

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

Oct/Nov 2020

**D&DLS - SERVING
DERBYSHIRE FROM 1886
THROUGH 2020 & BEYOND.
YOUR SOCIETY,
YOUR COMMUNITY.**

Also in this issue:

What Does DDLs Do For You? • When Experts Wreck Your Case

Gold Patrons of the Society



SEVERN TRENT
SEARCHES

a part of

SEVERN
TRENT



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

*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

Oct/Nov 2020

Contents

3 - Contents & Editorial	14 - Litigants in person in Family & Civil proceedings
4 - List of Officers	14 - Civil Law Sub-Committee
5 - President's Page	16 - Remember A Charity
8 - What does DDLS do for you?	21 - Able Community
10 - Council Member's Report.	22 - When Experts Wreck Your Case
10 - Family Law Sub-Committee	24 - EWI Virtual Conference Report
11 - Probate Sub-Committee	28 - Free of charge SDLT service
12 - Derby Grammar School	30 - Software swap guide: Four tips to protect your data

Editorial



So, my plan of writing the last editorial just before A level results were released was strangely prophetic. Happily the 18 year old did really well and we were relatively untouched by the fiasco that followed – some of his friends were not so lucky. He had always planned a year out – to work and then travel (well we live in hope) and I am quite relieved as many of his mates are now locked down in halls of residence around the country several of them with the dreaded disease. Perhaps that was the plan all along ?? I am happy to report that they are all recovering quickly with no ill effects and long may that continue.

I am trying to increase DDLS presence on social media – please check out and re-tweet/ share/post as appropriate. I will try and focus on the "professional" forum of LinkedIn. I have invited my professional contacts to "like" the page and I would be grateful if you could do the same.

There is also a blog on twitter – search for DDLS Bulletin. If anyone has any press releases, staff appointments etc that they want putting out please just e-mail them to me. Likewise any job vacancies can go on the website, in the Bulletin and on social media for free to members.

As ever I am keeping the website (www.derbylaw.net) up to date with news of useful courses, some run by our gold patrons DG Legal, some from local Barristers chambers, the Law Society and Stuart Barlow is putting on a FREE webinar for family and civil practitioners – see the advert on page 14.

Next year DDLS is 135 years old. Peter Ball had mainly compiled a list of past Presidents of both Derby and NE Derbyshire/Chesterfield. The list has made it into a spreadsheet and I will be publishing it in an edition next year. Please let me have any anecdotes/memories/photos etc so that we can publish some of them eg/I am recalling that back in the day Flints at Ashbourne was the office of the Registrar. Did they do weddings ?

In this edition there are reports from most of the Sub-Committees. If anyone is interested in joining either the main committee or any of the Sub-Committees please just e-mail me and I will put you in touch. Nick Wright is still sending out regular updates for the criminal lawyers. The updates are so frequent and in some cases detailed that I have stopped sending them to all members and they go to the criminal cohort. If anyone is missing out again please just drop me an e-mail. I have published Michael Williams report even though by the time you get the paper copy of this Bulletin the AGM will have passed – I have e-mailed his report to members separately already – I hope that you have taken on board his comments and perhaps virtually attended the AGM to make representations.

Take care.

Julia Saunders
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
www.eastparkcommunications.co.uk

Advertising
Simon Castell

Managing Editor
Julia Saunders

© East Park Communications Ltd.

Design
David Coffey

Accounts
Tony Kay

Published
Autumn 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 everyone. I hope that you are all well and keeping positive during this difficult period.

It very much appears that we are going to be under lockdown restrictions for some time with the COVID-19 level now raised to level four and new measures being introduced. It is a worrying time for all of us with the legal sector facing its own serious challenges, both now and in the months to come.

Our biannual D&DLS Past Presidents Dinner was to be held on the 8th October 2020 but unfortunately has now fallen victim to the latest change in COVID-19 restrictions. The Dinner has now been rearranged for 25th February 2021 and I hope that this will be well attended.

With the new restrictions likely to last for the next six months we are all in a position whereby we all need to continue to adapt and embrace innovation and change. For the D&DLS this is also key in providing you with value for your membership and keeping in contact with the local legal community. Our main topic for this issue of the bulletin is

to highlight the work the D&DLS does in the community but also more importantly what it does for you and how we can help. During this difficult time knowing that there is help and assistance from your fellow local lawyers is more important than ever.

During the last few years, the D&DLS has worked to establish strong links with the University of Derby Law School. The students are the lawyers of tomorrow and look to our local legal firms for the opportunities which will enable them to gain experience and eventually employment. One important part of this link between the D&DLS and the University has been the Legal Mentor scheme whereby many of our members have been actively involved in mentoring one or two students during the academic year, in areas such as work experience. Additionally, the Legal Skills Triathlon has also been a huge success and provides not only the students of the University the chance to test their legal knowledge and skills but also the potential for our members to promote and challenge their own young lawyers.

Our links in the community have also been strengthened by the introduction of the E4E

Debating Competition for local schools which has been championed by our own administrator Julia Saunders.

Over the last few months our sponsor DG Legal has provided several free webinars which can assist you with rules and regulations in relation to the current COVID-19 crisis. More are planned and please contact our administrator for more details if you do not receive the emails which provide the times and dates.

Our bulletin is published every eight weeks and contains a number of wide-ranging articles from our local lawyers, including details of our sub-committees, legal vacancies and much more.

As you can hopefully see from these few examples, the D&DLS is still dedicated to helping you the lawyer during these difficult times, and I and the committee hope that you will also continue to support us.

Take care and stay safe.

Martin Salt,
President, 2019-21

GCS
GUARANTEED CONVEYANCING SOLUTIONS

You **DON'T** need to bend over backwards to get legal indemnity insurance!

GCS offers straightforward options for ALL types of properties and developments.

- ✔ GCS Online - choose an 'Individual' or 'Group' account
- ✔ GCS Instant Issue insurance 'Pack'
- ✔ Direct from our office - phone or email us

Issued how you want, when you want, the way you want.
www.gcs-title.co.uk/DB

Online Pack Direct

gcs-title.co.uk 01435 868050 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

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

What DDLS does for you?

