



the Messenger

North West Law

In association with

It's your move Mr Gove!

Oliver Gardner of Howards Solicitors and a committee member of the CLSA reports on the action being taken by criminal lawyers in Manchester ...

I am aware that this article will not get to print until a week or so at least after I have written it and things may well have changed markedly in the meantime. However, and notwithstanding that, what criminal lawyers across the Country have done and continue to do in response to the Government's latest attack on the profession and access to justice is unprecedented.

In a direct response to the Lord Chancellor's announcement that the rates payable in criminal legal aid cases would be cut yet again on the 1st July 2015 by 8.75% Lawyers everywhere have been indiscriminately refusing all new work that would fall to be paid under the new rates.

The consequence has been that Police stations and courts everywhere, more so in the bigger cities where

the courts are so much busier, have all but ground to a halt.

In order to put this into some sort of context and to understand the seemingly extreme reaction by lawyers, the history and development of the provision of legal aid services must first be understood:

For 20 years there has been no increase in the rates payable for publicly funded criminal defence work. In fact, on the contrary and following the gradual introduction of fixed fees across the board for all aspects of work a subtle decrease has been implemented.

The Government has announced its intention to force through the ill-fated Two Tier Duty contract system (TT), a system designed to reduce the number of providers from circa 1600 to

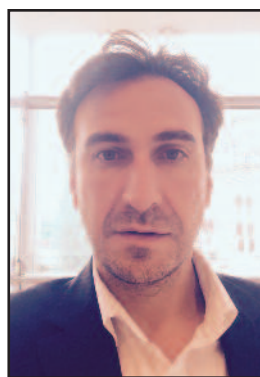
less than 400. Only firms awarded the new contracts will be eligible for duty solicitor slots. A duty solicitor slot is the life line of many firms, as it ensures continued new work, hence any firm not awarded such a contract will eventually fail for a lack of new business. This is not drama, this is fact, nationally, on average approximately 40% of people arrested opt for a duty solicitor rather than a firm of choice.

The rationale is of course that fewer firms will benefit from greater volumes of work which can therefore be undertaken at a lower price. I will not bore with you with the details but it isn't that simple in criminal defence work when one takes into account the personnel required to attend police stations and courts without notice over what will be (under the new contracts) a much larger geographical area.

Having said that, the volumes of work are falling and it will no doubt be for individual firms to decide whether to apply, but personally, I dislike the notion of forced market consolidation over a more natural, organic one that is driven by free market forces.

Unsurprisingly therefore when this announcement about forced market consolidation was made, cuts saving £220 million were also announced. Lawyers would see a 17.5% reduction applied across the board to their fees although it would be staged, a first cut of 8.75% in March 2014 followed by a second 8.75% cut, which after discussions with the previous Lord Chancellor, was deferred until after there had been considerable consolidation of the market and pending a further market impact review.

It therefore came as a huge surprise when the new Lord



Oliver Gardner

Chancellor announced several weeks after taking his post that he will, with immediate effect, bring in the second of the two staged cuts. The market is yet to experience the intended consolidation and there has certainly been no formal review.

Lawyers around the Country, realising that that they could trim no more fat, realising that they can no longer undertake the work at the required level on the rates payable and remain profitable immediately started to refuse work under the new rates.

As I write this article we are well into the third week of this action and there is no let up by lawyers in sight. The strength of feeling and the significance of this action cannot be understated, criminal lawyers have refused all new work for the last 3 weeks, that means no income stream, no new business and for most, no profit. These very same lawyers have chosen to literally lose money rather than partake in a system that provides justice for the very few who can afford it over a sub-standard, fast food style service for the rest.

Last week in Manchester, we held a rally in Crown Square, it was attended by the Bar and solicitors alike. Bill Waddington, Chair of the CLSA and Zoe Gascoyne soon to be Vice Chair addressed the crowds. They told attendees of the need to confront these reforms for the sake of the wider jus-

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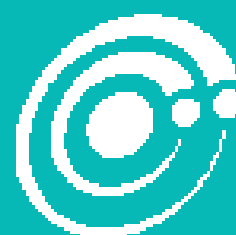
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From the President

At the time of writing this month's column the legal aid lawyers find themselves in an unprecedented position. As of the first of July the Lord Chancellor brought in the second of the 8.75% cuts to criminal legal aid with two tier looming in the New Year and yet further cuts to litigators' fees to be introduced in the New Year. Criminal Practitioners from all across Greater Manchester met on the 29th June and almost without exception agreed to accept no new client work from the first of July and whilst continuing to comply with the current duty solicitor contracts this was to be on a strict interpretation of the regulations. Despite the assertions to the contrary made by the MOJ this has caused disruption not only in Manchester but also Liverpool, Birmingham and other areas. The Duty Solicitor Call Centre has been unable to deal with the number of calls they have had to make in an attempt to deploy cases – in one instance 89 calls were made before a solicitor could be found to accept a case; defendants have been unrepresented in the magis-

trates' court forcing them to make their own applications for bail and cases have been sent to the Crown Court without representation. As a profession which has always ensured that the vulnerable are protected it has been extremely hard to turn away clients we have represented for many years and to be unable to assist at court. This however highlights the depths to which the profession feels it has been pushed. The future is uncertain but the MOJ can be left in no doubt (even if they won't publicly admit it) that this action has had an effect upon access to justice and the smooth running of the police stations and courts. The Bar have now confirmed their support through the agreement to implement the "no-returns" policy which will have a further significant effect in the Crown Court. This is a huge boost to the campaign and hopefully will persuade Mr Gove to the table.

Without the time and effort organising and co-ordinating the action which has been given by Oliver Gardner, Kerry Morgan and

Patrick Harris this would not have been possible – thank you to you all. The position may well have changed by the time this month's Messenger is printed – fingers crossed.

This month Mrs Eccles-Bech has kept me very busy; my globe trotting around the Northwest to meet with our MLS Advantage Partners has taken me to visit both Converge TS and ETSOS. Nigel, Aaron and Dean from Converge made me very welcome; they highlighted problems which can arise from operating a server based computer system as opposed to operating through a cloud – it would seem that Burton Copeland have experienced all of the issues – the air conditioning unit leaked and crashed the server one weekend, the downloading of bulk files completely froze the case management system and allowing emails to build up affects the proper running of the communication system. Nigel has asked if he can use me as a case study! Since that meeting Aaron Naisbitt has visited Burton Copeland with a view to reviewing our

requirements – thank you Aaron.

It was a lovely sunny day when I went to Lancaster and met with Phil Natusch and David Opie of ETSOS – Fran had told them I didn't need the red carpet treatment but they kindly ignored her and treated me royally. They have expanded steadily since their inception in 2010 and are helping conveyancing firms to grow their volumes. Phil's partner at the time of my visit was expecting a baby at any moment – I hope all went well and that mother and baby are well.

Along with our National Council Members, Steve and Nigel, I attended the Law Society Council dinner which saw the outgoing President give his farewell address to those gathered. This was an opportunity to speak with the incoming President Jonathon Smithers regarding the position of legal aid lawyers and how the Society could assist. We all know the position taken publicly by the Society however they need details of what is happening on the ground so



Louise Straw

please forward any "case studies" which you think are appropriate.

Finally on a lighter note, the new hens arrived – Gertrude and Freda. Both are laying "double yolked eggs" and so as a reward I thought they deserved a treat!



OK I may have lost the plot but is it any surprise!

