

# D&DLS Bulletin

Derby & District Law Society



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

August / Sept 2020

## 100 days of lockdown

The Law Society launch an  
“in-spire-ing” initiative!

See p.10



**Also in this issue:** 'Drop Hands' Ruling • Communication is the key • & Much More

Gold Patrons of the Society



SEVERN TRENT  
SEARCHES a part of





**FREE**  
PATIENT EVENTS  
THROUGHOUT THE YEAR

# 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**  
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.

# D&DLS Bulletin



Derby & District Law Society

Aug /Sept 2020

## Contents

3 - Contents & Editorial	14 - The Return of The Wombles!
4 - List of Officers	16 - Women's Work, Derbyshire
5 - President's Page	21 - Scarcity of Criminal Defence Lawyers
8 - In Memoriam	22 - The evolving landscape of Professional Indemnity Insurance
10 - 100 Days since Lockdown...	24 - Expert Determination - What's New?
11 - Words of Wisdom	26 - Book Reviews
12 - 'Drop Hands' ruling	28 - Conveyancing and technology after the lockdown
12 - LEAP announces InnovateOnline 2020	30 - Contingency planning with Quill

## Editorial



**I am deliberately writing this the day before the A-level results are released. After years and years of hard work my 18 year old will find out the results of the exams**

**he never sat and which are the subject of much outcry even before they go public. Seriously as if times were not hard enough! At least my period of quarantine is now over. Thank goodness for working from home and supermarket deliveries.**

Please keep checking the website ([www.derbylaw.net](http://www.derbylaw.net)) for updates on forthcoming events – or not as the case may be. We still plan to

run the Derby City Schools debate competition, because although it officially starts in September the debates themselves don't take place until after Christmas. Obviously we will monitor government advice and work with the schools and the University and the event will only go ahead if it is safe to do so.

The Annual Dinner has been pushed back to next Spring with the date of 23<sup>rd</sup> April 2021 being pencilled in. The Past Presidents Dinner is still planned to proceed on 8<sup>th</sup> October as it is a much smaller event. I will send invites at the end of the school holidays.

Thanks again to all the sub-committees of DDLS that are doing such a good job in keeping

practitioners up to date, particularly Nick Wright on the criminal front. Michael Williams is using all his technical skills taking part in zoom meetings with the Law Society and he is keen for you to read details of what the Law Society is doing for you on page 10 of this Bulletin. Chris Green has clearly found a second "career" as a journalist and I am grateful to him for his informative contributions – there is always room for other articles – please share your knowledge and experiences (and amusing anecdotes).

Take care  
**Julia Saunders**  
[admin@derbylaw.net](mailto:admin@derbylaw.net)  
01283 734989



Published by:  
EAST PARK COMMUNICATIONS Ltd.  
Unit 27a, Price St. Business Centre,  
Price St., Birkenhead, Wirral, Merseyside  
CH41 4JQ  
Tel: 0151 651 2776  
[simon@eastparkcommunications.co.uk](mailto:simon@eastparkcommunications.co.uk)  
[www.eastparkcommunications.co.uk](http://www.eastparkcommunications.co.uk)

Advertising  
Simon Castell

Managing Editor  
Julia Saunders

© East Park Communications Ltd.

Design  
David Coffey

Accounts  
Tony Kay

Published  
August 2020

**Legal Notice**  
© East Park Communications Ltd.  
None of the editorial or photographs may be reproduced without prior written permission from the publishers. East Park Communications Ltd would like to point out that all editorial comment and articles are the responsibility of the originators and may or may not reflect the opinions of East Park Communications Ltd. Correct at time of going to press.

# 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

### Immediate Past President\*

#### Honorary Treasurer\*

Ben Lawson  
Family Law Group  
Tel: 01332 650000

(\* = 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

Liz Haysom  
E.Haysom@derby.ac.uk

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@ewlaw.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,  
Etwell,  
Derby  
DE65 6HY  
Tel: 01283 734989  
Mobile: 07964 358042  
Email: admin@derbylaw.net.

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

#### Criminal Litigation *Simon Stevens*

Andy Cash

Quentin Robbins

Andrew Oldroyd  
(01332 225225)

Nick Wright  
(01332 364751)

#### Education & Training *Sue Jennings, & all Sub-Committee Secretaries*

#### Employment and Business Law *Sue Jennings*

#### Family Law *Fiona Apthorpe*

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

Dervla McLaughlin  
(0115) 932 4101

#### Sole Practitioners' Group (SPG)

*Tina Attenborough*

# President's Page



Hello.

I hope that you are all well and keeping safe.

We seem to be edging slowly towards life returning to normal but with the working world changing to such extent it seems that working life will never quite be the same again. Many legal practitioners I know are working from home, although a few like myself have returned to the office. Video conferencing and telephone appointments are now fast becoming the new normal and, in my case, form much of my daily clientele. However, all the clients that I have been in contact with have been receptive to all the changes imposed on us by government guidelines and have been very supportive. I trust all of you are having the same luck with your clients.

In the legal sector there are certainly signs of encouragement. The conveyancing sector has been buoyed by the changes to stamp

duty and the housing market has showed no sign of slowing down. The matrimonial sector is also very busy although court waiting times are still proving to be an issue. In my own area of Private Client Law, there has been a substantial development in the realm of Wills. One of the conditions for executing a valid will is that it must be signed by two witnesses in the presence of the testator. Since lockdown, numerous individuals have had Wills prepared and then witnessed by video link. The government have announced that a statutory instrument will be laid down in September which will make any Wills signed and witnessed by video link valid from 31st January 2020. This will remain in place until January 2022. This change, although appearing to ensure hundreds if not thousands of Wills are not invalidated, will clearly cause problems in relation to undue influence and capacity and should see the sector facing serious legal challenges over this issue for years to come.

I can confirm that the annual D&DLS Law Dinner held at Pride Park Stadium will be

held in April 2021 with dates to be confirmed in the coming few months. Even though this year's event was cancelled we were looking forward to a very positive attendance and I hope that you will be able to join us next year when we are hopefully celebrating the end of the COVID-19 Pandemic.

Please also note that one of our patrons, DG Legal, is holding a number of free webinar sessions over the coming weeks and has also provided links to several webinars which have already taken place covering such topics as Business Continuity During The COVID-19 Pandemic and SRA Transparency. Please be sure to check these webinars out as they are a font of useful regulatory information during these difficult times.

That's about it for the time being. Please take care in the coming months and I hope to see you all very soon.

**Martin I. Salt,**  
President, 2019-21

## 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)

# In Memoriam: Ian Thompson, Brian and Judith Holloway



IAN THOMPSON

Ian Thompson worked at Geldards in the Dispute Resolution Team in Derby for over 10 years, he mainly dealt with complicated commercial and property related disputes. He was well known and well respected in and around Derby by his peers. He was a very charming and sociable man, he was a great networker and organiser. He loved and lived life to the full. He was a family man and was a very hands on father (3 children). He had been a governor at Derby Pride Academy since 2015, as well as serving on a committee and being responsible for safeguarding at the school. He was a very principled man. He was also an avid sport enthusiast, he loved all sports but especially Rugby and Sports Car Racing and he went to Le Mans every year. He always enjoyed the outdoors, scouting being his passion and when he left the legal profession he became a Forest School Practitioner.



BRIAN & JUDITH HOLLOWAY

For over forty years I, with others likewise, shared the privilege of partnership in Robinsons Solicitors with Brian; and friendship with Judith, his wife.

Even now we find it impossible to think of Brian, or imagine Robinsons, without also having vividly in mind warm thoughts of Judith: not only his wife but also best friend and undoubted soul mate from their first meeting at (inevitably) Robinsons, he as Articled Clerk; she as secretary.

For both Brian and Judith to have left us and passed away (Brian in May this year; Judith in July) within weeks of each other is as poignant in reflection of their lifelong and perpetuating closeness together as it is unutterably sad for those many of us who valued their friendship; and who respected and loved them.

Their joint personalities, flamboyant yet always

utterly genuine, and with great personal presence and dignity, created more than the sum of their two beings.

Certainly, one could never be in doubt as to the presence of one, or the other, usually both, in the near, or perhaps not quite so near, workplace vicinity. Hushed tones and dry tomes were no part of the Robinsons family.

It was Brian's warm and open personality which in large part influenced my own decision to leave Yorkshire for exile in Derbyshire way back in 1975. Once here, it was impossible to remain an outsider for long: Brian and Judith intuitively saw it as their role to welcome newcomers and to embrace them within their own vibrant social circle.