1. Present the local profession to the public – the website provides a focus for enquiries and has a Find a Solicitor page
2. Link the profession together – during the pandemic a Microsoft Team has been set up for local practitioners to use and share concerns etc
3. DDLS has an active Committee who meet (remotely at present) approx. every 8 weeks – next meeting is via Zoom on 18th November at 4.30pm – anyone interested in attending let JS know.
4. Being a focal point to link the profession to other bodies they are in close working relationships with eg – Land registry/ local authorities
5. Sub-committees – very important – who have been working tirelessly to keep the local profession up to date with developments
6. Representation of Derby and District at National Law Society Committee – we are lucky to have in Michael Williams a very capable and dedicated representative eg/ passing onto Simon Davis concerns in delays in the Probate Registry which were passed on to the CEO of the Court Service– regular reports in the Bulletin
7. Free adverts for vacancies in Bulletin and on website – the possibility of making press releases in the Bulletin/ website and DDLS blog/ social media
8. A range of CPD webinars – details have been circulated but will now be on the web site
9. Meetings (when possible) and presentations on matters of interest to the profession – Linda Lee and the then President of the Law Society, Christina Blacklaws
10. Social events – Annual Dinner/ Quiz / Christmas Event
11. Annual cricket match and Golf Day
12. Publication of the Bulletin every 8 weeks – news and articles
13. Taking part in national events such as the Law Society 100 project.
14. Relationship with Derby University – providing mentoring for students/ judging the Skills Triathlon (which is a nationally recognized event). The University is one of our Gold Patrons and our meetings (when not remote) take place there.
15. Work within the community particularly with local schools. We work with E4E and provide help with school careers days etc. We run the Derby City Schools Debate Competition which is a huge success.
16. Wills and Deeds searches
17. Respond to enquiries from members of the public
18. Links to Derby Junior Lawyers

Follow Derby and District Law Society on your favourite social media platform Facebook LinkedIn Twitter or Instagram

Integrity Accounting and Forensic Solutions Ltd

Chartered Certified Accountants

Global Advisory Experts Annual Awards Winner – Boutique Forensic Accounting Firm of the Year in the UK 2020



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

EXPERT WITNESS INSTITUTE



La Grange, Chipshop,
Tavistock, Devon PL19 8NT

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.



Our products:



For more information:

t: 01342 890010
e: helpdesk@devassist.co.uk
w: www.devassist.co.uk

Council Member's Report



Michael Williams

The Law Society's AGM this year will be held virtually on Wed 14th October at 2.30 pm. All members are entitled to attend but you need to register your attendance via the website and will need your SRA registration no to do so. I have forwarded the link to your administrator Julia Saunders but you can easily go direct.

Apart from the usual formalities when Simon Davis will hand over as President to David Greene after a distinguished fifteen months (his term having been extended for three months because of the pandemic), there are two important motions for consideration.

The first relates to the composition of Council itself. I have been on the committee looking at this and insisting that a complete network of geographical members is essential so that all solicitors feel there is someone reasonably local they can get to know and who can stick up for them on Council. I am pleased to say that my view has been supported by Council members and the proposal that was passed gives 46 geographical

members which should do the job. I stuck out for 48 but was outvoted. Sadly this means that our seat in future will be shared with Nottinghamshire and I very much regret this but have admit that many other Council members have to cover greater distances and attend more Local Law Societies. Other similar changes have been made elsewhere. Feel free to vote against the proposal when it comes to be confirmed at the AGM.

The second motion is being proposed by the Junior Lawyers who want to limit the time one can spend on Council to 12 years. Council debated this before the pandemic and rejected the idea. The main reasons for rejection were:-

1. Corporate memory can be very useful especially in something like the Law Society where senior staff change fairly frequently.
2. Why shouldn't constituents vote for their choice of representative as long as they like? Everyone comes up for re-election every 4 years.
3. There is already a regular turnover of members so a rule of this kind is wholly unnecessary. I have analysed the figures from the current diary and out of the 95 members 53 have been on Council 5 years or less, and a further 15, 8 years or less.

So over 70% of present Council members have sat on Council for less than 9 years.

The 19 who have been Council members for more than 12 years are either Past Presidents (7 including current office holders) or extremely valuable contributors to our deliberations and the adoption of the proposed rule would leave the Law Society run by a very inexperienced group of people. It takes a good couple of years to get into the job.

I would urge as many of you as possible to attend the AGM and vote against the motion.

Whichever way it goes I expect a poll to be called for from the whole profession. I am one of many who think the cost of such a poll (apparently over £100k) is quite the worst way to be spending members' money especially during a pandemic when so many fear for their future.

Changing the subject completely I would urge you all to write to your MP to object to the government's proposal to break the terms of a treaty it signed only months ago. The Law Society has been prominent in expressing the view that the rule of law is not negotiable and that the credibility of the country is being sacrificed.

Michael Williams

Probate Sub Committee



Claire Rudkin

As I'm sure all Wills & Probate practitioners will agree, the last few months have been a challenge. March saw a huge demand for Wills from clients, by both those who were half-way through arranging one and those who had kept meaning to get around to it.

Initial instructions have in some cases had to be taken over the phone, by letter or by video, leading to many of us becoming experts on Teams/Skype/Zoom/Facetime/What's App!

Lockdown itself obviously came with its own difficulties in trying to help clients, with local firms taking a variety of measures to ensure clients affairs were put in order as far as possible.

From signings in gardens, car parks, and through windows, to meetings held in full PPE, practitioners have done their best to accommodate.

The introduction of emergency legislation in September to allow video signings, was welcomed by some, but we should look at this option only as a last resort. Cases of contentious probate have risen rapidly over the last few years and the difficulties we currently face will do nothing to stop this. Whilst video signings may seem like an expedient measure at present, we should not forget that as a witness to a Will signing, practitioners may be expected to provide evidence of the circumstances of the signing at a later date. A video is no substitute for a face to face meeting, and practitioners will know that much can be learned from a client's body language and non-verbal cues, and neither these nor evidence of the presence of others is so clear over video.

The increase in demand for Wills and the sobering increase in deaths as a result of coronavirus were both a challenge in

themselves, but alongside this, HMCTS chose this time to push ahead with major reform to the probate procedure.

Again Wills & Probate practitioners will be well aware of the difficulties caused over the last eighteen months by the centralisation program of the HMCTS probate service, with most local probate registries closing and a large part of the work being outsourced to bulk scanning companies, and the subsequent delays and errors this has generated.