Louise Straw
President



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News from Bridge Street

Calling all Chancery Lawyers

Mr Justice Norris, Vice Chancellor of the County Palatine of Lancaster has issued the guidance in respect of the following:

1. Guidance for Chancery District Judges concerning the grant of injunctions and other interim relief
<http://www.manchesterlawsociety.org.uk/2015/07/14/guidance-for-chancery-district-judges-concerning-the-grant-of-injunctions-and-other-interim-relief/>
2. Guidance concerning the type of claims which are suitable for trial by a district judge
<http://www.manchesterlawsociety.org.uk/2015/07/14/guidance-concerning-the-type-of-claims-which-are-suitable-for-trial-by-a-district-judge/>

and

3. Chancery orders in Chancery District Registries
<http://www.manchesterlawsociety.org.uk/2015/07/14/chancery-orders-in-chancery-district-registries/>

All guidance notes can be found at the web site addresses above or on the news section of the Manchester Law Society web site – www.manchesterlawsociety.org.uk

Manchester Law Society Employment Law Committee

Are you interested in joining the Manchester Law Society Employment Committee? The Committee re-launched this spring with a new format to promote educational debate on hot topics in Employment Law. Our latest lunch time meeting took place on Wednesday 8 July 2015. The event was kindly hosted by Weightmans at their offices on King Street, who provided a fantastic lunch time feast for the attendees.

The meeting was attended by a great selection of employment practitioners from Eversheds, Slater & Gordon, Weightmans, HRC law, Laytons and Exchange Chambers, amongst others. The topic for debate was the thorny issue of holiday pay, commission and overtime and James Hurd of 9 St John Street lead the discussion. "Chatham House" rules over the debate so some interesting views were expressed.

The Committee also discussed feedback from the recent meeting of the Employment Tribunal Users Group and are looking forward to the Employment Law Conference on 8 October 2015 – a date for your diary!

Our next meeting is scheduled to take place at lunch time on 16th September 2015 at Squire Patton Boggs. All employment practitioners are very welcome and we would love to see you there. If you were interested in attending or would like any further information about the committee then please contact Hollie Hirst at the Manchester Law Society – holliehirst@manchesterlawsociety.org.uk.

Clare Parkinson
Slater and Gordon (UK) LLP
& Manchester Law Society Employment Law Committee member

Continued from front cover...

tice system and they reported on the action and its impact in other areas across the country.

Jaime Hamilton, barrister, explained how the fight must go on and confirmed what many solicitors already know, which is that the rank and file at the Bar wholly support our cause and will join the action.

The day following the Rally saw the result of a ballot held for members of the criminal bar in which voted to take action including adopting a policy of No returns and refusing new work after the 1st July.

Further, the next day, a meeting of the practitioner groups including the Criminal Bar resulted in the issue

of a joint statement confirming the intention to support each other and confront the Ministry of Justice together.

As I type, solicitors around the country are talking of increasing the action of inaction as it may be better termed. We have thus far held, hoping Mr. Gove will come to the table and discuss our concerns. He remains as committed to cuts as ever but for how much longer.

The Criminal Bar has, despite the ballot already starting refusing new work and adopting No returns, in fact Manchester barristers unanimously agreed to do so some time ago. Accordingly, the Crown Court is already experiencing

breakdown with many defendants appearing unrepresented and cases having to be adjourned for a long time due to the availability of counsel.

When solicitors start refusing duty solicitor work, the courts and police stations will grind to a halt, the system will crash, Gove will panic and he will be unable to turn to the Bar for their help because for the first in a long time, our demands are the same!

Mr Gove, it's your move!

Oliver Gardner
Howard Solicitors
Committee member of the CLSA

In conjunction with "Management Matters" Management Conference

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Non Members £150.00 + VAT (£180.00)

The conference for managing partners, senior partners, rain-makers and staff line managers for Business Development, Finance and IT

More than ever law firms face the challenges of becoming businesses to survive and thrive. Strategy, planning and accountabilities rather than token responsibility is essential.

This conference is designed to address many of the key issues in a pragmatic way so with the right commitment and desire delegates can make extremely good use of its content in moving their firm forward. We have much less to fear and much more to gain by getting management basics right.

Conference Chair – Chris Bull

Conference Programme

- 09:00 Registration, Networking, Exhibition**
- 09:30 Welcome and Introductions**
Introduction of the chairman and some indicators
Fran Eccles-Bech, Chief Executive, Manchester Law Society
- 09:40 Chairman's Address**
Key messages for the day
Chris Bull, Executive Director, Kingsmead Square
- 09:50 Business Management and Leadership**
 - Essentials of a strategy
 - Business Planning
 - Delegation and Accountability
 - Ownership and Reporting
 - Leadership
 - Succession Plans

Chris Bull, Executive Director, Kingsmead Square
Rob Elvin, Partner, Squire Patton Boggs
Sarah Taylor, Director of Training, Optimality
- 11:20 Networking refreshments and exhibition**
- 11:40 The New IT – The Profit Generator**
Infrastructure
 - Compliance
 - Agile working;
 - o Retention, effective staff use profitability
 - o Office space cost savings
 - BC & DR & Security – winning and retaining business

Richard Hodgkinson, Chief Technology Officer, DWF
Scott Harding, Partner, Poole Alcock

Applications

 - Business process – efficiency, division of labour, delivery

Joanna Kingston Davies, Chief Executive, Lees
- 12:30 Networking lunch and exhibition**
- 13:30 Working Capital & Cash**
 - Where are so many getting it wrong
 - The implications
 - The way out and recovery

Viv Williams, Chief Executive Officer, 360 Legal Group
Joe McGrath, Branch Manager, Manchester Spinningfields Branch, Handelsbanken
- 14:30 Networking refreshments and exhibition**
- 15:00 Business Development**
 - The firms strategy
 - Differentiation – new business, client development and retention
 - Selling more to the user base
 - Realism about CRM solutions
 - Product marketing plans, marketing plans

Simon McCrum, Managing Partner, Darbys and Partner & Head Purple Legal Network
Doug Hargrove, Chief Executive Officer, Advanced Legal
- 16:00 The Client and Prospect Experience**
 - Processes
 - Enquiry Conversions
 - Information
 - Culture and respect
- 16:45 Chair's closing remarks**
Chris Bull, Executive Director, Kingsmead Square
- 17:00 Conference Close**

Please note the conference programme is subject to change

Regulatory Affairs Committee Update

July marks the anniversary of equal voting rights being granted to women. The momentous occasion took place in 1928 and it seems hard to believe that such an important political shift is still less than 100 years old. Why do I raise this now? Because I'm a raging feminist of course! Only joking; it's because, for lawyers, July 2015 is a significant month in that they have seen it necessary to stand united against the legal aid cuts in a protest that is slowly but surely escalating to such an extent that even those who do not conduct any criminal defence work are starting to sit up and pay attention. It is certainly a tragic time for both the profession and the general public when access to justice is measured by the colour of money.

In the meantime the rest of the news is as follows:

The budget – how might it affect your firm?

The first majority conservative budget in 19 years was unveiled last month and although welfare cuts will dominate the headlines, there are a plethora of other changes which could impact on law firms. Below I briefly explain five changes:

- Insurance premium tax is rising from 6% to 9.5% from 1 November 2015 – in a soft insurance market, would it be worth considering an 18- or 24-month PII policy with your broker?
- Review of regulation of claims management companies (CMCs) – any changes will potentially affect personal injury lawyers who deal with CMCs
- Tax avoidance and evasion – HMRC has been allo-

cated a further £800m and it could be used to investigate further the use of LLPs and other structures designed to minimise tax liabilities.

- Corporation tax: restriction of relief for goodwill amortisation – this removes a key benefit of acquiring the assets of a business instead of its shares and will apply to acquisitions made on or after 8 July 2015. This may be relevant if you are seeking to acquire a law firm or another business.