Behind each of their respective irrepressible and congenial natures lay an equally determined and committed work ethic. Brian was renowned as a Property Lawyer of consummate analytical and

drafting ability. No problem (and he recognised many which other lawyers had missed) was ever found without his corresponding and often painstaking identification of a solution of ingenuity but always also of impeccable legal integrity.

These skills endeared him to his clients, many of whom became friends; and also inspired the confidence of his established friends (Brian never forgot a friend) to entrust their legal affairs to or through him. His attributes also extended to great sensitivity when dealing with colleague issues. His would invariably be the unerringly correct and compassionate voice to follow in such decisions.

Judith was a "can do" woman well before her time. For very many years she was the indispensable administrative fulcrum around which the Firm revolved. Tasks would be ruthlessly hunted out and indefatigably dispatched with formidable energy and withering accuracy.

With all these happy and respectful memories for us, it has been particularly sad that their retirement years should have been marked not by just reward but by illness and a degree of social isolation – so very different from what we had remembered and they must have wished for themselves.

Judith's unstinting devotion to, and care of, Brian in the months before his death masked, with typical stoicism and courage, her own advancing illness.

It is my, and our, heartfelt hope that manifold expressions of high regard and loving affection for their parents, including this inadequate tribute, and their growing knowledge of the esteem in which their parents were both held, will be of comfort to Emma, Amy, and Anna: their much loved, and loving, daughters who together were, and remain, the unquestionably most valued legacy of Brian and Judith's life together.

**Stephen Woolley**



## Expert property searches

Feel the benefits  
when you work with us

Call  
0115 971 3550

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

Email  
[enquiries@severntrentsearches.com](mailto:enquiries@severntrentsearches.com)

SEVERN TRENT  
SEARCHES  
a part of  
**SEVERN  
TRENT**

# 100 days since lockdown and the Law Society Response

We have now been in lockdown more than 100 days and the following is an update on the COVID related work the Law Society has been undertaking on your behalf.

## A) One hundred days in numbers

We have produced an infographic summarising the Law Society's COVID related work and outcomes. Some highlights include:



This work resulted in:

- The MoJ and the SRA agreeing to allow oaths relating to commercial transactions to be sworn via videolink (although appropriate record keeping will help if the oath's validity is later challenged).
- The Land Registry to accept Mercury signatures, following our feedback on the difficulties of obtaining wet signatures in the current circumstances.
- The majority of trainees and students being able to still sit their exams, despite the SRA's initial intention to suspend these.

The full infographic with more metrics and outcomes is here: <https://www.lawsociety.org.uk/topics/coronavirus/100-days-in-lockdown>

## B) Return, Restart and Recovery campaign

We launched a new campaign on Return, Restart and Recovery:

**Return:** focusing on supporting law firms and organisations to re-open their doors safely and business support measures to address the courts backlog which do not compromise on the quality of justice.

**Restart:** focusing on steps the government can take to help solicitors in revitalising key markets, such as:

- bespoke support for the civil and criminal legal aid sectors
- changes to the apprenticeship levy to promote job creation and training, and
- targeted tax incentives to support employment and stimulate activity in key markets

**Recovery:** focusing on the wider role legal services will play in the country's recovery from coronavirus, both in economic terms and in social ones. This means:

- continuing to promote England and Wales internationally as a global legal centre
- investing in adoption of new technologies in the legal sector, and
- ensuring access to justice for all to help ensure our communities emerge from the crisis more resilient and more supported than before.

We have made a submission to the Treasury with our key economic policy asks (including tax), ahead of the Chancellor's July statement: <https://beta.lawsociety.org.uk/campaigns/return-restart-and-recovery/submission-to-the-treasury-return-restart-recovery>

## C) Support package for law firms and individual solicitors

As part of our new RRR campaign we have produced a [support package for individual solicitors](#) that are going through redundancy (or facing uncertainty due to end of furlough).

We have also published [new resources for law firms](#) to adapt to new ways of working as lockdown eases. This includes resources for firms that might be considering becoming fully virtual or dispersed, employment law guidance if changing their business structures and how to make the most of their LawTech systems and operations.

## Paul Tennant

Chief Executive  
The Law Society

[www.lawsociety.org.uk](http://www.lawsociety.org.uk)



# Words of Wisdom

## Communication is the key



Readers of a certain generation will no doubt remember Frank Carson – the Northern Irish stand-up comedian who used to say, "It's the way I tell 'em!"

Often they way one explains something can mean the difference between a client understanding you and not. A friend from my Hull University days – a tenant farmer's youngest son – took a degree in biochemistry and applied for a job with an agrochemicals company that involved soil testing, and then recommending what supplements/fertilisers would improve the yield in that particular field. The candidates were narrowed to two – my pal and someone with a first class honours degree from Cambridge. My pal got the job, because although the other guy was brilliant at what he did, the firm needed someone who could talk to farmers, and not just blind them with science.

A classic piece of communication failure by an expert appears in the 1997 film *The Full Monty*. The blokes are being choreographed by one of their number, and just don't get it till another of them says it's a bit like the Arsenal Offside Trap. The clip is on Youtube if one googles "Full Monty Arsenal Offside Trap". I remarked to my wife when we first saw it that the clip ought to be on every management training video produced from now on.

As we see on the film clip, one has to reduce the complicated concept to something people can understand. Then it works. Let's look at a couple of ideas in the legal field.

First up, a joint tenancy is like two people having one £20 note held between them. If one person lets go the other has it all. Let's sever the joint tenancy to become tenants in common: swap the £20 for two £10 notes. Each person has their own tenner and if they let go of it, it falls to the floor. They can pass it to whomsoever they like without involving the other person and their tenner.

Next, how do you reduce the concept of a discretionary trust to something a client who has never heard of one before they met you that day can actually visualise? I used to do it by telling them to think of a bird's nest containing five chicks. Those chicks in that nest are the class of beneficiaries. The parent birds (the trustees) bring back food to the nest to benefit the chicks; they do not go to another nest and feed another bird's fledglings. When the parent arrives with food all the chicks plead for it, but the adult bird makes the decision as to which of the five chicks gets fed on that visit. They are exercising their discretion over which of the class of beneficiaries receives benefit from the trust.

A farmer client making his will once remarked that he wished he was a clever as I was. I responded by saying that he'd have as much fun watching me trying to milk one of his cows as I would watching him trying to write his will. He laughed and we agreed that we were each knowledgeable in our own fields of expertise. I felt from his body language that he suddenly felt a lot more at ease in the office. Once again, communication won the day.

I met a former client last year who still remembered me explaining something to them twenty years previously using a small wooden house (given to me some years earlier by a conveyancing client to put on my desk so I did not forget their transaction!) and a stack of £1 coins.

How about our members sharing their favourite ways of explaining legal concepts to clients? If you email them in to Julia, they can be put together and shared around. If you are shy, ask her not to put your name alongside.

## Chris Green

**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: [lizsoilleux@gmail.com](mailto:lizsoilleux@gmail.com)  
[www.expertwitnesspathologist.co.uk](http://www.expertwitnesspathologist.co.uk)

**FINGERPRINT ANALYSIS** THE ACADEMY EXPERTS

**Peter M Swann FAE FFS MCSFS**  
Independent Consultant to the Legal Profession  
Established 1987

A FORMER HOME OFFICE ADVISER WITH CONSIDERABLE EXPERIENCE IN ALL ASPECTS OF FINGERPRINT WORK

An Accredited Expert and Fellow of the Academy of Experts, a Fellow of the Fingerprint Society, A Member of the International Association for Identification and Member of its European Division, a Member of the Chartered Society of Forensic Sciences and listed in the UK Register of Expert Witnesses.

The Consultant now provides a full independent fingerprint service to the legal profession, industry and other agencies.

Examination Development    Assessment Report    Briefing Expert Witness

Tel: Wakefield 01924 264900 (Office) 01924 276986 (Home)  
Email: [peterswann@btconnect.com](mailto:peterswann@btconnect.com)  
[www.fingerprint-analysis.co.uk](http://www.fingerprint-analysis.co.uk)

## 'Drop hands' offer did not comply with part 36, High Court master rules

A 'drop hands' offer to end a claim did not comply with part 36, a High Court deputy master has ruled.

Deputy Master Henderson said the terms of the offer conflicted with the stay imposed on a claim where a part 36 offer is accepted.

He was considering costs after he ruled on preliminary issues in *Akinola v Oyadare and Anor* [2020] EWHC 2038 (Ch) that disposed of the claim.

