unbilled disbursements (rule 4.3) and narrative-only transactions (rule 2.2) to record monies paid

directly from practice to third parties.

#### LSSA FOUNDER MEMBER

We've been in close alliance with the UK industry body from day one of its formation. We live and breathe its code of conduct, uphold high quality professional standards always and take our accountability to safeguard clients' best interests extremely seriously. In fact, we assign accountability such gravity that it's literally in our brand.

#### BEST COMPANIES STATUS

If anything demonstrates what a great company Quill is to work for and do business with, it's Best Companies official recognition. Being a 1-star organisation indicates workplace engagement as an integral component of our success and growth. In other words, we look after our employees and they, in turn, look after our clients. It's a win-win situation for everyone involved.

#### LIVING WAGE EMPLOYER

Having voluntarily signed up to the Living Wage Foundation's scheme, we promise to calculate salaries for permanent, temporary, apprenticeship and contracted staff on the higher hourly Living Wage rate rather than the lower Minimum Wage. Our responsible leadership stance is a way of actively closing the gap between what people need to earn in order to live in society and the Minimum Wage as defined by government.

#### ILFM MEMBERSHIP

By fortifying our partnership with the Institute of Legal Finance & Management, we've credited all of our cashiers, support team and trainers with paid-for-by-Quill membership as well as diploma studies for those at the early stage of their career progressing towards recognised legal cashiers qualifications. As the leading education authority and membership body for the sector, the ILFM is perfectly aligned with Quill, being industry specialists too.

#### CASHIERING SERVICE PROVIDER

We're not exclusively a software house. We have a team of 60 experienced cashiers who offer outsourced legal accounting support in compliance with the stringent SRA Accounts Rules, CLC Accounts Code or Scottish Accounts Rules. Clients can choose from Pinpoint – complete with deep integration to Interactive – or Precision – remain using

an existing accounts application whilst reaping the benefits of the same rigour and knowledge applied to Pinpoint.

#### PAYROLL AND TYPING OUTSOURCING SERVICE PROVIDER

With an extended range of outsourced services in the form of payroll processing and pension management, and typing assistance, there really is no better logic for selecting Quill as the primary supplier for all back-office requirements.

The former – outsourced payroll – is delivered by our in-house specialist payroll clerks who are fully conversant in the latest payroll and pension legislation, PAYE, RTI, AE, SSP, SMP, SPP and attachment of earnings amongst them. The latter – outsourced typing – is powered by the renowned Document Direct team, enabling clients to dictate from anywhere and receive expertly typed-up documents within agreed timescales.

We're setting out our stall like this because lawyers are sometimes surprised to learn the full extent of what we do at Quill. The fact of the matter is we're the one-and-only company who can make bold claims about supplying the complete behind-the-scenes framework to thrive in today's challenging legal environment. We're different and proud of it.

Why not take a closer look at our accreditations, awards, portfolio and history? Then get in touch with our friendly team to chat about the best blend of tools to optimise the performance of your practice. Please visit [www.quill.co.uk](http://www.quill.co.uk), email [info@quill.co.uk](mailto:info@quill.co.uk) or call **0161 236 2910**.

**Julian Bryan** joined Quill as Managing Director in 2012 and was also the Chair of the Legal Software Suppliers Association from 2016 to 2019. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashiers services to the legal profession for over 40 years.



- INTERACTIVE**: Practice management & accounts software
- PINPOINT**: Outsourced cashiers using Interactive
- PRECISION**: Outsourced cashiers on any software
- PAYROLL**: Outsourced payroll service
- BOOKKEEPING**: Outsourced bookkeeping service
- TYPE**: Outsourced typing service

Don't puzzle - choose Quill

0845 226 2587 | [info@quill.co.uk](mailto:info@quill.co.uk) | [quill.co.uk](http://quill.co.uk)





## Obtain client signatures anywhere, anytime

Secure, simple to use paperless technology from LawConnect allows your clients to digitally sign documents from anywhere in the world. This eliminates delays and drives efficiency.

- ☑ Share documents securely
- ☑ Collaborate in real time
- ☑ Track the progress of your documents
- ☑ Receive proof of completion in a instant

**Impress your clients, improve productivity and future-proof your law firm.**