Nevertheless in March the Probate Registry introduced a new set of forms for use by both the profession and for personal applications, replacing the Statement of Truth in solicitor applications. This resulted in many cases in removing some of the benefits of a professional application.

The idea behind this seems to have been to make professionals use the online portal introduced last year and HMCTS have now said that all solicitor's applications will have to be made through the portal.

The Law Society have been vociferous in requesting this is only made mandatory when the portal can deal with all types of application, as it can currently only deal with relatively straightforward cases, and even with those there have been a lot of teething problems. In some cases just logging on is an issue and applications frequently can appear to have disappeared, in addition the questions on the application itself are often not clear.

In one particularly frustrating instance an application had not been progressed because HMCTS had entered it on to their system twice, and on realising their mistake deleted one, which then showed as the application having been withdrawn.

This has led as you would expect to more delays, even though it was reported that fewer applications than usual were received during lockdown. This was put down to solicitors not being able to access original Wills, but this was not my experience with local firms seeming to be well able to rise to the challenge.

The incidences of delays, errors and problems arising from the new systems are multiple and varied, with not many signs of improvement yet. We have come

across Grant's issued in the wrong name, inexperienced staff on the phones, staff not being able to see all parts of the application submitted, to name a few.

Having said that, we do all need to try our hardest to make it work and I am aware HMCTS are working to resolve the difficulties and I have seen some grants and correspondence being issued at the weekend.

HMCTS have also updated some useful FAQs which are constantly being updated and it is worth reading those too. These don't seem to have been posted directly on to the internet, just emailed out to some practitioners, but if anyone would like a copy please contact me.

You can also enter a Caveat on the new portal and I have to say the procedure for entering that is incredibly quick and easy, so there are benefits.

In addition to the FAQs, HMCTS are also requesting (constructive!) feedback on the portal, so in all our interests any helpful comments or suggestions and explanations of problems encountered should be fed back to them at:
probatefeedback@Justice.gov.uk

For further information on how to apply online please use the following link: -
<https://www.gov.uk/guidance/hmcts-online-services-for-legal-professionals>

The portal does rely on you also having set up a payment by account (PBA) account first, rather than sending cheques in and once set up, this does make life a bit easier.

For further information on how to set up a PBA account (if your firm does not already have one for family and civil matters please use the following link: -
<https://www.gov.uk/government/publications/form-fee-account-application-form-fee-account-customer-application-form>

HMRC on the other hand seems to have responded to the current situation very quickly and effectively. They now no longer issue cheques, but simply sending your firm's bank details on letterheaded note paper and heading it "Repayment - Further Details" seems to have resulted in quicker refunds.

Continues over page

Family Law Sub-Committee Report



Fiona Apthorpe

1.1 Due to the Covid lockdown we have not had a meeting over the past few months but will be arranging a remote meeting hopefully before the end of October.

1.2 Court Delays

The delays in the Court system appear to be getting worse. There appears to be no consistent approach by the courts as to whether or not to hear matters remotely by telephone or by Teams for example or to bring the parties in for a face to face hearing. There are reports of some face

to face hearings now being listed but these have their challenges due to the limitations on the number of people who can physically be in the courtroom at any one time. There are equally virtually no real waiting facilities. The court is supposed to be moving to the new secure CV platform but we are not aware of this having been utilised locally as yet.

1.3 The EMDU has now permanently closed.

1.4 Database

A reminder that the Committee hold a list of family practitioners in the area which is a very useful method of communicating

information to family lawyers locally. Would everybody please check that members of their family team are included. If they are not, then please let Fiona have your email address. You do not have to be a member of Derby & District Law Society to be on the list.

1.5 Local Family Justice Board

The Derby Family Local Justice Council was originally set up in 2005. It was subsequently resurrected as the Local Family Justice Board. Many committee members are members of the Board and if you want to be on the LFJB's mailing list and be sent information about training events etc please contact Joanne.eton1@hmc.gsi.gov.uk.

Probate Sub Committee continued

Previously the IHT421 was sent to HMRC for them to receipt and return for us to then send it with the probate application. Now, HMRC email this direct to HMCTS, in many cases within two weeks of receipt, but a common source of frustration is the IHT421 not being matched up with the probate application.

I have suggested to HMRC we include the probate reference number in the correspondence sending the IHT421 to them, and they have said so long as we ask in the letter that they quote this reference when sending the IHT421 on, they will do so.

I have set out below a few pointers for the portal which I hope are useful:

1. Make sure you are using the right web browser to access the portal – this may mean swapping from your existing one to Chrome or Firefox

2. Keep a record of the reference number the

portal generates at the outset as ongoing applications sometimes appear to be “lost” but searching by reference number may be enough to locate the application.

3. Make sure you put the clients’ name or matter number on the reference as this will be the only way to match up fees on the PBA account

4. Ask HMRC to put to the Probate Registry reference on the email sending the IHT421 to the Probate Registry so there is the best chance of matching them up.

5. All applications sent in both by paper or online form need a coversheet – again I can’t find a link but have copy if anyone would like one.

Finally, a word about the banks. As many of you will have found, Nat West and RBS are both now requesting all bereavement correspondence go through their own online portals. Again, my experience of these, as with HMCTS, are that they are

very much a work in progress.

The banks are also continually releasing ever larger amounts of money without probate, often to solicitors on the strength of a death certificate and a request for date of death balances. The sky seems to be the limit at present with balances of over £100,000 being issued. I can see no benefit to the banks of doing so, and whilst it does mean in some cases funds are available earlier on in the administration of the estate, we are having increasing incidences of the funds being released to the wrong family members.

As a reminder, if this happens it is generally up to the banks to pursue the family member direct and they should pay out to the Executor again, but I have come across some banks who need some reminding of this!

Claire Rudkin
Derby & District Wills & Probate Committee



Derby Grammar School celebrates golden year

2020 and COVID-19 have provided unprecedented challenges to the UK schooling system, and may well go on to cause further disruption. The academic year 2019/2020 should have been a celebration at Derby Grammar School for their 25th year anniversary, but instead of hosting a plethora of events, the school was plunged into navigating one of the most challenging events the modern world has encountered. Thankfully, despite these challenges, Derby Grammar School is delighted to be celebrating a successful year.

Rather than celebrating a silver jubilee, they are instead celebrating a golden year, with outstanding GCSE and A Level results, as well as bringing the entire school community back together for a full reopening of school.