As part of their argument for indemnity costs, the defendants' counsel pointed to the claimant's failure to accept a 'without prejudice save as to costs' offer. Couched as a part 36 offer, it invited the claimant to withdraw his claim on a 'drop hands' basis.

While the judge found that the offer met the technical requirements of CPR 36.5, he decided it was outside of part 36 "for a more fundamental reason".

He explained: "The usual meaning of 'drop hands' is that the claim or claims should be discontinued with each side bearing its own costs. That would be inconsistent with part 36.

Further, there is no procedure for 'withdrawing' a claim. The nearest relevant procedures are discontinuance of the claim or the obtaining of an order dismissing or staying the claim.

CPR 36.14(1) provides that, if a part 36 offer is accepted, the claim will be stayed, while CPR 36.14(2) says that, in the case of acceptance of a part 36 offer which relates to the whole claim (as it did here), the stay will be on the terms of the offer.

Deputy Master Henderson said: "That leads to the difficulty that the offer is for the 'withdrawal' of the claim. In my judgment, it is not possible to construe 'withdrawal' of the claim in the context of the 14 August 2019 offer as including a stay. If there is a stay, the proceedings would continue to exist. If there was a 'withdrawal', whatever that might reasonably be thought to mean, the proceedings would cease to exist.

"This line of analysis is reinforced by the consideration that the usual meaning of 'drop hands' is that each side should pay its own costs. If that was what was intended by the offer, then there would be no problem with the proceedings ceasing to exist but, if the CPR 36.13 costs consequences were to follow from

the acceptance of the offer, the proceedings would need to continue to exist so that there were proceedings in which Mr Akinola's costs could be assessed."

The judge concluded that it was not a part 36 offer. "In my judgment, it is a factor of little weight on the question of whether I should order costs on the indemnity rather than the standard basis. In my judgment, Mr Akinola's failure to accept the offer should not be categorised as so unreasonable as to justify an order for indemnity costs."

The claimant was represented by Richard Devereux-Cooke (instructed by OA Solicitors) until 6 July 2020 and thereafter in person. The first defendant was represented by Daria Gleyze (instructed by Grayfield Solicitors), and the second defendant by Richard Bowles (instructed by Palmers Solicitors).



## LEAP announces InnovateOnline 2020 – a free series of educational webinars for law firms

LEAP, the legal practice management software provider, is delivering a series of informative digital discussions aimed at helping law firms survive and thrive after the pandemic. The five webinars will be delivered by industry experts, such as Rob Hailstone of the Bold Group, who will be joined by representatives of law firms and LEAP experts.

The programme will run daily from 7<sup>th</sup> to Friday 11<sup>th</sup> September at midday and the events are free to attend. The sessions will last for one hour and subjects include: conveyancing, family law, professional indemnity insurance, working digitally and setting up a law firm.

John Espley CEO of LEAP UK explains. "We want to help law firms to succeed in the new abnormal. These seminars are bite-sized nuggets of information, with advice for law firms. This will be thought provoking content, delivered by law firms and industry experts."

### LEAP InnovateOnline 2020 schedule:

#### Monday, September 7<sup>th</sup>

Digital transformation in the new abnormal

#### Tuesday, September 8<sup>th</sup>

Stamp duty: Conveyancers, when it rains gold, put out a bucket!

#### Wednesday, September 9<sup>th</sup>

Has there ever been a better time to start a law firm?

#### Thursday September 10<sup>th</sup>

2020 Professional Indemnity Insurance: What to expect post COVID-19

#### Friday, September 11<sup>th</sup>

The challenges to practising family law in the COVID era

All webinars run for one hour from 12:00 PM. To attend one or more of the InnovateOnline webinars please register at <https://www.leap.co.uk/innovateonline2020/>.



# £57,143 SAVED WITH SPEECH RECOGNITION!

Over the last few months, your time and money has never been more valuable.

Legal firms all over the country are being forced to review their processes.

### How are you going to adapt?

- Become more efficient?
- Improve your customer experience?
- Embrace digital technology?

Dragon speech recognition can help.

Dragon software helps you to type **3 times faster** than manual typing, making composing legal documents quick and concise.

Contact us to have a chat, organise a remote demonstration or join our webinar on **September 30th** to:

- Explore digital transformation
- Hear about benefits our clients have had
- Partake in a Q&A session



“Dragon has enabled us to cover the absence of staff members without the need to replace them or outsource their service”

David Birks - Newtons Solicitors

“The number of letters produced per day by the firm has increased by 30%. Letters are now issued on the same day”

Michael Wheatley - Gordon Brown LLP

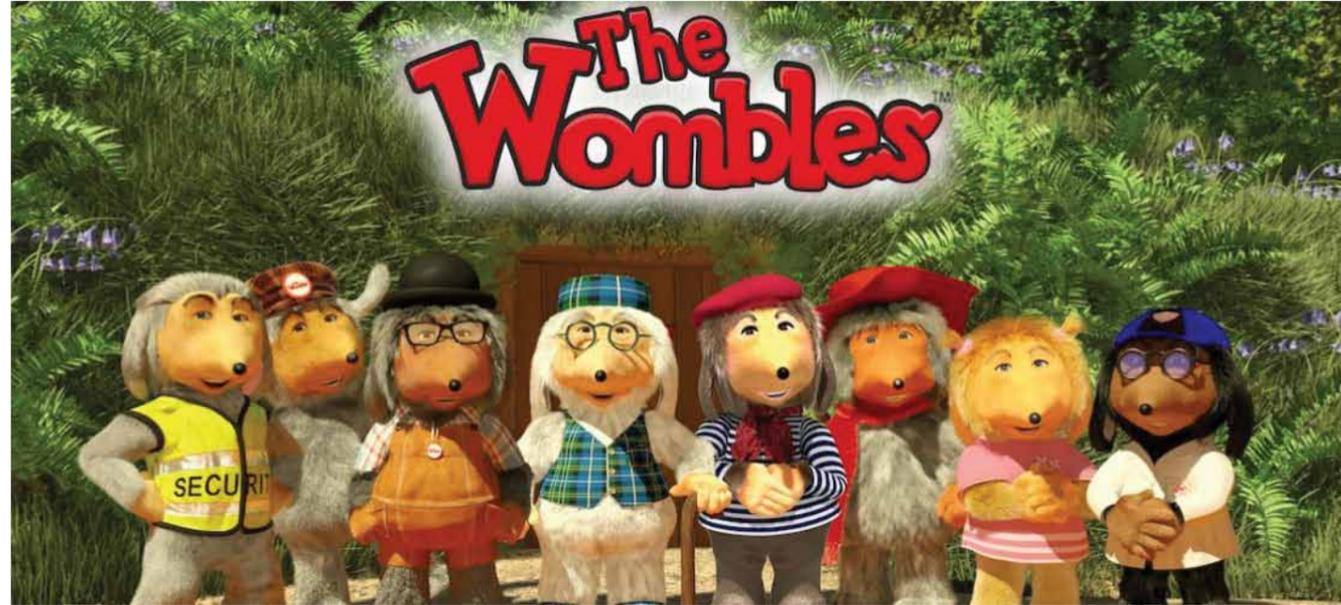
“Dragon has boosted our productivity by approximately 50 to 60%.”

John Wood - PGS Law

WWW.VOICEPOWER.CO.UK | T: 01423 870 476 | E: VICKY@VOICEPOWER.CO.UK  
TRUSTED SUPPLIERS, SPECIALIST TRAINERS AND TECHNICAL SUPPORT EXPERTS.

# The Wombles Return for Remember A Charity Week

We're very excited to announce the Wombles are making a comeback for this year's Remember A Charity Week.



Everyone's favourite burrow dwellers, The Wombles, will be brought back to the nation's screens for Remember A Charity Week (7-13 September 2020) in a new short animated film that will shine a light on legacy giving. Every charity participating in this year's campaign will also receive their own branded Wombles film to help communicate the importance of legacies for their cause.

The film and campaign imagery will tackle the most prevalent legacy giving myth and barrier; the belief that people can't leave a gift to charity in their Will if they wish to support their family and friends. In reality, the UK's Will-writing environment gives the public the flexibility to donate any sum, large or small, to a range of causes, while ensuring their loved ones are taken care of.

The campaign will help charities and legal professionals to celebrate and inspire legacy giving, using online and social media channels, legacy-focused national newspaper supplements and printed materials.