- Inheritance tax changes – an additional nil rate band will be introduced from 2017, as well as changes affecting property held by foreign domiciled persons. Ensure your private client teams are familiar with the changes and advise clients accordingly!

All quiet on the referral fee front?

Despite the panic that accompanied the introduction of the referral fee ban, and a few harsh words from the SRA, things seem to have settled down in the PI Claimant market. Recently the SRA conceded that as there was no such thing as the "spirit of LASPO" then it could not enforce said spirit. So, business as usual? Nothing to see here? Well – possibly not that simple. There are rumours that the SRA and FCA are looking at the ATE market with a view to pursuing potential mis-selling issues. Do not press the panic button. It is just a rumour at present but it might make sense for COLPs to revisit their arrangements in respect of ATE provision. Is your ATE provider dictated by your source of work? Do you use more than one ATE provider? If so, is there a

difference in premium? If there is a difference in premiums could you justify one client paying more than another if the SRA queried it?

Consumer credit confusion continues....

Law firms specialising in debt collection heaved a collective sigh of relief back in the spring when the new Financial Services and Markets Act 2000 (Miscellaneous Provisions) Order 2015 (SI 2015/853) came into force. The amendments restored a bit of common sense so that firms carrying out pre-issue work before litigating no longer need to be FCA-authorised. Then the SRA, thank goodness, decided not to spit its dummy out after all and agreed that it will continue to be a designated professional body for the purposes of the Part 20 exemption which is the "get out of jail free card" for lawyers skirting around the edges of FCA territory. Now the SRA is consulting as to how the Part 20 exemption is going to work moving forward and what is/is not going to be covered. The consultation stays open until the 7th August 2014; please let me know if you have any comments which you wish to submit via MLS.

New practice notes

The Law Society has released the following new practice notes:

- Meeting the need of vulnerable clients sets out best practice when dealing with those who may lack capacity, be subject to duress/undue influence or require enhanced support in some other way.
- Information on letterheads, emails and websites

requires no introduction from me as it does exactly what it says.

- Outcomes focused regulation: overview is an update to the note first released in 2011 and, given that we are now on Version 14 of the Handbook, it probably needed a refresh.

And finally.....

Despite the Legal Services Board rejecting the SRA's proposal to slash the minimal level of professional indemnity cover, the SRA has re-opened the debate by launching a new consultation. The consultation will remain open until 16th September so it is unlikely

that any decisions taken as a result of feedback will have an impact on renewal this time round. The focus on the paper is to invite views on the various options for reforming professional indemnity cover and the compensation fund. As this is something that will affect each and every law firm regardless of specialism I encourage anyone who is interested to get in contact with me by email on compli@weightmans.com so that we can pull together a joint response.

Right, I'm going to burn my bra in the Manchester sunshine now – see you next month!



Michelle Garlick
Chair, Manchester Law Society Regulatory Affairs Committee
Weightmans LLP

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**The deadline for the September edition of the
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Law firm develops team of the future from within as market recovers

Leading North West law firm Gorvins is continuing to look to talent from within to provide high quality legal services to an expanding client base.

The policy of nurturing home-grown legal professionals and developing exciting career opportunities for existing employees has been a long-term commitment and in a fast-moving, recovering market is proving invaluable now.

Michael Smoult, who joined the firm as a newly-qualified lawyer, has been promoted to Senior Associate in the firm's award-winning wills, trust and probate team, which is now one of the largest in the region.

Gorvins' conveyancing team has grown substantially in the last 12 months and now has seven fee earners and three new support staff, including trainee solicitor Samantha Shemilt, who has

secured a training contract after 18 months.

Samantha Ikin is six months into her training contract with the firm's personal injury team and more are expected to be awarded in various departments later in the year as a crop of excellent individuals starts to achieve its potential.

Emma Sockett has become a paralegal in the firm's commercial property team and Ben Hardman has joined the marketing department to manage Gorvins' online and social media presence.

Of course the firm continues to look outside for people with the right level of commitment and potential and the family law team has been strengthened with the arrival of Linzi Perriman as Associate Solicitor.

Moving administrative employees into paralegal roles

has long been a passion of Lorraine Lockie Managing Partner. Under her 'sponsorship' Karen Davenport recently completed the Institute of Legal Executives (ILEX) exams and is planning to qualify as a solicitor and hard on her heels is Danielle Hursthouse who has also become a paralegal in the wills, trust and probate department and is studying for her ILEX qualification.

Lorraine Lockie commented: "In a recovering marketplace we need to attract and retain good people quickly and we are actively looking for people already with us who have the talent and determination to succeed. Nurturing new lawyers and giving senior opportunities to those who have proved themselves is really starting to bear fruit and means we can react with speed and confidence to new business as it comes in."



(From left) Senior Associate, Michael Smoult; Associate Solicitor, Linzi Perriman; Managing Partner, Lorraine Lockie; Trainee Solicitor, Samantha Ikin; Trainee Solicitor, Samantha Shemilt; Trainee Chartered Legal Executive, Karen Davenport

"Barrister of the Year" in the Supreme Court

The Head of St John's Buildings and Manchester Law Society's 'Barrister of the Year' 2015, Sally Harrison QC led Samantha Hillas, also of St John's Buildings, in a unique case before a bench of 7 at the Supreme Court in June.

The case, which focusses on the correct approach to a party's application to set aside a final order made in ancillary relief proceedings, is potentially precedent setting. The case, called Gohill v Gohill (UKSC 2014/0200), made its way to the Supreme Court following Ms Gohill's application to set aside a 2004 Consent

Order on the basis that, at the time it was made, her husband failed to disclose the true extent of his financial assets, which only became apparent when he was subsequently convicted of money laundering. It is thought that Sally Harrison, who represented Ms Gohill, was the first female barrister to appear in the Supreme Court leading on a matrimonial finance case. The judgment is expected in October from a bench that included Lord Neuberger, Lady Hale, Lord Clarke, Lord Wilson, Lord Sumption, Lord Reed and Lord Hodge.



Sally Harrison QC

Hill Dickinson makes senior appointment to Health team

International law firm Hill Dickinson has bolstered its national health team with a senior appointment who will be working in the Manchester and Liverpool offices.

Georgina Rowley joins the firm as a Consultant. She previously worked at Hempsons, where she spent two and a half years as head of the healthcare advisory team specialising in healthcare law including consent and capacity, Court of Protection, Deprivation of Liberty Safeguards, mental health and risk management issues.

Commenting on Georgina's appointment, Richard Watson, Head of Health at Hill



Georgina Rowley

Dickinson, said: "Georgina is extremely well-respected in her field and will really enhance our offering. We look forward to welcoming her to the team."

Georgina added: "I'm look-

ing forward to joining such a well-established team, aligning my experience to that of the firm and contributing to its continuing growth."

Bromleys bolsters Family Team

Law firm Bromleys has strengthened its family team with the appointment of solicitor Samantha Clifford.

Samantha qualified in 2010 and has previously worked at north west firms SAS Daniels, Stephensons and Southern Solicitors.

She specialises in advising clients on financial aspects arising from separations, divorces and cohabitation disputes, as well as other family matters including

children disputes.

Samantha joins a growing team at Bromleys led by partner Nicholas Clough. Her arrival takes overall staff numbers at the Tameside firm to 48.

She said: "I'm delighted to join Bromleys. The firm has an excellent reputation, a strong and loyal client base and progressive plans for the future."

"It's certainly an exciting time to be part of Bromleys

and I'm looking forward to playing a part in the continued growth of the firm."

Nicholas said: "Sam is an experienced practitioner and I am sure she will enhance our reputation as the premier family solicitors in Tameside."

"Her appointment brings the number of fee earners in the family team to nine, one of the largest in Greater Manchester outside the city centre."