Derby Grammar School was fully prepared for the challenge of providing a remote teaching and learning system to ensure the continuity of education of all of their pupils. This system had to meet the educational needs from Reception to the Sixth Form; it had to challenge,

stimulate, and protect pupils against COVID-19 disruption. Staff are proud to say this was done successfully.

The remote learning platform they created replicated a normal school day. Morning registration with Tutors was the starting point each day followed by 40 minute lessons, delivered in an interactive way, in accordance with each pupil’s timetable.

For both Primary and Secondary, Google Classroom and Microsoft Teams were deployed. Class and homework was done through interactive GoogleDocs that enabled teachers to mark work even while the pupils were completing it, giving feedback in real-time.

DGS provided strong academic structure, pastoral care, and co-curricular enrichment, as well as wholeschool and House assemblies, and House competitions. Those who needed them were provided with Chromebooks in order to access the remote working from home, alongside providing technical support to parents and pupils as required.

The remote learning platform is ready to roll out should it be needed with any further lockdowns.

Now back in school, due to small class sizes and year groups, Derby Grammar has been able to restart all school experiences including assemblies, house competitions and co-curricular activities, ensuring appropriate social distancing between pupil bubbles.

Although they have been unable to hold conventional parents evenings, each department is contacting parents of each child to discuss their progress so far this term. Additionally, they have also already been able to hold a Virtual Open Day in September, and a Virtual Sixth Form Open Evening in October, with further open events planned for November.

Being a small and well resourced school has meant that Derby Grammar has been able to thrive in this new challenging environment, bringing teaching excellence, co curricular enrichment, and pupil encouragement.

PRIMARY | SENIOR | SIXTH FORM

VIRTUAL OPEN DAY

SATURDAY 14 NOVEMBER

Derbyshire’s leading independent day school for
boys aged 4 to 18 and girls aged 16 to 18

Excellence – Encouragement – Enrichment



**Derby
Grammar
School**

25 Bringing education to
life from 1995–2020.

Visit our website to
book your place
[derbygrammar.org/events](https://www.derbygrammar.org/events)
or contact us on
01332 523027
to book an appointment
to visit the school.

Working with Litigants in Person in Family & Civil Proceedings

FREE One Hour Live Webinar 9th November 2020 11.00am



Stuart Barlow

Litigants in Person (LIPs) are appearing more frequently in Civil and Family courts. This can sometimes be a challenging experience for lawyers and the court.

This live webinar will provide guidance on how to conduct a case involving an unrepresented opponent. It gives practical suggestions and help as well as setting out the rules before, during and after a court hearing. It will consider the position of the McKenzie Friend and pressure to reform the courts' approach to their role. The impact of Covid 19 on court hearings will be addressed.

This session will cover the following:

- Reasons why we have Litigants in Person
- Rules of Engagement
- Practical ideas in working with a Litigant in Person
- McKenzie Friends and the Judicial Consultation Response (2019)

- Costs issues in cases involving a Litigant in Person
- Case law
- Impact of Covid 19 Court hearings

The Speaker

Stuart Barlow is a solicitor and has over 40 years experience in Family Law and Court litigation. He conducts most of his own advocacy and has dealt with many cases involving litigants in person. He has practiced in the areas of civil, criminal and family law in South Wales and the East Midlands. He now specialises in family law. He is a member of the Law Society Children Panel and an Accredited Specialist in Private Children and Cohabitation with Resolution. Until January 2016 he was Chief Assessor of the Law Society Family Law Panel and an Adjudicator for the Legal Aid Agency. Stuart is also a former external examiner of the Nottingham Law School. He is the author of 'Rights of Grandparents in Children Proceedings' and 'A Practical Guide to Working with Litigants in Person and McKenzie Friends in Family Cases'. His most recent book 'Working with Litigant in Person & McKenzie Friends in Civil Proceedings' was published in September 2020.

Civil Law sub-committee



Oliver Maxwell

Following the success of the recent "virtual" civil users court group set up by DDLS' Oliver Maxwell and headed by HHJ Godsmark QC, Oliver is hoping to launch a dedicated DDLS civil users sub-committee in the New Year to provide networking, training and social opportunities to civil practitioners throughout the district. Oliver is a DDLS committee member and Senior Associate at Nelsons specialising in property litigation. Whereas targeted invites will follow, should you wish to express an interest in advance please contact Julia who can add you to the list.

Oliver Maxwell

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
12 Lant Street, London SE1 1QH

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

Video Witnessing of Wills A Welcome Step, But Only if Safeguards are Met



Rob Cope

This September, a Statutory Instrument (SI) was laid in the House of Commons, enabling changes in the way that Wills can be legally witnessed. The change follows an announcement from the Ministry of Justice earlier this Summer, which recognised the difficulty for those who were shielding from Covid-19 or self-isolating to follow the normal legalities of making a Will – namely it being witnessed by two people.

The new law allows the witnessing of a Will to be carried out through video. After the Will is signed by the Testator, it is then posted to the two witnesses to sign through video conferencing too. It applies to Wills made from 31 January 2020 – when the first coronavirus case was registered in the UK – and is expected to remain in place until January 2022. Remember A Charity – the 200 strong coalition of charities working to inspire legacy giving – has welcomed the change, providing that the right sufficient safeguards are in place. **Rob Cope**, director of Remember A Charity, says:

“With over 100 people across the UK leaving a gift to charity in their Will every day, charitable Will-writing is becoming increasingly popular and it’s all the more vital now while charities are facing critical funding shortages linked to the pandemic. Ultimately, the more accessible the UK Will-writing environment becomes, the easier it will be for people to leave a gift in their Will.”

Legacy giving is the largest single source of voluntary income, raising over £3 billion for charity annually. This income has enabled many charities to continue to offer services during the height of the pandemic, while so many other funding streams were closed or heavily reduced, including events like the London Marathon through to charity shops. The consortium highlights that even a small increase in the number of people leaving a gift could raise millions of urgently needed funding, helping to tackle the current funding threat to frontline services.

Remember A Charity stresses the importance of always having sufficient rigour and safeguards in place to protect the public and ensure their final wishes will be met.