**Rob Cope**, director of Remember A Charity, says: "While the nation battles Covid-19, charities have understandably held off from a great deal of legacy promotion activity. And yet, legacy giving is likely to be one of the most critical channels for the sector's recovery, with gifts in Wills needed more

than ever. That's why we're making sure this year's Remember A Charity Week campaign not only reaches and engages more of the giving public, but that we create resources to help charities deliver their own unique legacy message too.



Rob Cope

"The Wombles are warmly remembered for the way they supported each other and the wider community, and for their unfailing commitment to look after the world we live in. In such challenging times, who better to encourage the public to consider leaving a gift in their Will?"

In a response from The Wombles, **Great Uncle Bulgaria** adds: "The Wombles are delighted to be supporting Remember A Charity Week. Now, more than ever, we need to help each other and the hundreds of charities that do such wonderful work in our communities and burrows. If you can 'remember you're a Womble', we hope you can remember a charity in 2020."



Great Uncle Bulgaria

Charities across the UK are invited to join the consortium and take part in this year's Remember A Charity Week. Every charity joining before the end of July will be provided with promotional assets, including the Wombles film, digital assets and printed materials, which can be tailored to their own audiences and potential legacy supporters. Campaign materials will be available for use during Remember A Charity Week and beyond.

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



## 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.



[f @derbyburtonhospitalscharity](#) [t @hospitalcharity](#) [i @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)

Making Lives Better

## Women's Work, Derbyshire



Dionne Reid, CEO, Women's Work

Women's Work is a National Award Winning Charity founded in 2003 in Derby. Their aim is to deliver a holistic, person centred support service to vulnerable and disadvantaged women with complex health and social needs, ensuring they can access support education and information to raise self-esteem and confidence, empowering them to make positive life choices resulting in improved health and well-being.

They are now looking for a new dynamic Chair of Trustees. The Chair provides inclusive leadership to the Board of Trustees and holds the Board and Executive Team to account for the Charity's mission and vision, ensuring that each trustee fulfils their duties and responsibilities for the effective governance of the charity. The Chair will also support, and, where appropriate, challenge the Chief Executive and ensure that the Board functions as a unit and acts as an ambassador and public face of the charity.

The time commitment will be six board meetings per year. The role of Chair is not accompanied by any financial remuneration, although expenses for travel may be claimed. If you wish to apply, please request a recruitment pack via email: [info@womens-work.org.uk](mailto:info@womens-work.org.uk) or by contacting the office on 01332 24252



Vulnerable and disadvantaged women and children in Derbyshire face inequality in every area of life, everyday. But you have the power to change their world by leaving a gift in your will.

With your help we can support over 1000 women every year, giving them hope that they can have a better life free from stress, abuse and victimisation. Remembering Women's Work in your will helps our work live on, and offers you the opportunity to make a real difference to lives of women and children less fortunate than yourself. It's a gift for the future and means you have left a legacy of care and support where it's needed most.

Perhaps you would like to help someone who has experience of domestic abuse, or you know someone that is struggling with alcohol or drug misuse. Or perhaps you would like to help children from troubled families learn how to socialise and play in a safe and supportive environment?

**A gift from you has the power to change their world – today, tomorrow and beyond.**

If you would like to get in touch with any one of our staff, please use the contact information below:

Tel: 01332 242 525  
Email: [info@womens-work.org.uk](mailto:info@womens-work.org.uk)  
Web: [www.womens-work.org.uk](http://www.womens-work.org.uk)



Charity Number: 1135740

## Remember A Charity welcomes new law on video witnessing of wills

Virtual witnessing of wills could be a 'major step forward' for Legacy Giving providing safeguards are met



Remember A Charity has welcomed the Ministry of Justice's announcement that Wills witnessed by video will be legally accepted in what could be a 'major step forward' for legacy giving. The new law applies to Wills made from 31 January 2020 – the first recognised case of Covid-19 in the UK – and is expected to remain in place until January 2022.

The announcement reflects the increase in the number of people seeking to make Wills during the Covid 19 pandemic and the challenges for those who are shielding or self-isolating to follow the normal legalities of making a Will – namely it being witnessed by two people.

Rob Cope, director of Remember A Charity, says:

"Modernisation of UK Will-making is long overdue and, although the

changes announced today are temporary measures, this could be a major step forward for legacy giving, making it easier for people to set out their final wishes. Ultimately, the more people that write a Will, the greater the potential for including a charitable donation. Even a small increase in the proportion of people leaving a gift in their Will could generate millions for good causes each year."

"But, as is so often the case, the devil is in the detail. The Will-making environment needs to have rigour, with sufficient safeguards in place to protect the public, particularly those who may be vulnerable. Video is a great option when witnesses can't be physically present, but it does need to be treated cautiously, with care and consideration. And the role of legal and financial advisers will be critical in helping the public finalise their wishes legally, minimising the likelihood of dispute."

Since the pandemic took hold in the UK in mid-March, demand for Will-writing and charitable bequests has risen considerably, with Remember A Charity receiving twice as much traffic to the 'Making a Will' section of its website.

Cope adds:

"The pandemic has helped people see the importance of getting their affairs in order and encouraged us all to reflect on those things we truly care about. This includes the charities that so many of us rely upon and the causes we are passionate about in our lifetimes."

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



**PAIN RELIEF FOUNDATION**  
RELIEVING CHRONIC PAIN THROUGH RESEARCH

**CHRONIC PAIN - THE SILENT EPIDEMIC**

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



Chronic Pain affects people of all walks of life. 43% of the population suffer from chronic pain. Research costs money, and there is always an urgent need to provide more funds for more research. The Pain Relief Foundation DOES NOT receive funding from the NHS or any other Government body. Instead, our vital work depends entirely on donations and the generosity of people like you.

**PLEASE MAKE A DONATION TODAY, Or leave a Legacy in your will.**

For help and advice, contact us.  
Pain Relief Foundation, Clinical Sciences Centre,  
University Hospital Aintree, Liverpool L9 7AL

Telephone: 0151 529 5820  
E-mail: [lorraine.roberts@painrelieffoundation.org.uk](mailto:lorraine.roberts@painrelieffoundation.org.uk)

Registered with  
**FR** FUNDRAISING  
REGULATOR  
[www.painrelieffoundation.org.uk](http://www.painrelieffoundation.org.uk)  
Registered Charity No. 1156227

**The DDLS Bulletin  
is now available online!**

To access all the latest news  
and information, log in to  
<https://ddlsbulletin.com/>  
and read the bulletin on  
your tablets and phones.





**Moorcroft Equine Rehabilitation**  
Huntingrove Stud, Slinfold West Sussex RH13 0RB

We are a re-training and rehabilitation centre in West Sussex. We care about any ex-racehorse's health and soundness and have much experience in helping these horses to a better life especially after injury or surgery. We have much experience in correct and functional rehabilitation that has lasting benefits.

We take in many ex-racehorses that have been over-used for racing and are injured and poor in their condition and we do all we can to give them a better life.

Here is an example of an undernourished racehorse that came to the centre straight from the track, lame and with a sore back. After better feeding, careful rehab work and gentle strength-building schooling here he is looking a much healthier happier horse.

All this costs money and we are not funded by the Racing industry anymore.

Please consider us for a donation or a legacy as it will be very well spent and appreciated ■



**For more information on this worthwhile charity please ring Mary on 07929 666408**

**www.moorcroftracehorse.org.uk**



We are BHS approved and highly commended

# Integrity Accounting & Forensic Solutions Ltd



## Chartered Certified Accountants

Having qualified in 1997, Claire Berrington FCCA is a member of the Expert Witness Institute with over 13 years experience as a Forensic Accountant and Expert Witness. She works with Barristers and Solicitors throughout the UK.

### *Claire has experience in the following areas:*

- Fraud, including evasion of VAT and Excise Duty
- MTIC, advance fee and boiler room
- False accounting and money laundering
- Charity, PAYE fraud and tax cheat
- Mortgage fraud
- Drug offences
- Proceeds of Crime Act (POCA)
- Directors misfeasance & disqualifications
- Wrongful and fraudulent trading
- Partnership and directors disputes
- Business valuations
- Preparation of detailed reports which clearly set out the issues and conclusions
- Assistance at Court including Expert to Expert consultation and giving evidence
- Appointment as joint expert

**Claire Berrington BA (Hons) FCCA MEWI**

**Call for a free initial discussion on:**

**01822 259593 or 07833 431013**

**claire.berrington@integrityafs.co.uk**

**www.integrityafs.co.uk**

**La Grange, Chipshop, Tavistock, Devon PL19 8NT**





# TARGET PSYCHOLOGY LTD

PROVIDING EXPERT WITNESS REPORTS AND ASSESSMENTS

0161 425 1826

office@targetpsychology.co.uk

www.targetpsychology.co.uk

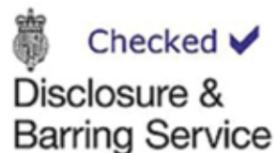
At Target Psychology we understand the need for a **professional service** and **rapid timescales**, within the Legal Aid Agency guidelines.