Samantha Clifford



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Mills & Reeve scoops pro-manchester Engagement Award

The Manchester office of leading national law firm Mills & Reeve has scooped the inaugural pro-manchester Member Award.

The award is in honour of Mills & Reeve's contribution to pro-manchester over the past 12 months.

Pro-manchester, which is the largest business development organisation in the

North West, said it was impressed by the considerable support that Mills & Reeve has offered across a wide range of areas and sectors, including Anne Fairhurst being the chair of the health sector committee, Mark Hovell setting up and chairing the sports sector committee and its members on the future-pro and pro-women committees. Pro-manchester also rated

the firm's input into the private client hot topic events and its willingness to host events and provide content for news updates.

The Member Award was presented at pro-manchester's annual dinner and was the sole award of the evening.

ELM Law wins national green innovation award as it celebrates second anniversary

Manchester-based environmental law firm ELM has beaten off tough competition to win a prestigious national award as it celebrates two years in business.

ELM - Environmental Liability Management - was founded by leading environmental lawyer, Keith Davidson, and is Manchester's only specialist environmental law firm.

Keith, who was previously head of environment at Pannone, said: "I saw a gap in the market. Environmental liability risks are huge but only a small number of firms have the necessary environmental expertise".

"We provide an 'environmental lawyer on demand' service for other law firms and businesses covering transactional support, compliance advice and regula-

tory investigations.

"Important environmental issues arrive in peaks and troughs and even national firms don't need full time environment teams. ELM's alternative model is starting to catch on and we provide high level environmental support when most needed."

In recognition of its work, ELM scooped the Green Innovation award at the Legal Innovation Awards in London where it was singled out for its work streamlining environmental support in transactions, improving awareness of green legislation and pro bono work for Greater Manchester's Low Carbon Hub.

Keith added: "Our philosophy is simple - environmental improvements make a real difference - whether in corporate transactions,



Keith Davidson

helping businesses win new work or attracting more investment to Manchester". ELM, whose recent work includes buying landfills for NPL Estates and preparing an environmental register for Royal Mail, has also been shortlisted for the Business Green Leaders awards in July.

New partner hire strengthens Brabners' employment team

Commercial law firm Brabners has strengthened its employment team at a senior level with the appointment of Matthew Yates as Partner.

Matthew joins the firm's Manchester office from DWF, where he spent 12 years. He held various posts at DWF including heading up its employment teams in Manchester, Leeds and the North East.

Matthew has experience in advising a wide range of businesses in various sec-

tors and jurisdictions on employment matters including TUPE and collective consultation, restrictive covenants, senior executive terminations, trade union matters and discrimination. He has a particular interest and expertise in advising businesses in the logistics sector.

Mark Brandwood, Managing Partner of Brabners said: "Matthew brings significant expertise to the role and his credentials are a strategic fit with the existing team. His recruitment is consistent

with our strategy of hiring the best talent to boost the skills of our established teams and support our ambitious growth plans."

Matthew commented: "I am delighted to be joining Brabners, the firm has an outstanding reputation across the North West and beyond and provides an excellent fit with my logistics sector expertise. I am looking forward to continuing the firm's involvement with this sector both on a national level and internationally."



Mark Brandwood and Matthew Yates

Hugh Jones becomes one of UK's longest serving deputies after prestigious 10 year panel appointment

Leading Court of Protection expert Hugh Jones has secured a place on the Office of the Public Guardian's panel of court approved deputies in a move that has seen him become one of the UK's longest standing deputies.

After a rigorous application process which has seen a number of professional deputies lose their place on the panel, Hugh, founder of Hugh Jones Solicitors, is the only deputy in Manchester to have been reappointed.

Deputies are appointed by the Court of Protection to manage the financial affairs of individuals who are deemed to lack capacity to make such decisions themselves. Often in cases where family members can't agree who should be the deputy



Hugh Jones

or where there has been financial abuse and the family member is discharged of their duties.

Commenting on the appointment Hugh, who has been on the panel since its inception, said: "I am delighted to secure a place on the panel. It is a ten year ap-

pointment which is excellent news for the firm.

"Over the last 12 months, we have seen a 30 per cent rise in the number of professional deputyship appointments as the firm continues to cement its position of the leading independent court of protection specialist."



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Slater Heelis advises on PJ Livesey MMU Campus deal

North West law firm, Slater Heelis LLP, has advised PJ Livesey on the purchase of land and buildings at Manchester Metropolitan University's (MMU) Didsbury campus.

Contracts have been exchanged in an undisclosed deal, which will see the residential conversion specialist transform the 17 acre site as part of a mixed scheme. This will include 42 new build homes, together with the restoration and conversion of a Grade II* listed Administration Building, Grade II listed Chapel and the retention of three more listed buildings. The scheme will provide 93 homes in total.

Anne Irwin, managing partner and commercial property lawyer at the Manchester-based law firm, led the team, which also included Nicola Deutsch. Anne has worked alongside PJ Livesey for 30 years, advising the company on a large number of significant projects, such as the award-winning Lancaster Moor scheme, the former Terry's Chocolate Factory in York, along with sites as far afield as Norfolk and North Humberside.

She said: "The level of interest that's already being shown in this scheme is phenomenal, which strongly indicates that this will be a hugely popular residential development that will bring a blend of new build units and sensitively restored properties to market."

"All parties involved worked closely together to ensure the transaction successfully crossed the line. PJ Livesey has a strong reputation for delivering schemes of this nature and we're confident that this will be a prominent residential development in an ever-confident sector."

James Woodmansee, PJ Livesey Group development director, commented: "Anne is an integral part of the PJ Livesey family. She has worked with the company for over 30 years and knows our business and the property industry inside and out."

"She is exceptional and a great asset to have on your side and we look forward to continuing our strong working relationship with her and Slater Heelis going forward in very exciting times."



Anne Irwin

MMU, which was advised on the property disposal by Addleshaw Goddard, relocated from Didsbury to its new campus at Birley Field in the autumn of 2014. The move resulted in the university vacating three sites in Didsbury – the main campus, Simon Playing Field and the Broomhurst Halls of Residence.

Slater Heelis is a leading law firm providing progressive legal advice to commercial, not-for-profit and private clients across a number of practice disciplines.

Express Solicitors are delighted to offer two new Training Contracts

Express Solicitors are delighted to announce the promotion of two Litigation Executives who have both been offered training contracts with the firm. Michael Green and Suzanne Conway have both recently embarked on their two year training contract with Express Solicitors with the view of qualifying as solicitors in 2017.

Michael Green joined Express Solicitors in November 2013 and originally worked on a part-time basis in the firm's New Client Team, whilst completing his LPC at the University of Law in Manchester. Michael comments: "Since starting at Express Solicitors 18 months ago, I have been fortunate enough to have climbed the ladder from a junior paralegal role, to running my own caseload as a Litigation Executive, and now I'm delighted to be starting a training contract. I am hopeful that this steady progression will continue and the excellent training

combined with the experience I will gain whilst working at Express Solicitors will pave the way for a successful career as a Solicitor."

Suzanne Conway joined the firm as a Litigation Executive in March 2015, working in the Road Traffic Accident department. After just a few months working at the firm, Suzanne was offered a training contract, she explains: "I really feel like my hard work has been recognised in the short space of time that I have been working at Express Solicitors. I am thrilled to have been offered a training contract and I am really looking forward to taking this next step in my legal career and qualifying as a Solicitor."

So far over the past year, Express Solicitors has promoted 5 Litigation Executives already working at the firm to Trainee Solicitors. The firm currently has 10 Trainee Solicitors and the training contract takes 2 years to complete. During their first year of the con-

tract all Trainees complete the Professional Skills Course (PSC) and in their second year they go on to complete the Express Solicitors Personal Injury Certificate.