Cope says: *“There are few that would argue with the fact that the process of Will-writing in the UK needs updating. At Remember A Charity, we see video witnessing as a significant and welcome step to make Will-writing more accessible in Covid times. However, we’re conscious too that this decision brings in new areas of risk when it comes to issues such as undue influence and fraud. So, in these initial stages at least, we’d view it as a last resort.”*

“In other words, this route is ideal for those that it was created for – those that can’t have their Wills witnessed in person as they are isolating or for other reasons. But it won’t be right for everybody.”

With inheritance disputes on the rise, it seems all the more important that people’s Wills are completed correctly, minimising the room for doubt or contention.

Cope adds: *“We’d encourage anyone writing a Will to seek professional guidance and support about the best route for them. A professionally written Will is invaluable, helping to ensure that people’s final wishes will be met, and that they can include all those things that truly matter to them; family, friends and good causes alike.”*

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.

He concludes: *“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.”*

Find out more at:
rememberacharity.org.uk

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

“A legacy to your local Wildlife Trust is a very special gift that can do remarkable things to help the wildlife treasures on your doorstep.”

Sir David Attenborough

We are protecting Derbyshire’s wildlife and wild spaces to ensure that future generations can continue to enjoy nature.

The last century has seen huge changes to the countryside and the loss of many traditional habitats. Wildlife that depended on these habitats has suffered, with many species in decline.

Leaving a gift in your will ensures that the wildlife you care so much about is protected well beyond your lifetime.



Derbyshire
Wildlife Trust



After providing for your loved ones, please remember the Derbyshire Wildlife Trust. When you are ready, we are here to talk.

01773 881188

enquiries@derbyshirewt.co.uk

www.derbyshirewildlifetrust.org.uk

Registered charity number: 222212

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
Visit: www.dbhc.org.uk

Making Lives Better



Redgate Farm Animal Sanctuary



Redgate Farm Animal Sanctuary was founded in August 1986 at Shaw Lane, Markfield, Leicestershire by the Redmile family.

All the Animals in the care of the Sanctuary need support, we have many cats, rabbits as well as some rodents who are all looking for their new forever homes. We also have ducks and chickens looking for kind new homes too. For our permanent, elderly and sick animals at the sanctuary, there are many ways in which you can help them. You can do this by becoming a **Friend of Redgate**, or **Sponsoring an animal**. If you feel you can help more, please contact the Sanctuary.

Why not **CALL US TODAY** to discuss leaving a gift in your will? A legacy could make a huge and lasting difference to the many animals in our sanctuary.

Tel: 01530 243 925
www.redgatefarmanimalsanctuary.co.uk

If our brain breaks down, we break down.

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

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

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

www.brainresearchuk.org.uk

BWB Charity Hub,
10 Queen Street Place,
London EC4R 1BE
020 7404 9982

Registered Charity no. 1137560. A company limited by guarantee. Registered in England no. 7345516.





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.



10 Facts about a Live-in Care Package from Able Community Care

1. Able Community Care has been providing Live-in Care Support for 40 years.
2. The service is available throughout mainland UK and The Channel Islands
3. We have enabled thousands of older and disabled people to remain living in their home of choice, their own.
4. All potential, Live-in Carers who wish to work through Able Community Care, must have a minimum of one year's professional experience before we consider their application.
5. Able Community Care writes for all references and telephone checks the validity of each reference received.
6. All Carers working through Able Community Care have an in-date DBS.
7. Live-in Carers update their training on an annual basis.
8. We also offer Home from Hospital Support, Holiday Care Companions and Respite Care. (Brochures are available)
9. Live-Care Packages from Able Community Care are reliable, praised and financially prudent.
10. Able Community Care is a family firm.



This is our office on the outskirts of Norwich.

CONTACT

T: 01603 764567, E: info@ablecommunitycare.com
or visit www.ablecommunitycare.com



When experts wreck your case



Chris Makin

In recent articles for this journal I have gone on at some length about inadequate “experts”, and the damage they can do to your carefully prepared case. Think of Prof Sir Roy Meadow, probably the most notorious example, the proponent of “Meadow’s Law” (one cot death is unfortunate, two are suspicious, three are murder) who pretended to be a statistician when giving evidence as a paediatrician in the murder trial of Sally Clark. She was convicted, won her second appeal, but then died of alcoholic poisoning – utterly tragic. Then we have *Van Oord Ltd & Anr -v- Allseas UK Ltd* in 2015, where Coulson J listed the **twelve** respects in which the expert had failed in his duty, including admitting that his opinions were no more than the assertions of his client, and – glory be! – admitting in oral evidence that he didn’t even agree with his own report.

More recently we have Andrew Ager, a favourite client of the CPS and a so-called expert on voluntary carbon credits (me neither) who disagreed with a world expert on the other side, who had written the leading textbooks (which Ager hadn’t read, although he had once watched a video on carbon credits) and who had no professional qualification, and couldn’t even remember how many A levels he had passed (if any?).

With all these cases, and some which I have come across as a member of the Investigation Committee at The Academy of Experts, the expert was quite inadequate with serious consequences for the client, the prosecution and for justice generally.

But what if it was the instructing solicitor who got it wrong? In a recent case, *Akebia Therapeutics Inc and Otsuka Pharmaceutical Co Ltd -v- Fibrogen Inc*, Arnold LJ sat as a high court judge because of the shortage of judges able to hear such very complex cases concerning medical research. And he was quite scathing of the instructing solicitors, stressing many times that it is the duty of the instructing solicitor, not just the expert, to know CPR 35 and the Practice Direction, and to ensure for example that the expert attaches their CV to their report (basic!), and that there is nothing in the published literature by an expert which contradicts the opinions they express in the present case.

So when things go wrong with expert evidence it isn’t always the fault of the expert. Much of what follows has actually happened, during my 30-year career as a forensic accountant and expert witness. Of course I started in the bad old days when Lord Woolf was developing his ideas for Access to Justice and the Civil Procedure Rules, and many of the disasters I describe wouldn’t happen now. Would they? If you need a primer on how NOT to manage your expert, read on!

Choosing your expert

You of course know all the technicalities of your case, inside out. You don’t need to share that with an expert; just sign them up and let them get on with it. So don’t waste your time reviewing CVs of experts who could add value to your case; you are far too important for such menial tasks. Give the job of finding an expert to the most junior lawyer or, better still, a trainee. They don’t need to check whether an “expert” has any expert witness training, such as being a member at The Academy of Experts. All they need to do is match the profession to the job, ask if the expert is available for the already-fixed trial (choose your expert as late as possible; it saves a lot of bother) and choose the cheapest of three. But don’t let your intended expert know enough about the job for them to do a properly costed fee quote; tell your trainee to get a tight quote from the expert, and hold them to it.