We have staff with decades of experience working to provide you with a seamless service.

Our expert **Psychologists and Psychiatrists** can provide Adult and Child assessments within:

- Public & Private Law Proceedings
- Pre-Proceedings
- Criminal Proceedings
- Court of Protection Proceedings
- Immigration Proceedings

Please contact us to make a referral, discuss your requirements or find out more about the services we can provide.



## Criminal defence solicitors can't be magicked up to cover extended hours, warns Law Society

Plans to extend court hours will hit overstretched and underfunded criminal defence firms hard when the capacity to cover the additional hours may not even exist, the Law Society of England and Wales today warned.

As part of its court recovery plan, HM Courts and Tribunals Service has agreed to pilot a COVID-19 operating hours court in up to seven courts across the circuit.

The Crown Courts named so far where the COVID-19 hours are going to be tested are Liverpool, Hull, Stafford and Snaresbrook.

"We have repeatedly made clear to the Ministry of Justice that extended hours are not the right approach to tackling the backlogs in the courts because of the significant impact they

would have on court users, legal practitioners and how our justice system functions," said Law Society president **Simon Davis**.

"There would be financial and administrative implications for solicitors and those with caring responsibilities are likely to be hit hardest. Ever fewer criminal defence lawyers are being asked to do ever more work, and the profession is close to breaking point.

"Despite our opposition, a pilot is going ahead to test out a model of extended hours. Court listing is a judicial function, so if a court chooses to list hearings in this way, there is little the profession can do about it.

"If extended court hours are to be imposed on solicitors, the additional costs they face must be covered so they can continue to do their job properly, uphold

the rule of law and allow people access to justice.

"If, even with additional payments, the defence community does not have the capacity to cover the additional hours, there will be no magic wand that can be waved to generate it."

As of 2 July, there were just 1,146 firms holding a criminal legal aid contract, already 125 fewer criminal legal aid firms than in 2019 and far fewer than the 1,861 firms that existed in 2010.\*

"The fragile criminal defence profession is already under great physical and financial strain, on call to police stations at all hours and with swathes of solicitors on furlough," added Simon Davis.

"Our members have already gone to great lengths to keep the justice system operating, but

there comes a point where they just cannot cope with even more demands. This is not about what the profession is willing to do. It is about what it is able to do.

"Before looking at extended hours the Ministry of Justice and HM Courts and Tribunals Services must ensure that it is making maximum use of normal court hours and the existing court estate, quickly take up further building space and avoid any restrictions on judges sitting while there are court rooms (real, virtual or Nightingale) available."

The Law Society has published guidance for litigators and solicitor advocates who are faced with the prospect of cases being listed within extended hours sessions.

\*Figures from our Justice on Trial 2019 report and UK Parliament website.



### Aristotle

FINANCIAL PLANNING

James Wallis is an independent and Chartered Financial Planner, and has a decade of experience in delivering financial advice and planning for clients across the East Midlands. Specialising in working with family people who are planning for retirement, as well as small business owners, James' goal is to help people match their life to their money.

Our clients live across the East Midlands, as well as further afield. Our Derby offices are the perfect central location for our relaxed meetings, so why not call us today?

Friar Gate Studios, 22 Ford Street, Derby DE1 1EE

HELPING YOU TO MATCH YOUR LIFE TO YOUR MONEY WITH LOGICAL PLANNING AND A PERSONABLE APPROACH.

Tel: 01332 258 374 • Email: info@aristotlefinancialplanning.co.uk • www.aristotlefinancialplanning.co.uk

The value of your investment (and any income from them) can go down as well as up and you may not get back the full amount you invested.



# Navigating the evolving landscape of Professional Indemnity Insurance

To navigate the challenges of a hardening insurance market, law firms should now start prioritising the preparation of a high-quality Professional Indemnity Insurance (PII) submission ahead of the coming renewal period.

The insurance market has been awash with capital, leading to increased competition for business and a subsequent suppression of the rates insurers could charge. This has resulted in unsustainably low premiums compared to the claim payments being made by insurers, but sadly times are changing.

Claims activity has been the main catalyst for the significantly changing market conditions that we are experiencing. While frequency of claims has remained fairly consistent, severity of claims (the total value of losses experienced) has reached unprecedented levels.

We believe that the recent spring renewal period showed us what to expect going into August and September. Analysis of insight and trends from Lockton's portfolio indicates increased premiums within all layers but especially the working layer (the excess layer above your compulsory Insurance limit) where there is a lack of insurer options. With many primary insurers reluctant to offer long-term policy periods and those that did offer extended policies tended to apply an increase for the additional periods.

It is important to highlight, that the Insurance market conditions were hardening well before the Covid-19 outbreak. We believe this process is now likely to accelerate due to the pandemic, leading to a further hardening market.

While the sourcing of coverage may become more difficult for law firms, the legal profession in England and Wales is fortunately not experiencing reduced coverage as practices are protected by the Solicitors Regulation Authority's Minimum Terms and Conditions wording.

## What to expect in the coming months

We expect underwriters to adopt an even

greater level of caution when they review enquiries in the forthcoming renewal season. Peer reviews will be conducted as standard, certainly when insurers are assessing new enquiries and regardless of the size of a practice and the proposed premium to be charged. More questions, including those related to Covid-19, will be posed and responses will therefore need to be reviewed by at least one other underwriter. This means the process of obtaining terms may take longer, especially considering most insurers will be working remotely.

Some insurers have already released early question sets relating to Covid-19, while others are developing supplementary questionnaires. We expect all of these to focus on three key areas: **People**, **Finances** and **Risk**, some of which will naturally interlink.

## Navigating the challenges

Although the insurance market has adapted well to the 'new normal', some things are naturally taking a little longer than they would have done previously. As mentioned, a combination of the hardening market, increased peer reviews and greater caution from underwriters has made it more difficult to obtain insurance terms. This means those firms that are traditionally 'last minute shoppers' and which provide minimum information to insurers should not be surprised if they fall into the Extended Policy Period.

The insurance market is still active, but it is becoming much more selective. Underwriters cannot return a profit for their organisation if they do not write any business, but they will need greater convincing and will want to align their company's capital with well-run firms. At Lockton, it is our job to provide them with the reasons to do so, but legal practices cannot be blasé and we encourage them to approach renewal in the right way.

We believe taking these three key steps will help practices navigate the challenges ahead:

**1. Start early** – While we would expect insurers to prioritise their existing clients,

it is still important that you prepare your presentation earlier than in previous years. We recommend having your presentation prepared at least two months in advance of your renewal date as the process will generally take longer.

**2. Prepare a quality presentation** for insurers' consideration – this will help you stand out from the crowd. Make sure all the questions in the proposal form are sufficiently answered. Time will be limited so expect insurers to make a quick decision and potentially not offer any terms if your presentation is missing key information or if it is poorly presented.

**3. Select your representative carefully** and do not approach multiple agents as you will actually be doing your professional peers – and yourself – a disservice.

You may wish to consider the following key elements when selecting your representative:

- What is their market reach – which insurers can the broker access DIRECTLY for you? Speaking directly to an insurer will help speed up the process and means your key message does not get diluted or misinterpreted.
- What is the experience and size of their team?
- What is the extent of their service proposition?
- What is their claims infrastructure? While no one wants to have claims, you should know if your representative has the resources to support you when needed.

Once you have selected your representative, ensure you establish an action plan with your broker which covers who they will be approaching directly and the anticipated timeline for responses.

To find out how Lockton can assist you with your forthcoming renewal, please do contact me or one of the Lockton Solicitors team. We would be delighted to hear from you.

## Brian Boehmer

Partner

Tel: 0781 401 4655

E: [brian.boehmer@uk.lockton.com](mailto:brian.boehmer@uk.lockton.com)

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



# Brassed off with your broker?

*Why not seek a second opinion.*

## We provide:

- **More choice** – Through our extensive and direct access to leading Solicitors Market Insurers. Plus options that are not available through any other representative
- **An honest approach** – We will advise if change is not right for your practice
- **Swift and efficient process** – We will not keep you waiting
- **More than a transactional service** – Our team are dedicated to servicing the Legal Profession, and will look to provide support and guidance to your practice throughout all year round

Get in touch with a member of the Lockton Solicitors team, to explore your options for your PII Renewal.