Training Partner and head of the Employer's Liability department, Richard Lowery, comments: "Express Solicitors are dedicated to the growth and development of its employees and our 10 Trainee Solicitors are proof of this commitment. The firm has always had a strong ethos towards the training and growth of its staff and we encourage all of our employees to complete training both internally and externally on a regular basis."

If you would like more information about career opportunities at Express Solicitors or wish to look at our current vacancies, please take a look at the careers section of our website: www.expresssolicitors.co.uk/careers



L to R: Michael Green with Training Partner, Richard Lowery and Suzanne Conway

Hilary Meredith Solicitors Ltd approved by Bar Council to complete training a pupil

Hilary Meredith Solicitors Ltd has been approved by the Bar Council to appoint and train a pupil with a view to her becoming the firm's first In House Counsel.

Henrietta Hughes - who was called to the Bar in 2012 - has previously worked as a legal assistant to a QC and Senior Junior at Outer Temple Chambers and Temple Garden Chambers.

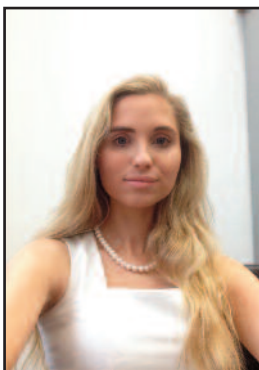
Commenting on her decision to join Hilary Meredith Solicitors Ltd, Henrietta Hughes said: "Hilary Meredith Solicitors appeals to me for a number of reasons. Firstly, the work is of the highest quality; there is a real range including everything from Industrial Dis-

ease to Clinical Negligence. In particular, the firm is instructed in a number of personal injury cases involving injured servicemen and women. To be a member of the legal team endeavouring to secure them the best quality of life is an incredible opportunity."

Hilary Meredith, CEO at Hilary Meredith Solicitors Ltd commented "We are delighted to welcome Henrietta to the firm with a view to her becoming our first In House Counsel."

"Her appointment is an indication of the high value and complex nature of the serious injury claims we are being instructed on."

Hilary Meredith Solicitors is



Henrietta Hughes

enjoying a period of ongoing expansion. The firm recently strengthened its senior management team with the appointment of Mark Farrell as Operations Director.

Introducing the Commercial Real Estate Law Association (CRELA)

The Commercial Real Estate Law Association was launched to provide non-contentious commercial real estate lawyers with a dedicated specialist forum of their own within which to collaborate with a view to promoting best practice and providing networking opportunities within the property industry.

The objects of CRELA are to promote specialist non-con-

tentious commercial real estate legal skills within the property industry and among others with interest in real estate; provide a forum in which members can share knowledge and information with a view to improving and enhancing transactional and other procedures for the benefit of practitioners and clients; and provide a network for social, educational and training events.

CRELA would like to hear from practitioners in the North West who would be interested in joining the Association.

For further information visit www.crela.org.uk

or contact

Claire Timmings
Claire.timmings@crsblaw.com
Tel: 01483 252582

The deadline for the September edition of the Messenger is 13th August 2015

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PENINSULA
Business Services

David Hanman joins Burton Copeland

Leading Manchester criminal and regulatory firm, Burton Copeland appoint David Hanman as a consultant.

David began his career at DLA Piper before moving to Russell Jones & Walker as Partner in their White Collar Crime Department. David then set up his own practice David Hanman Associates Ltd which was built into an operation with 20 employees and an annual fee income of more than £1m before selling the business in 2005. Since, David has been a consultant for a number of national full service and magic circle firms.

David advises on all areas of fraud, financial and corpo-

rate crime and regulation.

Commenting on his appointment, David Hanman said:

'I've always held Burton Copeland in the highest regard with equal amounts of admiration and envy from its conceptual beginnings back in the 1980's to the present day. The firm has stood strong throughout the challenging times in Criminal Law over the past 30 years by demonstrating its ability to adapt and innovate, growing from strength to strength. To now become a part of its strong and very talented team is extremely exciting. A new chapter for both myself and for Burton Copeland.'



David Hanman

Croftons Solicitors Wins Gold

In the latest development in a year of continued expansion and success, Croftons Solicitors LLP has received the prestigious Gold Investors in People accreditation. The firm has held Investors in People since 2003 and the Silver standard since 2011.

Commenting on how Croftons achieved the accreditation, Managing Partner Simon Leighton said: "It's down to our clear vision – well communicated; embedded policies designed to look after our people; and core values that we live by, including treating others as you would like to be treated yourself, and seeking to understand before being understood."

To achieve the Gold standard, businesses need to achieve 125 'evidence requirements' above the standard itself. Independent assessors review every aspect of the business and meet with a cross section of people. This is a continuous process as a business builds its IIP capability from 'standard' level through Silver and ultimately to Gold.

Anne Milne, independent assessor on behalf of Investors in People North, said that the 'icing on the cake' for Croftons in achieving gold included the new management structure which has provided effective ways of working and energised



people, the development of capability and performance criteria for partners and associates, a focus on team working and developing both team and individual talents in a 'flat', none hierarchical working structure, and an inclusive, high energy working environment for people to give their best. Anne continued: "Other features of Croftons' culture include staff consultation to a high extent, enhanced benefit provisions, the appointment of a senior fee earner as an HR focal point which has encouraged greater staff dialogue, enhanced recruitment and selection procedures, and external benchmarking.

The firm's approach to work-life balance and lack of "red tape" have always been distinguishing features of Croftons and these are now used to assist attracting high calibre, high performing candidates to the firm.

Everyone in the firm recognises the partners' commitment to coaching and developing staff which has long been a particular feature of working at Croftons. Communicating the accreditation success within the firm, Simon Leighton said "We face continued challenges in the marketplace. There is no place for complacency and I make the commitment to everyone in this firm to 'continually improve' what we do and how we work. That includes listening to everyone's input and experiences, benchmarking ourselves, and constantly developing what we do well so it is fit for the future not just now.

The Gold accreditation is valid for 3 years and ongoing assessments will continue as the firm itself continues to execute its strategy.

Nesbit Law Group celebrate success in Client Care Initiative category at the Claims Innovation Awards

The ability to be able to offer prospective clients something they cannot find elsewhere underpinned NLG's successful nomination in the Client Care Initiative category at the Claims Innovation Awards 2015, held recently at the wonderful Midland Hotel in the heart of Manchester.

The 'Revive Your Archive' and 'Specialist Allegation of Fraud Transfer' schemes focus on assisting the swathe of claimants whose ability to bring genuine personal injury claims has been severely hampered by recent Insurer driven change in the industry.

The issue of fraud is a major concern, and there is a consensus across the board, from both the claimant and the defendant perspective, that fraudulent claims must be eliminated. However, that should not be at the expense of the innocent claimant.

There are serious consequences for individuals where an allegation of fraud is upheld, unfortunately, despite the seriousness of the allegation, and likely due to the pressure placed on claimants subjected to such allegations, pleading fraud has become an increasingly common tactic, even in circumstances where there is no evidence. It is therefore becoming more and more common that innocent claimants are accused of being complicit in fraud.

An innocent claimant accused of making a fraudulent claim is in an unenviable position, they face the prospect of lengthy, intrusive court proceedings to prove their case, or ending their claim, which means they are by implication considered to be fraudsters, thus they are deprived of damages and will likely face problems in future when purchasing insurance, or making an insurance claim.

Such claimants often become disillusioned, disinterested and finally their claim is likely withdrawn, or stalls,

as their file-handler lacks the skill-set to drive the claim forward by undertaking the necessary steps to unravel the complex fraud allegations being raised by the Insurer defendant.