Letter of engagement

If your chosen expert is a member of a professional body, they will issue to you their letter of engagement, setting out what they have agreed to do for you and

what you must do to enable them to do the job. Examples: they must not unreasonably withdraw from the assignment, you must provide them with all the evidence they will need, and you must advise them of court dates etc.

Of course, you will be far too busy to read such twaddle, so you will not get around to countersigning it. An expert desperate for the work will not hold you to signing it, and you will not give any thought to the competence of the expert if he is so desperate for work that he is willing to work for you without any agreed terms.

Your instructions

You will be aware (because of course you know Part 35 inside out) that a letter of instruction is disclosable only if there is doubt about exactly what the instructions were. So don’t bother to issue a letter of instruction; any half-decent expert will be able to work out for himself what needs doing. So dump on him a full copy of your filing cabinet (preferably scanned, so that he has to spend half the night downloading and printing it all) and he’ll come up with the goods.

Selected evidence

Alternatively, it may be a good idea to prune the evidence, and send to your expert only those items which will help your client. Don’t bother that the expert will list the evidence he has seen, which will reveal the gaps in his knowledge, and which won’t match up with the list from the opposing expert’s report; you can trust your expert to talk his way out of that later.

Expert reports

Don’t trust your expert to express his unvarnished opinions. *Whitehouse -v- Jordan*, the *Ikarian Reefer* and CPR 35 are **wrong** when they say “*The report of the expert must be, and must be seen to be, the independent product of the expert, uninfluenced as to form or content by the exigencies of litigation.*” No! No! No! The expert’s report must say what you need it to say. So make sure you see it in final draft form before it is exchanged, and make sure the expert makes the amendments on which you insist.

Pausing there, in the bad old days before PDFs and the like, I once did an expert report which the solicitor wanted to “improve”. He had the whole thing

retyped, cut out my signature and pasted it into his/my new report, and exchanged it before I knew anything about it. Very naughty!

Expert meetings

The courts think that the purpose of expert meetings is to seek common ground. Don’t be fooled! Your aim must be to have your expert stress all your strong points and not be persuaded by anything the opposing expert has to say – though of course you will want to know what that expert has to say, so you can attack any strong points they have.

To be sure the meeting will go your way, have a long meeting with your expert just beforehand, and stress to him – time and time again – all the arguments you want him to make, and all those from the enemy which he must ignore. And make sure your expert understands that the Joint Statement must include all the strong points which you hope will help your client to win.

Dates

In his management of the case, a judge will set down dates by which certain things must be done. Some of these affect your expert: exchange of reports, meetings of experts, hearing dates etc. Of course you will be far too busy to inform your expert of any of these dates, and of course he will be pleased to cancel appointments, holidays, court appearances on other cases... Yours is the only game in town, isn’t it?

Oral evidence

You will be banking on your case being settled at mediation or a Part 36 offer, but regrettably some do run the whole way to a court hearing. This is dangerous; your expert will have to give answers which you can’t control. You will just have to pray he sticks to the story you have hammered in to him. And if it goes wrong, you can always blame your expert. That’s what they are for, isn’t it?

That’s the end of the lesson. With a bit of luck, you won’t pay attention to any of it!

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
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.

Mediated disputes in:	Civil and criminal experience as expert for over 20 years in:
<ul style="list-style-type: none">PartnershipsShare ValuationsCompany Sale & PurchaseProfessional FeesRights of Way & BoundariesConstructionIntellectual PropertyProfessional NegligenceBusiness InterruptionDefamationHousing DisrepairVery Expensive Motor CarsEmploymentContractual FailingsInheritance Act and ToLATAs	<ul style="list-style-type: none">Loss of Profit and Consequential LossBusiness & Share ValuationsMatrimonial ValuationsPartnership & Director DisputesProfessional NegligenceCriminal & Commercial Fraud InvestigationsPersonal Injury & Fatal AccidentDrug Trafficking etc. Asset Tracing & ConfiscationSection 994 DisputesDirector DisqualificationExpert Determinations

N Christopher Makin FCA FCMI FAE QDR MCI Arb
Call for a **FREE** initial discussion without obligation
01924 495888 or **07887 660072**
www.chrismakin.co.uk

ELISABETH BRIGGS MNatSc, MSc, MCSFS
Questioned Document Examiner
Expert examination of disputed handwriting, signatures and documents

Forensic handwriting, signature and document examination undertaken by an experienced expert witness with more than 15 years' experience of criminal and civil casework. I am based in the West Midlands but will accept work from all areas of the UK and further afield.

Instructions are accepted from solicitors, companies and other organisations. Instructions funded by Legal Aid may also be accepted.

My service comprises:

- Free initial advice to assess suitability of documents
- Professional document examination
- Peer-review of findings by another experienced expert
- Court-compliant reports
- Presentation of expert evidence at court

Tel: 07486 545715
E: info@qdexaminer.co.uk
www.qdexaminer.co.uk

Let's Hope the cat doesn't run over the keyboards!

The Expert Witness Institute Virtual Conference 2020

Friday, 18th September 2020



An appreciation by **Phillip Taylor MBE**, Richmond Green Chambers

The strange times we live in throw up inventive new ways to conduct our legal business: working from home (WFH). None more so than attending the Expert Witness Institute (EWI) Annual Conference for 2020 held remotely for the first time. And it was a great success with first class speeches, panel discussions and "breakout sessions".



Amanda Stevens, the Conference Chair, began these historic proceedings almost as though they were a regular occurrence. It was a busy and detailed programme aiming as always to cater for current issues which experts face. Predominant is the mystique surrounding "virtual" or "remote" hearings which seem now to be a regular fixture for future litigation.



We heard first from **Lord Kerr** in one of his last remaining duties as a Supreme Court Justice giving the keynote address. Brian Kerr was the last of the Lords of Appeal in Ordinary and he holds a life peerage enabling him to remain in the House of Lords on retirement.

His reflections on the legal changes he has seen were fascinating, bridging the gap between the Lords as an appellate committee, to the emerging UKSC. And the remote system for the keynote speech worked well.