T: 0330 123 3870

E: [Solicitors@uk.lockton.com](mailto:Solicitors@uk.lockton.com)

[locktonsolicitors.co.uk](http://locktonsolicitors.co.uk)

Playing our clients' tune since 1966.

Lockton Companies LLP. Authorised and regulated by the Financial Conduct Authority. A Lloyd's broker. Registered in England & Wales at The St Botolph Building, 138 Houndsditch, London, EC3A 7AG. Company No. 0C353198.



UNCOMMONLY INDEPENDENT

# Expert determination – what’s new?

Chris Makin reminds us of the versatility of expert determination, and reports on some recent developments.



Chris Makin

As a chartered accountant (FCA) who practises exclusively in legal matters – forensic accountant, expert witness, mediator, expert determiner – my

experience is that expert determination (ED) is considered by litigation lawyers too infrequently.

Of course, it is common practice for company sale/purchase contracts and the like to include a dispute resolution clause (DRC), but how often would a lawyer in a contentious matter consider anything between negotiation or mediation at one end of the spectrum and arbitration or a court hearing at the other? Litigators have a duty to keep matters proportionate, and there is always the threat of a refusal to mediate, per *Halsey*, when costs are considered, but other options are available.

As an active mediator and expert determiner as well as my “day job” as forensic accountant, I have no axe to grind; I express these views merely to help you, the practitioner.

## ED is versatile

Most of my ED appointments do arise from DRCs, but direct appointments can be effective, too. Consider:

- There was a dispute over how much should be paid to a retiring senior partner of a legal practice. The partners appointed a senior arbitrator who made an award (for a hefty fee) but only on principles. The quantum still had to be established. So I was appointed determiner for that purpose. But the whole process could have been done by me as expert determiner for little more than the second fee I charged.
- I was appointed SJE where a partner in a firm of chartered accountants had left the firm, taking clients and staff. I took oral representations from each, and got on so well with everyone that I suggested to instructing solicitors that I was confident I could mediate a settlement. Both sides’ solicitors were interested, but nervous that they would have to start again if

the mediation failed. So, instead, I was appointed expert determiner and quickly reached a binding judgment.

- Two doctors were divorcing. I was asked to mediate a settlement of their medical practice, and we settled the mediation but only on principles. So I was appointed ED to put some binding figures on the settlement they had reached.

## And the expert determiner is versatile

It is often thought that the expert appointed can decide matters only within his expertise. That is wrong. Lord Denning in *Campbell -v- Edwards* [1976] 1 Lloyd’s Rep 522 said that the expert appointed must make an entire decision, because that is what he contracted to do. And in *Bruce -v- Carpenter* [2006] EWHC 3301(Ch), where an accountant told the court she could not make decisions because they were not of an accountancy nature, the court disagreed, and confirmed Lord Denning’s decision.

In my EDs I have often had to make decisions outside my expertise, after taking advice from other professionals. The result is that the parties have a complete, legally binding, decision.

## For accountants, what’s new?

There have been changes, effective 1 July, in how an accountant expert determiner may be appointed. The typical DRC in a company sale/purchase contract says that, if the two sides cannot agree the Completion Accounts or a determiner to settle them, the President of ICAEW must make an appointment, and I was one of about 100 FCAs on that list. But the President now declines to do so, except by court order. Instead, applicants are directed to the ICAEW list of members online, where all members’ many specialisms are listed.

That doesn’t work well, because any English FCA/ACA (there are now 156,000 of us) can tick boxes of their specialisms, and no-one monitors their competence unless, as with any assignment, they get it wrong and are either sued or referred to disciplinary (or both). I have come across cases where the appointee didn’t even know that Rules must be agreed, or the difference between a speaking and a non-speaking determination.

## So how do you find a competent expert determiner?

The answer, I respectfully suggest, is to find your expert FCA by other means. I am not alone in being competent to do this work, but you do need someone who knows what they are doing.

I have been doing EDs for over 20 years, I was in the first group of only 5 to be accredited at The Academy of Experts – the only professional body which awards this accolade – and I am an examiner there in ED for the full range of professionals. There is a full section on my website about ED.

Other determiners, of course, are available, and my advice if you need an accountant to act as expert determiner is not to plough through the hundreds of ACAs on the ICAEW members’ list, but go to Expert Search at The Academy of Experts ([https://academyofexperts.org/search-register/expert/?search\\_keyword=expert+determination&member\\_type=2#search-results](https://academyofexperts.org/search-register/expert/?search_keyword=expert+determination&member_type=2#search-results)) where you will find an expert who really knows how to do an expert determination.

**Biog:** Chris Makin has practised as a forensic accountant and expert witness for 30 years, latterly as Head of Litigation Support at a national firm. He has given expert evidence about 100 times. He also performs expert determinations.

Chris is a fellow of the Institute of Chartered Accountants where he has served on the Forensic Committee, and as an ethical counsellor; he is a fellow of the Chartered Management Institute, a fellow of the Academy of Experts where he serves on the Investigations Committee, and a mediator accredited by the Chartered Arbitrators.

He practises as a mediator, from his home in West Yorkshire and his rooms at 3 Gray’s Inn Square, London WC1R 5AH, telephone 020 7430 0333. He has mediated 100+ cases so far, on a huge range of subjects, with a settlement rate to date of 80%. For more see his website with videos:

[www.chrismakin.co.uk](http://www.chrismakin.co.uk)  
[chris@chrismakin.co.uk](mailto:chris@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.

<b>Mediated disputes in:</b> <ul style="list-style-type: none"><li>• Partnerships</li><li>• Share Valuations</li><li>• Company Sale &amp; Purchase</li><li>• Professional Fees</li><li>• Rights of Way &amp; Boundaries</li><li>• Construction</li><li>• Intellectual Property</li><li>• Professional Negligence</li><li>• Business Interruption</li><li>• Defamation</li><li>• Housing Disrepair</li><li>• Very Expensive Motor Cars</li><li>• Employment</li><li>• Contractual Failings</li><li>• Inheritance Act and ToLATAs</li></ul>	<b>Civil and criminal experience as expert for over 20 years in:</b> <ul style="list-style-type: none"><li>• Loss of Profit and Consequential Loss</li><li>• Business &amp; Share Valuations</li><li>• Matrimonial Valuations</li><li>• Partnership &amp; Director Disputes</li><li>• Professional Negligence</li><li>• Criminal &amp; Commercial Fraud Investigations</li><li>• Personal Injury &amp; Fatal Accident</li><li>• Drug Trafficking etc. Asset Tracing &amp; Confiscation</li><li>• Section 994 Disputes</li><li>• Director Disqualification</li><li>• Expert Determinations</li></ul>
---	---

**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)

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](mailto:bdee@listening-books.org.uk)

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

## LEAP and Yourkeys break the mould and deliver homebuilders a faster and more transparent conveyancing service

**Legal practice management system provider LEAP announces a new technology partnership whereby conveyancers using LEAP software provide their services to property builders via the Yourkeys digital platform. Yourkeys helps to speed up the conveyancing process for home builders by effectively tracking sales and qualifying and onboarding buyers.**

By supporting Yourkeys’ objectives of delivering greater transparency, consistency and cost-savings to home builders, the partnership with LEAP provides the home buyer access to an experienced collective of 140 accredited conveyancing firms which provide a gold standard service, efficiency through consistency of process, and improved output by fee earner and by firm thanks to the adoption of technology.

This powerful tech partnership quickens the exchange of contracts, delivering home builders efficiencies through Yourkeys’ user-friendly platform and providing the buyer peace of mind, knowing that their transaction is being handled by one of over 140 specialist, fully audited, conveyancing firms that are part of the LEAP Best Practice Standard (BPS) network.

The LEAP Best Practice Standard helps law firms achieve and maintain the highest standards of conveyancing, retaining full control and without referral fees. BPS firms receive regular independent audits performed remotely by the Centre for Assessment. These audits provide analysis and reports based on assessments of areas such as client care, anti-money laundering, risk and compliance. The BPS systems and checks also generate cost savings and efficiencies to the benefit of their clients.

**Riccardo Iannucci-Dawson**, CEO & Co-Founder of Yourkeys comments: “Our partnership with LEAP is an incredibly exciting development for our clients. LEAP is one of the most innovative and forward-thinking products in the legal space. This partnership will add tremendous value to our housebuilder and estate agent clients to connect them directly and digitally to the best conveyancers in the market.”