NLG is pioneering two radical approaches to provide a solution for other firms struggling with the risks created by fraud allegations, and to ensure claimants continue to enjoy the access to justice which is their right.

The 'Revive Your Archive' scheme involves a specialist team from NLG considering files that have been archived by other law firms as a result of allegations of fraud, low velocity impact arguments, low prospects of success or non-cooperative clients. NLG provide draft correspondence to the original law firm to write to those clients with cases that we believe still have reasonable prospects of success, explaining the opportunity presented by NLG and inviting the claimants to have their closed files transferred to NLG.

The claimant has the benefit of utilising NLG's experience of dealing with allegation of fraud cases, safe in the knowledge that if NLG considers that the claim has reasonable prospects of success, we will run the case to trial and back them all the way. NLG have a 60% success rate for those claims that have been successfully revived.

It is not only the claimant that benefits under the 'Revive Your Archive' scheme, as the law firm from whom the claim is acquired is placed into a no lose situation. Firstly, clients appreciate that the firm has looked beyond their own expertise in order to look at all opportunities to secure their compensation; secondly NLG preserve a lien regarding the firms costs, which means that the firm will recover costs and disbursements that have otherwise been written off. NLG take responsibility for all ongoing disbursement costs following transfer of the file.

On a compliance level, the Solicitors Regulation Authority Code of Conduct, 'Dealing with the client's matter', [Indicative Behaviour 1.10] obliges firms to explain to clients possible options for pursuing their matter if you intend to cease acting. 'Revive Your Archive' provides a best practice measure to ensure that the firm referring the matter complies with their obligations rather than simply closing the file or the client drifting away.

The 'Specialist Allegation of Fraud Transfer Scheme' offers the same benefits as the 'Revive Your Archive' scheme, however the additional benefit is that at the point of transfer the client is still engaged.

Aside from helping NLG thrive in tough economic times, we have recovered in excess of £500,000 in disbursements and WIP for our business clients and successfully obtained damages for hundreds of client's who might otherwise have lost interest.

NLG now has approximately 150 law firms on it's panel including: Thorneycrofts, Shoosmiths, Goldsmith Williams, Horwich Farrelly/Zest Law, Stephensons, HCC as well as a host of smaller law firms.

As well as winning the Claimant PI Team of the Year in 2012, and Claims Innovation Best Client Care Initiative 2015, we have received recognition of our service from our clients/other firms as follows:

"Nesbit Law Group has been providing Thorneycroft Solicitors with a range of outsourced legal services for a number of years. They consistently provide us with excellent service, and the team are extremely thorough and highly efficient, giving us the peace of mind that is essential when utilising a 3rd party provider."

- Rachel Stow, CEO Thorneycrofts Solicitors



Marian Lynch retires

One of Greater Manchester's longest serving legal PAs is retiring after a career holding some of the sporting world's best kept secrets.

Marian Lynch joined Manchester solicitors James Chapman and Co, - part of which later split to become Brabners Chaffe Street, now Brabners - 44 years ago working alongside top sports lawyer Maurice Watkins CBE, formerly Manchester United director and club solicitor.

She was privy to many high profile signings and their departures as well as cases such as Eric Cantona's "kung-Fu" incident at Crystal Palace - and recalls her many conversations with Sir Alex Ferguson.

Said Marian, aged 61 from Bury, "He always used to call me Marilyn by mistake, and I never corrected him. He would make me laugh and he was always in good humour. I remember him waiting in reception one time at James Chapman and for a joke he sat alongside the ladies on the reception desk - when other clients and staff came in they didn't know what to say."

She joined Chapmans from Stockport College of Technology and worked in different legal areas including corporate, insurance, probate and conveyancing before the legal sports work began to dominate.

"The secrets we had to keep remain to this day," said Marian. "People used to ask me about the footballers but I never said a word. Security was a big part of the job and we kept all files under lock and key and shredded anything we didn't need so it would never get out."

"Maurice and I used to joke that if we wrote a book it would be a best seller."

She recalls the signing of Roy Keane, then a young player coming to Manchester from Nottingham Forest. He arrived in Manchester on a Sunday from Cork and was given details of where he would be met outside GMEX in the city centre and taken to the office. Watchers were posted with binoculars waiting for his arrival.

Said Marian; "When the paperwork was done I went to open a bottle of champagne but saw we had no glasses. I went outside and got some paper cups from a takeaway. But when we poured out the drinks, Roy said he didn't drink champagne."

"I have been fortunate to work with some lovely people and made friends which remain to this day. It has been a privilege to work with Maurice watching his reputation grow - and I was always there playing my part in the background."



"I know it is unusual to stay with one firm throughout your whole working life but it has been fascinating. When I first started there were virtually no female lawyers and it was a male dominated world - that has now changed for the better. At one time it was even frowned upon if a lady wore trousers at work."

Maurice who is frequently away from the office at client meetings and conferences often overseas paid tribute to Marian's dedication.

He said; "Marian has been a true friend and colleague always loyal, enthusiastic and supportive. She knew all the clients and they were very happy dealing with her appreciating her professionalism and reliability throughout. I will miss her very much, particularly her famed shorthand note taking!"

Marian and husband Bill plan to spend time travelling and meeting up with family.



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Marian Lynch and Maurice Watkins

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Brabners to establish Waterloo Uncovered as a registered charity

The charity team at North West law firm Brabners have been appointed to establish Waterloo Uncovered as a registered charity.

Waterloo Uncovered is a ground breaking archaeology project which aims to explore the battlefield of Waterloo and reveal secrets that have been buried underground for 200 years.

While the Battle of Waterloo has been studied by generations of historians, it is the first major international archaeological project at the former battlefield using the latest technology and practices developed by conflict archaeologists.

Waterloo Uncovered has been developed by two soldiers from the Coldstream Guards, Major Charles Foinette, who currently serves with 1st Battalion Coldstream Guards, and ex-serviceman Mark Evans. The project is also supported by a number of universities including Glasgow, Dundee,

Gent and Utrecht, the Service Public de Wallonie and LP Archaeology.

The archaeology is led by Dr Tony Pollard, who heads the Centre for Battlefield Archaeology at Glasgow University, and includes both professional archaeologists from across Europe and wounded veterans from recent military campaigns. The team has so far discovered coins, buttons, and English and French musket balls.

The aims of Waterloo Uncovered are to transform understanding of the Battle through archaeology as all findings will be made publicly available and to provide a unique opportunity for veterans to participate in an important dig and support those that are injured in their recovery.

Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners said: "Registration as a charity will enhance Waterloo Uncovered's ability to raise

funds from grant makers and others who as tax payers can use gift aid to increase the value of their gift, making even more cash available to fulfil the charity's objects. Fascinating and incredibly interesting projects such as this do not come along everyday, and we are delighted Mark and his colleagues have chosen to use Brabners to help with registration which can be a daunting process, leaving the team free to concentrate on the project."

Mark Evans, Project Co-ordinator of Waterloo Uncovered, said: "This is an exciting new chapter in the story of Waterloo Uncovered. Charity status will allow us to significantly increase the project's reach; doing more archaeology and helping more soldiers and veterans. At such a significant juncture we are glad to be in the very capable hands of Brabners."

<http://www.waterloouncovered.com/>

New Practice Manager at Exchange Chambers

Exchange Chambers has welcomed Jonathan I'Anson as its new Practice Manager.

Jonathan joins Exchange Chambers from North West corporate law firm Brabners LLP where he was a practicing solicitor and Partner. He replaces Exchange Chambers' current Practice Manager Roy Finney who retired in July.

Commenting on Jonathan's appointment, Tom Handley, Director of Chambers said: "Practice Manager is an important role within Chambers and Jonathan has the skills and experience to make a huge success of it."