The morning sessions covered what will probably be the most useful for the comments and observations on how we will now use virtual meetings, hearings, and trials for the foreseeable future. The chair of the Bar Council for 2020, **Amanda Pinto QC**, and the vice-chair of the Personal Injuries Bar Association, **Sarah Crowther**



QC, opened an interactive session on "Covid-19: How the Pandemic shaped the role of technology in the courts". There was so much commonsense advice on display that it is worth watching any of the available conference videos to catch the suggestions.

Probably the most important points which participants will take with them include the need for more than one computer when you undertake remote work. That is because you need one screen for the hearing itself, either via the Cloud Video Platform (CVP) for similar systems such as zoom, skype or teams. You then need a separate screen for the trial bundle which you cannot turn, or cross refer to in quite the same way as the paper version. Finally, always have a mobile phone as (sadly) it is common for one party or another to lose a connection during the hearing.

To reinforce Pinto and Crowther, we were given "lessons from the courts- a panel discussion" chaired by **Dr Penny Cooper**, with **Alexander Hutton QC**, **Mrs Justice McGowan**, and **HHJ Nigel Lickley QC** from the Old Bailey. Readers will notice how top heavy the conference was with barristers so far. However, they proved the justification of their invitations with some great forensic tips for our new remote age. And at no stage did any of their cats run over the keyboards of their PCs to disrupt proceedings! Apart from animals or others contributing to virtual chats, there was also the recurring comments on the appropriateness (or otherwise) of the backgrounds- books rather than beds being the favoured option.

Networking and exhibitor sessions were useful dividers between the formal discussions. We were lucky to have contributions from *Bond Solon*, *Redwood Collections*, and the *New Law Journal*. The afternoon breakout sessions covered the more "bread and butter" sessions which I am sure the participants found useful for their professional updates, including these areas: improving practice in inquests; in arbitration; and post-Brexit. The final panel session brought back Penny Cooper for a discussion on "Lawyers and Experts: bringing together Experts and Instructing Parties" with contributions from **Duncan Hughes-Phillips**, **Frank Hughes**, **Jennifer Jones**, and **Robert Clayton**.



We missed EWI chair, **Martin Spencer**, this year although his welcome note was spot on- little did we know how appropriate the conference theme "bridging the gap" might be! We did end the conference knowing how we could improve our practice and develop our skills to make us fit for the future as lawyers and experts. And I think we all now know what to expect for the 2021 and that the next Conference, whether it is virtual or attended, will always remain professionally rewarding for everyone.

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
www.expertwitnesspathologist.co.uk

EPC
EAST PARK COMMUNICATIONS

FINDING YOUR VOICE IN DIGITAL AND PRINT MEDIA

www.eastparkcommunications.co.uk

CHANTRY COSTS was established in 2012 by Lynsie Whyke to offer clients a more efficient service, combining the latest technology, with a friendly, accessible approach.

We offer a comprehensive legal costs service, delivered by an experienced cost lawyer at a competitive price.

We're here to save you time and money and maximise cost recovery.

What we do

- Costs recovery
- Costs drafting services
- Costs budget and costs management
- Negotiation
- Paying party
- Advocacy
- Detailed assessment hearings
- Costs and case management conferences
- Telephone hearings
- Joint settlement meetings

T: 01709 361489
E: enquiries@chantrycosts.co.uk
www.chantrycosts.co.uk

Lynsie Whyke

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

Registered with **FUNDRAISING REGULATOR**
www.painrelieffoundation.org.uk
Registered Charity No. 1156227



Expert property searches

Feel the benefits when you work with us

Call
0115 971 3550

Online
www.severntrentsearches.com/benefits

Email
enquiries@severntrentsearches.com



(Don't sign here)

With our innovative smart forms, you just need to click – no handwritten signature necessary.

Handwritten signatures are so yester-century. That's why we've built electronic signature technology into all our smart forms. Which means no printing or postage necessary. Once the online form is completed, your client simply clicks the signature box and hits send, avoiding time-consuming mistakes. It's fast, easy, secure and entirely paperless. You can even monitor their progress and nudge them along. Request a demo and discover how to put the 'auto' in autograph for you and your clients. **After all, the experience is everything.**

Visit www.infotrack.co.uk/dontsign or call us on **0207 186 8090** to book a free demonstration.



Geodesys offers free of charge SDLT service as the market bounces back

As the property market resumes following the gradual lifting of lockdown measures, figures from HM Revenue and Customs have shown that property sales rose by and incredible 15.6% in August accompanied by a significant increase in house prices⁽¹⁾.



- Pre-populates the forms based on the information already stored in the Geodesys case file, alleviating the need for duplication when completing the AP1 form
- Information is validated before submission to HMRC. This allows you to correct any human errors which would result in rejection.
- Instant SDLT5 certification – no long turnaround times
- Has a comprehensive GDPR toolkit allowing you to search, edit, export and mark to delete your client's personal data
- Drafts can be saved at any time - no need to complete in one go
- No training is required, and the submission can be made directly and securely from the Geodesys platform.

Although experts are predicting that the boom is not sustainable, current sales are also being boosted by the Stamp Duty holiday introduced by the Chancellor in July. This sees the stamp duty threshold increased to £500,000 until the end of March 2021. Although first time buyers were already exempt from SDLT on property purchases up to £300,000, the recent additional reduction of SDLT, has been designed to stimulate the overall market and is certainly playing a role in supporting house sales.

Johnny Davey, Conveyancing Product Manager from Geodesys commented: *"We are delighted that the property market is seeing considerable growth at the moment, following the substantial pause during lockdown. Thanks to our technology-based service, we as an organisation have been able to continue with business as usual throughout and we have a full customer services team in place to support clients."*

"Now that the market bouncing back so rapidly, we are delighted to offer a little something back to our dedicated customers by offering our efficient SDLT service free of charge."

The SDLT service is just one of a number of tools Geodesys offers to provide a seamless and compliant ordering process for property searches. To find out more about our SDLT and our full range of conveyancing services, please visit www.geodesys.com or email Kay Toon, our Key Account Manager at kay.toon@geodesys.com.

Notes:

- (1) *The Times*, 23 September 2020
- (2) Free of charge SDLT offer ends 31/03/2021.



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.