Yourkeys specialises in providing services to home builders allowing them to qualify and onboard buyers in minutes and track sales progression in real-time directly via system integration. This alliance with LEAP will enable home builders to exchange contracts faster, whilst improving the process for buyers.

LEAP Director of Relationship Development **Craig Taylor** says “With our work with Yourkeys we are leading the way in conveyancing. This service will alleviate the pain of property developers and purchasers alike, simplifying and speeding the newbuild purchase process.”

Communication in sales progression and reconciling conveyancing progress has always been an issue which takes lots of time and manual effort. Yourkeys’ clients will send instructions to the LEAP Best Practice Standard law firms and receive real-time sales progression updates as cases move forward.

On being the first of many LEAP Best Practice Standard firms to receive an instruction via the Yourkeys’ platform, **Sue Shaw-Toomey** of Toomey Legal Limited adds “We are proud to be one of the first firms in the country to be able to deliver this faster and more transparent service to clients wishing to purchase a new build property, which we are finding is reducing the stress for our clients of buying a new home.”



## Book Reviews

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

### A PRACTICAL GUIDE TO THE SMALL CLAIMS TRACK

By **Dominic Bright**  
ISBN 978 1 91268 745 9  
LAW BRIEF PUBLISHING  
[www.lawbriefpublishing.com](http://www.lawbriefpublishing.com)



REQUIRED READING FOR ALL WHO EMBARK ON SMALL CLAIMS WITHOUT HAVING TO READ CPR 27 IN THE WHITE BOOK

Barrister Dominic Bright comes from Lamb Chambers and he has written a masterful account of what to do when you are faced with dealing with a small claim. The standard detailed advice is contained in the civil procedure rules known as the CPR contained in "The White Book" known also as "Civil Procedure" and published annually.

Specifically, part 27 of the rules cover the small claims track which many parties will find difficult to understand and follow because they are so complicated and hard to understand for unrepresented parties. The notes attached to part 27 in "The White Book" are particularly helpful but not easy to read for those new to civil litigation.

Therefore, a simple text on how to pursue a small claim is what we have all needed for some considerable time. So, we thank Law Brief Publishing and Dominic for their new title which makes life so much easier for all of us. Do begin the book by reading the informative Foreword written by HHJ Karen Walden-Smith who states that the book is helpful for practitioners new to practice and to District Judges and their deputies.

It is a thorough book as to be expected with 30 chapters and five appendices, including CPR 27 without the editorial footnotes. Bright also includes guidance on a wide range of matters such as ethics and the way to behave in court which will assist all who are new to small claims.

Also, do read the author's Preface where he sheds light on the 'what', the 'when' and the 'how' of the small claims track. Bright has three messages which are worth repeating in this review: be 'clear', 'comprehensive' and 'concise'.

What Bright means by these words can be set out here for the benefit of the unrepresented litigant. "Clear" means that short, descriptive sub-headings are used "to marshal content", and "often comprising just a few sentences". This can mean the use of only one important sentence "containing a single, but key point".

The claim should be "comprehensive" because the full timeline of the claim is covered. Finally, the content should be "concise" to show that every effort has been made to remove "jargon unencumbered with merit, unwarranted primary authority, and unnecessary secondary sources."

Bright's message throughout is that his guide "aspires to be well-thumbed, throwing a beacon of light onto issues" both before and when they arise. The purpose is for the issues on either side to be dealt with confidently, benefiting both lay and professional clients. Thus, the approach enables the court (and you as the party) to achieve the overriding objective of the procedure rules which is "to deal with cases justly, and at proportionate cost".

Thank you, Dominic – you will need this book if you embark on a small claim.

*The date of publication of this paperback edition is cited as at 16th December 2019.*

### HOW TO BE A FREELANCE SOLICITOR A Practical Guide to the SRA-Regulated Freelance Solicitor Model

By **Paul Bennett**  
ISBN 978 1 91268 734 3  
LAW BRIEF PUBLISHING  
[www.lawbriefpublishing.com](http://www.lawbriefpublishing.com)



EXCELLENT GENERAL CAREER ADVICE FOR ASPIRING SOLICITORS WHO WISH TO BE "FREELANCERS"

Solicitor Paul Bennett gives us a most useful practical guide on what to do as career advice for aspiring solicitors. He offers some constructive tools and sage thoughts on the type of career path potential solicitors may travel as they develop their own legal practice in 2020s. The intention is to give a practical hands-on approach to getting started as a freelance solicitor. As the author says, it is not "an academically driven textbook or black letter law book" readers will be relieved to hear!

So, who fits in to the term "freelance solicitor"? The author gives us a definition that they "are those truly practising on their own, without a law firm". We feel that this excellent short book from Law Brief Publishing arrives at just the right time because solicitors have been given significant new freedoms under Solicitors Regulation Authority (SRA) rules from November 2019 about how they may set about their own practice.

The main question to be posed, post Covid-19, is "what are these opportunities"? Do begin by reading the Preface which sets out how to use the book with Bennett asking three useful questions: is it the right model for you and your clients; what is the difference to being a sole practitioner; and how this approach is radically different to the consultant model which some firms already use for the term "freelance"?

As a book which covers both professional conduct and ethics, we feel that this practical guide to these questions will be fully addressed for you to enable you to assess the impact of the new regime and to assess the freedoms now currently on offer. We found that the title will help both potential freelance solicitors and law firms looking to understand how the freelance solicitor model works today.

You can read the book from cover to cover quite quickly – it is only just over 70 pages in length. There are three parts: an introduction and business planning matters; the practical application of the SRA rules; and a short conclusion/checklist. The text allows you to focus on the professional elements which will be of most assistance and relevance to your own pre-existing skills, knowledge and the action plan you develop because of the bold step you take in becoming freelance.

But do be aware! Paul Bennett concludes with these words: "freedom is a wonderful thing as any truly self-employed person will tell you when things are good". And "it is a proper challenge at other times". Sadly, as this book appears in 2020, we are in challenging times because the freelance model will bite the careless and the unwary as it's about the management of risk- and we think this focused "how to" book will be of great help to you on your journey.

*The date of publication of this paperback edition is cited as at 6th December 2019.*



## Searches for Solicitors and Home Buyers Direct Dedicated | National | Accurate



For all your Property Search needs come to  
**Property Searches Direct**  
Delivering Searches to Law Firms  
and Home Buyers, Direct

Visit us online at [www.propertysearchesdirect.co.uk](http://www.propertysearchesdirect.co.uk)  
for more information.

Get a further **5% Discount** on all orders with promo code: **DLSAUG20-5**

Tel: 01675 624084 Email: [enquiries@propertysearchesdirect.co.uk](mailto:enquiries@propertysearchesdirect.co.uk)



# Will adoption of technology in the conveyancing sector speed up following the lockdown?



Although the conveyancing industry has been steadily evolving in terms of technology, it is still viewed by many as being “behind the curve” and not in step with the increasingly digital demands of today’s society. Earlier this year the Council for Licensed Conveyancers released a paper suggesting the conveyancing process will be completely digital by 2030, but it’s fair to say that the current homebuyer perception is of a slow and manual process with multiple stakeholders all requiring separate management, rather than of one integrated process.

Right now with many staff having been on furlough and the necessity of working from our homes, conveyancers have had to rely more on more on technology to fill the gaps. Can we expect this to continue as business begins to get back to normal?

## The benefits of technology

New technology offers many advantages to the conveyancer. Benefits include the completion of manual tasks within a fraction of the time usually required, greater accuracy and elimination of the need to repeatedly supply the same information, improved transparency and a compliant audit trail. Technology can be used to automate the more routine tasks providing a greater level of accuracy.

For example, over recent years we have seen the automation of a number of conveyancing processes. It’s very easy to complete a digital AML check and the stamp duty (SDLT) process has been fully-automated. These online services provide a speedy alternative to conveyancing teams, reducing error and providing a full audit trail. This allows conveyancers more time to focus on the more complex and specialist areas of the conveyancing process.

## Has anything changed during the lockdown?

There are a few positive examples of how further progress has been made in recent months. The Land Registry now accepts (temporarily) virtual signing on deeds and has brought in more flexible procedures for identity verification, estate agents are offering virtual viewings and many of the search providers are offering services to support conveyancers during this lockdown.

There are also other technologies being explored such as live chat and chatbot options to provide great customer service at a distance. What can we expect next?