"As a partner at his previous firm, Jonathan understands the legal services industry and in particular the needs of solicitors."

Added Tom: "Jonathan

brings with him a strong private practice performance culture which will help us to meet the challenges and opportunities ahead. Bringing in a partner from a large corporate law firm is a good fit for us and demonstrates Chambers' progressive intent. The Board and I are delighted to have secured his appointment."

Commenting on his decision to join Exchange Chambers, Jonathan I'Anson said: "This is an exciting opportunity to be involved in the management of a modern legal services business."

"The legal services industry is in a period of significant change but that also presents great opportunity. Exchange Chambers is ideally placed to excel in the new landscape and I'm looking forward to working with the team."



Jonathan I'Anson

Commenting on Roy Finney's retirement, Tom Handley said: "On behalf of everyone in Chambers, I would like to thank Roy for the tremendous job he has done over the last twenty years. He has been a great friend as well as an outstanding colleague. We will keep in touch and wish him well for the future."

Another New Partner Appointment for JMW

Manchester based full service law firm JMW Solicitors LLP has strengthened its Business Crime & Regulation team with the appointment of well-known Partner, Mike Rainford.

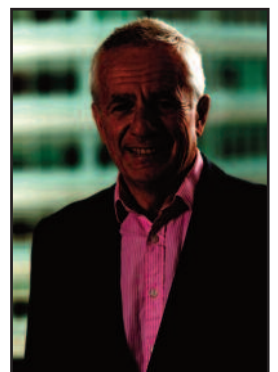
Mike joins JMW as a Partner from Burton Copeland where he was Head of their Business Crime, Fraud and Regulatory team for over 8 years. He specialises in fraud and regulatory issues and has over 30 years' experience in commercial fraud, VAT and tax fraud, money laundering, trading standards and prosecutions brought by regulatory bodies such as the FCA.

One of Mike's most notable successes was the acquittal of Vance Miller in the largest ever trading standards prosecution in the UK. Mike was also involved in representation of interested parties in the long running Hillsborough inquest. Furthermore he was involved with the London City bond case which remains the largest fraud against the revenue amounting to over £2 billion.

Mike is a member of the National Law Society Money Laundering Panel and he is described in the Legal directory, Legal 500 2014, as 'first-rate'.

Commenting on Mike Rainford's appointment Joy Kingsley, Senior Partner at JMW said: "We are pleased to welcome Mike Rainford to JMW and our Business Crime & Regulation team. Mike has a wealth of experience in all regulatory matters but particularly in Tax, fraud and trading standards. He is an excellent strategic fit for our existing Business Crime & Regulation department and his skill set will help the team develop further. We aim to recruit the best legal talent to help with the continued growth of JMW and his many clients and contacts are very welcome too."

Commenting on his new role at JMW Mike Rainford said: "I am excited about joining JMW as they can assist my clients in all areas of legal expertise. I bring with me many years of experience in the regulatory field



Mike Rainford

and I believe this will help grow both the department and their client base. I believe this is a great opportunity and I am excited to be involved with the continued development of JMW."

Mike is the second Partner to join the Business Crime & Regulation team at JMW in just 2 months with Derek Millard-Smith joining the team in May from Hill Dickinson. The firm have also recently appointed Mike Blood from Brabners as their new Head of Corporate.



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Technical SEO – terms to know

When your SEO agency starts talking technical, it can be easy to get confused, or even begin zoning out. Technical SEO focuses on the code of your site, making changes to improve its performance in organic search results. Let's face it; it's pretty far out of the average person's comfort zone. However, it's not hard to gain a basic grasp of certain important terms, and what they mean for your site – as well as your wider marketing plan.

Page Speed

This score indicates how quickly your site loads, both on desktops and mobile devices – you should be aiming as high as possible. This is of course vital for user experience, as many users will simply abandon a page which takes too long to load. But furthermore, Google uses this in its algo-

rithm, to determine how visible you should be in search results. It is usually improved by compacting and cleaning up code, and making things like image files smaller.

404s

We've all been there; clicking a link that looks interesting or useful, only to be told there's an error and the page can't be found (technically speaking, a 404). It's frustrating to say the least, and can reduce trust in your website. A common cause is pages being moved or removed, in which case, a redirect needs to be set up to send users to a relevant page.

URL Structure

It should be reasonably clear from the URL of a page what it's about, and where it fits within the architecture of your site. Having 'readable'

URLs instead of an unintelligible string of characters helps search engines and users understand the topic of the page – however, be careful not to stuff them with keywords.

Robots and Sitemaps

The robots.txt file on your website tells search engines what pages they shouldn't be looking at. Meanwhile your sitemap acts as a list of all the pages on your site you do want search engines to look at, so it's essential if you're aiming for organic visibility. It also needs updating to include any new pages you add to your site. Technical SEO is, at the end of the day, about making your site better. That's what Google wants, that's what users want. And of course, your site is the foundation for all your online marketing activity. So, it may be time to expand your comfort zone.

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Introducing Joe Egan, the newly elected Deputy Vice President of the Law Society

Bolton solicitor Joe Egan has been elected Deputy Vice President by the Law Society Council and will take up the position in July. He will become President in July 2017. Joe talks to Julia Baskerville about his career and his involvement with local law societies...



Practitioners Group can run successful conferences outside of the capital, then surely the Law Society can; we need to engage with members and this is one way to get out and meet the profession."

Bolton-born Joe Egan studied Sociology and Economic History at Kent University and on graduation had little ambition, other than to see the world. Which he did. Having worked on a Kibbutz in Israel, for a year as a waiter in Germany and as a bus driver in Bolton in 1975 Joe set off on a trip which took him through Iran, Afghanistan, Pakistan, India and Burma as he headed towards Australia where he spent 15 months. He then moved to New Zealand where he honed his skills as a waiter for another 3 months. Next stop on his itinerary was Chile and he travelled extensively through South and Central America, before finally hitchhiking his way through the USA to New York.

Joe then decided he needed a proper job.

The only work he had experience of was waiting on tables and driving a bus and Joe wasn't sure that he wanted to make a career out of either of these. Joe recalled that during a long journey through India he

had read of book called "The Making of English Law" and thought the law could be an interesting career option and decided to train as a solicitor.

Joe enrolled at what is now Nottingham Trent University for two years where he completed the CPE and Law Society Finals. He was offered articles at a law firm in Kings Lynn which he accepted, but at the last moment a Bolton firm Cyril Morris Arkwright offered Joe a position and he returned home. After 18 months Joe moved to Betesh Fox where he completed his training, and qualified in 1982. Joe worked for a short while at Aspinalls, a conveyancing practice before joining crime-specialists Burns Bowman in Manchester, an experience which Joe describes as a "baptism of fire". Returning to Bolton he spent a year with Stephensons before deciding that it was time to set up his own practice. In 1986 he opened the doors of Joe Egan Solicitors. Joe says "This was the time when the CPS had just

been established and I was selected to be one of their agents. This proved to be a very fruitful relationship, and I was able to grow the practice." Although Joe is still a sole practitioner he has five salaried partners, three assistant solicitors and two trainees. Joe also became the first solicitor in Bolton to achieve the right to appear in the Crown Courts when he was granted Higher Rights of Audience in 1995. Joe says that over the years, the work he has undertaken has changed, and now his main area of work is contested probate and ToLATA.

Joe joined Bolton Law Society in 1987 and gradually become more involved in the committee, becoming President in 2010. Joe also spent many years as the Honorary Secretary and until recently Bolton Law Society leased an office. However limited income and rising costs forced the Society out. Joe says this was a difficult decision as the Society has records going back to 1910 and had a well stocked law library.