Call 0800 085 8050 Email customer.services@geodesys.com

www.geodesys.com

Software swap guide: four tips to protecting your data

The COVID-19 lockdown has forced all of us to be more reliant on technology and embrace working from home. But many legacy IT infrastructures are ill-suited or too outdated to handle all the demands of remote working. Cloud-based software is the solution, but where to start?

Read on for four important considerations before making the software switch:

1. GETTING YOUR DATA BACK – IT'S YOUR RIGHT

Lots of variables should be considered before you commit to upgrading or swapping software. Not least your data; of which you store vast quantities. Your law practice stores a plethora of important documentation, such as contact, identity, matter and financial – all of which must be handled carefully.

Unfortunately, some providers make it as difficult as possible for clients to migrate their data. And yet, this data is not theirs to hold - it belongs to you. This is unethical as well as being the worst type of client retention strategy there is!

You don't want this to happen to you, especially if you discover the truth about locked data at the time you wish to leave. You shouldn't be denied access to your own property and your supplier has a duty to act as the custodian, not owner, of your data. Enquire about assistance with data extraction upfront.

It's not unreasonable to pay a fee for the service of delivering your data but it should be timely.

Additionally, once the migration has taken place, your supplier should delete your data from their stores otherwise both parties (you and your supplier) will fall foul of data protection rules; the Data Protection Act 2018 and GDPR amongst them.

2. RIGOROUSLY SAFEGUARD YOUR DATA

With the onset of stricter data protection rules and existing regulatory obligations comes more onerous duties. Heavier too are the fines imposed for non-compliance - both parties could be blamed for any data breach. Glance at legal news headlines and you'll see that leaked data can and does happen.

Your software supplier must follow the right procedures in safeguarding your valuable data. Check for accreditations which evidence sufficient cyber security standards; primarily ISO and Cyber Essentials certification.

Reputable organisations undergo rigorous annual re-certification processes in order to gain these quality marks, so make sure your new supplier carries these endorsements.

As standard, your supplier's security protocol should include at least the following measures:

- password access
- SSL encryption
- firewalls
- penetration testing
- system monitoring
- replication
- physical security measures
- other industrial-strength security protocols
- robust BCDR plans for further reinforcement

3. NEGOTIATE THE BEST POSSIBLE CONTRACT TERMS

We've already covered data export but what about your overall exit strategy? Don't be rushed into signing contracts without poring over this legally binding agreement. It's the small print that often causes problems. If your supplier is forcefully requesting your signature and you feel pressured to commit against your will, alarm bells should be ringing.

4. ENSURE LEGAL SOFTWARE SUPPLIERS ASSOCIATION (LSSA) MEMBERSHIP

The LSSA is the UK body for legal software developers and vendors whose aim is to set and maintain professional standards within the sector.

The LSSA's sets out recommendations relating to data conversion such

as extracting data in an industry-standard format within a reasonable timeframe, exporting associated case-related documents, generating reports on current data, supporting trial conversions through mutual supplier cooperation, transforming data to accommodate subtle differences between databases and checking data integrity once converted with any requisite correctional activity.

8 things to consider before signing a contract

Before making the switch to another software provider, it's always important to read the terms and conditions. Consult this handy checklist of key clauses before putting pen to paper.

- 1 Service level agreements (SLA)**
 - What can you expect in terms of quality of service from the vendor?
 - What remedies are you entitled to if that service level is not maintained?
- 2 Server uptime guarantees**
 - Downtime costs you money so does your host offer a near-40-100% server uptime guarantee? You want to make sure the server is reliable.
- 3 Technical helpdesk support**
 - Will you be locked after by this new vendor, with first and second-line support backing to solve any technical hiccups that may arise?
- 4 Annual price increases**
 - Is your software house building hidden price increases into complex licensing models?
- 5 Escrow agreement and insurance cover**
 - What if the worst was to happen to your software provider? Would you still have access to the software or would a new vendor hold you ransom? An escrow agreement between you, the escrow agent and your chosen software supplier helps to mitigate this risk.
- 6 Training options**
 - How easy is the software to use?
 - Are there helpful user guides, instructor-led e-learning and training courses available?
- 7 Hidden charges**
 - Is there a minimum price point and what fees will be added over and above the basic?
 - Can you reduce user numbers without penalty?
- 8 Contract commencement and renewal dates**
 - What is your notice period and when can it be given in your contract cycle?

QUILL accountable to you

For more information, contact us at hello@quill.co.uk

LSSA membership is confirmation that you'll be well looked after at all stages of the customer lifecycle from acquisition to termination. Suppliers not adhering to the LSSA's standards stand to lose their LSSA accreditation completely. You should apply extreme caution when dealing with companies whose reputation is questionable.

Summary:

Hopefully our tips will help you easily and painlessly switch to another supplier. Remember that you are responsible for safeguarding your data and the best way to do this is to find a reputable and trustworthy software vendor right at the outset. Use this guide as a starting point, supplement with other pressing questions of your own and you should be well on your way to putting into place your optimal IT set up to cope with COVID challenges and into the future.



Julian Bryan is the Managing Director of Quill, which helps law firms streamline and run their practice better by providing simple and easy to use legal accounting and case management software, as well as outsourced legal cashing services. Julian has been an advocate for quality software standards and served as the Chair of the Legal Software Suppliers Association from 2016 to 2019. He can be reached at j.bryan@quill.co.uk.

Quill's business continuity assured software & services

TIME RECORDING
Stopwatches for desktop & mobile

AML CHECKING
AML searches during client set-up

CENTRAL DATABASE
Safe repository of contacts & matters

MS INTEGRATION
Close links to Word, Outlook & Excel

PAYMENT PROTECTION
Sort code & bank account validation

SOFTWARE APP
Progress matters whilst on-the-go

24/7 SUPPORT
Monitoring around the clock

SECURITY ASSURANCE
ISO 27001 & Cyber Essentials certified

OUTSOURCED CASHIERING
Always-available model

DICTION APP
Dictate documents on your smartphone

ADD-ON SYSTEMS
Forms & document bundling

ACCOUNTS MODULE
Fully compliant accounting

REAL-TIME REPORTING
Pre-defined & bespoke reports

PERSONALISED DASHBOARD
WIP & KPIs at your fingertips

AFFORDABLE FEES
Avoid heavy upfront CapEx

Strengthen your BCDR plan
Just choose Quill



0161 236 2910 | info@quill.co.uk | quill.co.uk

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



Manage your
matters **wherever**
you are

 **LEAP**