Other developments supporting distanced (and more efficient) working are already in the pipeline ... for example, the Land Registry (along with the Law Society, Council for Licensed Conveyancers and Chartered Institute of Legal Executives) is working hard to improve cryptographic and biometric checking of identity.

Only time will tell, but having got to grips with online documents and checking, it could be an ideal time for the conveyancing industry to embrace the next steps to moving online. Recent technical developments to support traditional conveyancing processes may be more-readily adopted in an industry that’s already changed its working practices in light of our current circumstances.



# The knowledge you need, the service you value.



For over 20 years, Geodesys has been perfecting its comprehensive suite of conveyancing search solutions to clients throughout the UK.

Today our bespoke service – including impartial advice, EU-compliant due diligence, secure file management and dedicated support – provides total peace of mind and total compliance every time.

**Geodesys. All you need to know.**



# Contingency planning with Quill



The SRA expects its regulated law firms to 'continue to meet the high standards the public expect' and have 'appropriate contingency plans in place for disruption' during the coronavirus pandemic.

With that in mind, it should be no surprise that as the largest combined legal cashing and payroll bureau in the UK, we at Quill have always been hot on our business continuity and disaster recovery (BCDR) planning.

And for good reason: if you were the back office for 7,000 lawyers and paralegals, with annual billing in the order of £1 billion or responsible for generating 8,000 payslips on behalf of various employers with accompanying transfer of over £54 million to employees' bank accounts, wouldn't you be hot on it too?

As we're now living and working through difficult times, this forethought is serving our clients well. I'm sure none of us could have made a New Year's Eve forecast that we'd have an international pandemic on the scale of coronavirus within 100 days, and yet here we are navigating the biggest health crisis the world has ever experienced.

Our contingency planning has most definitely benefited our clients as we've helped them maintain the compliance standards which the SRA and other regulators demand on behalf of consumers. That, coupled with our legal accounts, practice and document management applications all hosted in the cloud, has meant Quill and our clients have had a relatively simple switch to a work-from-home model. There's been no service disruption whatsoever.

Of course, our industry regulator admits these are 'mitigating circumstances' and acknowledges that some processes – financial management duties, in the main – may not be completed on time. As such, a level of leniency is afforded around submission deadlines.

However, the SRA maintains its absolute focus on protection of client monies. Ultimately, cashing tasks themselves still need to be done. This means you need to have a contingency plan just in case we hit a second spike, or if your cashier is unable to work for health or shielding reasons.

We've put together some practical notes on the actions we took – and might well still need to take – to keep our software servicing 7,000 legal professionals and our outsourcing staff servicing legal cashing and payroll compliance. Hopefully you can draw inspiration for your own BCDR reviews:

**SMS system** – We use an SMS alert system to send messages by text to any group of managers, teams, offices

or role-based employees. SMS is still the easiest and quickest cross-platform messaging tool and, with the right SMS system, you can alert staff by job title or location to attend an office or stay at home.

Even before the pandemic was a pandemic, we took the opportunity to double check our staff's personal details were present and correct – that's mobile numbers, next of kin, etc – and, of course, our database was fully up-to-date and GDPR compliant.

With a return to physical premises unlikely until sometime later in the summer, if you haven't already done so, now's the ideal time to check or collate your own list of employees with latest contact details and set up a similar text alert system to ours. We use [intellisoftware.co.uk](http://intellisoftware.co.uk).

**Hardware & software** – In the run up to lockdown and with the media getting increasingly excited – with hindsight, rightly so – we decided to examine working-from-home arrangements team by team. This helped us to iron out a few problems with regards to equipment at home.

It was only after we closed our offices that we realised one of our failings. We'd earmarked a pool of laptops that were put to good use during the trials but we hadn't accounted for the fact we'd need every item in one pool simultaneously during the real-life event. A basic error!

Anyway, the problem was easily solved and we're repurposing our hardware replacement strategy to a laptop-only model going forwards as we may end up with more home working, fewer desks in the office and more hot desking; something which is looking to become a plausible possibility for many organisations.

Is your own infrastructure fit for purpose? Not only hardware but also software? For the latter – software – cloud systems have become a necessity these past weeks. That's exactly what we offer – a web-based complete practice management system. Even better, to help accommodate audits and reviews, it's provided with a free accountant's licence. Clients using Interactive can empower both their staff and accountant to work anytime, anyplace, any device with a straightforward online login thereby eliminating any impact from unforeseeable disaster.

Our own cashing team utilise Interactive to manage clients' accounts as well. Whether you need cloud access to your matters, documents, legal forms, bundling tools or accounts, Interactive's got you covered.

**Phone system** – Phones are the bane of every company but essential

for communicating with existing and would-be consumers. Fortunately, we'd moved our phone system to the cloud several years ago. Clever functionality facilitated the diversion of our office phones to corresponding mobiles or landlines at home.

Now we're enhancing our phone system by installing a soft phone on every laptop or PC. Together with a headset, every member of staff has our entire phone system functionality and address book to hand. We can receive and transfer your calls from home to home more readily.

But we mustn't forget the loyalty and dedication of our staff typified by our receptionist – Lynda. She's the glue binding everyone together across our offices. Being rather shy of techie things like soft phones, on lockdown she packed up her trusty phone kit and, with some careful labelling, re-assembled it on her dining room table!

Take our phone system advice and check out [gamma.co.uk](http://gamma.co.uk). It's an infrastructure investment that's proven to be worth every single penny at Quill.

**Outsourcing services** – Knowing that we're the financial compliance backbone for so many practices and the payroll service provider for many businesses too, getting our staff socially isolated urgently whilst remaining in direct contact with clients, colleagues and team leaders was paramount. And with the SRA stressing the need for firms to put contingency measures in place, it might be somewhat easy to predict that we've had considerable interest in our outsourced cashing services during the coronavirus outbreak. The same applies to our outsourced payroll and typing services.

The sudden move to home working has been quite a shock for certain individuals and companies. While Zoom has been a popular choice for many organisations, we've opted for Google Meet which allows for meetings to be open-ended, mimicking an open-door policy.

To try and keep morale high amongst Quill employees, we moved our regular staff 'News, Views and Eats' updates to Google Meet format and even held a two-hour all-staff AGM online at the end of April. Emotions ran high in the early days as we acclimatised to the new ways of working. As 'accountable to you' is our brand strapline and embedded into our ethos, we made a commitment to top up salaries for any furloughed staff, sent everyone some Easter chocolate and have branded facemasks in the pipeline!

The bottom line is this: we've always had fully operational legal cashing, payroll and typing bureaus on hand

throughout lockdown. If you're working on a skeleton staffing level, or looking for a contingency plan short- or long-term, we can bridge the gap for as long as required or be retained on standby in case a future need arises.

**Insurance** – Early on, we reviewed our insurance cover regarding empty offices and home working. Our brokers, [romeroinsurance.co.uk](http://romeroinsurance.co.uk), have been truly fantastic and advised us to regularly inspect our offices to make sure our policy stays valid. Insurance cover has also been extended to address company-owned computer equipment being used by employees at home.

Is your insurance policy suitable for your new set up? Perhaps a check in with your own broker is due?

There are other practicalities to bear in mind at this time too. As per all of the above, enabling remote working is a key priority at the moment. When Boris told us on that fateful Monday evening that we should work at home with immediate effect, we were ready. Decamping to home offices was an orderly event. We activated our well-rehearsed BCDR plans beginning with an SMS alert to staff initiating migration to home working within a 24-hour period. Which is exactly what we did.

The next stage is to begin planning for our collective returns to all of our offices. The Law Society has issued a framework, based on governmental guidance, which is about conducting a risk assessment and protecting your staff within the on-site environment. Read the [lawsociety.org.uk/topics/coronavirus/practical-framework-for-law-firms-and-sole-practitioners-on-return-to-the-office](http://lawsociety.org.uk/topics/coronavirus/practical-framework-for-law-firms-and-sole-practitioners-on-return-to-the-office) web page.

*Get in touch with Quill to strengthen your BCDR plan today. Email [info@quill.co.uk](mailto:info@quill.co.uk), call 0161 236 2910 or visit [www.quill.co.uk](http://www.quill.co.uk).*



*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 cashing services to the legal profession for over 40 years.*

# Quill's business continuity assured software & services



Strengthen your BCDR plan  
Just choose Quill



0161 236 2910 | [info@quill.co.uk](mailto:info@quill.co.uk) | [quill.co.uk](http://quill.co.uk)

Practice management software | Cashing service  
Legal accounts software | Payroll service | Typing service



Manage your  
matters **wherever**  
**you are**

 **LEAP**