All of the books and furniture had to be given away and the Society's part time administrator now works from Joe's office.

Through his involvement with Bolton Law Society Joe joined the Steering Committee of ANWLS. The Association of North Western Law Societies is an umbrella organisation which represents the interests of 26 small local law societies across the North West. Joe was President of ANWLS in 2002. Joe says "I enjoyed being involved with Bolton Law Society and ANWLS, they offered the opportunity to network and meet with like-minded individuals and were also important in terms of promoting the interests of the profession in the North West. In 2006 when Ed Nally, the Council Member for the Central Lancashire constituency of the Law Society decided to stand down, I stood for election."

In April, Joe was selected as DVP of the Law Society by the Council following hustings by five candidates. Joe

says that he campaigned hard to canvass votes and says that he is sure that his experience as an advocate had helped him to secure victory.

Looking ahead to 2017 Joe says that one of his aims will be to improve and develop the relationship between the Law Society and local law societies. He says that many local law societies are struggling to maintain membership and have lost some of their functions. He adds "There used to be real value in being a member of a local law society, and it was essentially the only way to meet other solicitors and professionals. But times have changed and there are now so many networking opportunities, local law societies need to find a new role within the legal community."

Joe says that he also wants to make the Law Society aware that there is a profession 'North of Watford'. He would like to see the re-introduction of the Law Society Conference. He adds "If the JLD, APIL and the Sole

Joe is married to Clare and they have three children. Their eldest daughter, Kate, is a solicitor in Bristol and their younger daughter, Helen, is the firm's assistant practice manager. Son, Ben, has just completed his first year at UCL where he is studying biology.

Joe's other passion in life, apart from Bolton Wanderers, is music. He describes his musical tastes as "eclectic", taking in folk, rock and classical, but adds that he has yet to understand the appeal of jazz. He regularly attends the Cropredy Festival, Wychwood Festival and the Great British Folk Festival as well as going to numerous gigs in the North West. Joe and Clare also go to the Edinburgh Festival as he is quite partial to pipes and drums!

Julia Baskerville

Weightmans' apprenticeship scheme profiled in celebratory Parliament publication

Weightmans' Award winning Apprenticeship Scheme has been featured in a publication named, The Story of Parliament: Celebrating 750 years of parliament in Britain.

The top 45 UK Law Firm, with offices in Manchester, profiled their successful scheme in the iconic book developed by The History of Parliament Trust, in partnership with publisher St James's House Media, to be launched at Westminster Abbey.

More than 300 VIP guests, including prominent historians, politicians and senior public figures, gathered to mark the publication of The Story of Parliament: Celebrating 750 years of parliament in Britain, which celebrates the 750th anniversary of Simon de Mont-

fort's Parliament of 1265—a key moment in the origins of parliament—at a champagne reception in the Cloisters of Westminster Abbey.

Sarah Hardy-Pickering, Learning and Development Manager at Weightmans said:

"We are delighted to feature our apprenticeship scheme in this memorable publication. The career path into law has traditionally involved university – be it in the form of an LLB law degree or a Graduate Diploma in Law conversion course, and Weightmans, being the first UK legal firm to employ this scheme are challenging that with a pioneering alternative route to entry."

A selection of schools from around the country joined

in with the launch celebrations. Pupils were tasked with producing their own interpretation of parliament through art and creative writing, and these artworks were on display at the launch event.

The Cloisters of Westminster Abbey was a fitting venue for the launch, with guests having access to the Chapter House, where the earliest House of Commons is known to have met in the mid-13th century.

The History of Parliament Trust is a research project creating a comprehensive account of parliamentary politics. Unparalleled in the comprehensiveness of its treatment, it is generally regarded as one of the most ambitious, authoritative and well-researched projects in British history. Writ-

ten by a team of experts on parliamentary history, The Story of Parliament charts the rise of parliament in Britain over the centuries and explores how it has been instrumental in shaping the country as we know it today.

"It has been a great honour to work with the History of Parliament Trust on this publication," says St James's House Media Director Richard Freed. "Westminster Abbey was the perfect venue for the launch of a book that celebrates the incredible impact parliament has made through the centuries, from its origins through to the modern day."



Student at the book launch

Law School hosts 'Women in the Judiciary' initiative

Leading legal lights discuss career as judges

Leading female judges came together at Manchester Law School to inspire women to consider applying for judicial appointment.

The event, Women in the Judiciary, was the fourth that has taken place nationwide, and is part of a wider programme for encouraging judicial diversity.

Although there has been a steady increase in the number of female judges it remains the case that only 32% of judicial appointments are held by women.

The event was an opportunity to gain a fuller understanding of the courts and tribunals judiciary and to learn about the different judicial roles that are open.

This event, chaired by Mrs Justice Nicola Davies DBE, was part of a number of initiatives to increase the per-

centage of women in judicial appointments.

Cath Little, Head of the Law School, said: "Manchester Law School was delighted to host this event to support widening participation in the judiciary and our local practitioner stakeholders. It was lovely to see so many of our former students in attendance and we hope to see them in judicial positions in due course."

More than 80 delegates from barristers, solicitors, chartered legal executives and legal academics heard from a distinguished panel of speakers including The Rt Hon Lady Justice Hallett DBE, Employment Judge Rebecca Howard, District Judge Ranj Matharu and Sheila Newman from the Judicial Appointments Commission.

Lady Justice Hallett said at the event: "I am delighted to

see so many women who are possibly interested in a career at the bench. I hope that because of tonight, that possibility will be translated to fact."

The audience heard that women tend to underestimate their own abilities and delay a judicial career with a belief that that 'now is not the right time to take steps to apply for judicial appointment'.

The speakers described their own journey to judicial appointment. Rebecca Howard advised the audience that there is no fixed pre-defined route into the judiciary. The main advice was to 'research, research, research' by talking to judges, visiting courts and reading cases.

The audience were told how a judicial role is not easy and it can be a very intense - but it is enormously rewarding

and intellectually challenging, requiring a wide variety of skills including problem solving and managing people.

After the speeches, the speakers, with the assistance of a wide range of judges from the Manchester area, were on hand at the lively networking event to

answer questions and give advice and encouragement on applying for a judicial appointment.



L to R: Sheila Newman - Judicial Appointments Commission District Judge Ranj Matharu The Rt Hon Lady Justice Hallett DBE Mrs Justice Nicola Davies.

What will the opening of the Historic Child Abuse Inquiry achieve?



Leading child abuse lawyer Peter Garsden of Cheadle Hulme firm, QualitySolicitors Abney Garsden, sets out what he thinks the long awaited child abuse inquiry will achieve.

Almost a year to the day on Thursday this week, the wide ranging Historical Child Abuse Inquiry will finally open its doors, ironically, some 5 days after Independence Day in the United States. I say ironically because complaints about the independence of 2 proposed Chairs - Baroness Butler-Sloss, and Fiona Woolf have resulted in their resignations.

The hearing of evidence will take place at the Queen Elizabeth II Conference Centre (QEII) Centre, Westminster and be chaired by a New Zealand based Judge, Lowell Goddard. It has thus col-

loquially become known as the "Goddard Inquiry".

So what will the child abuse inquiry achieve:-

1. We must wait and see what its scope will be when the opening remarks are made at 10am on Thursday by Judge Goddard. I attended a meeting just before Christmas when it was thought that a backstop was to be placed on events which took place from 1970 onwards. This raised considerable opposition, not only because much of the abuse we deal with here at QualitySolicitors Abney Garsden occurred in the 1960's. The abusers are sometimes still alive, as are the victims. Documents in some cases still survive.

2. Ironically it was principally set up to uncover governmental cover-ups in the past of widespread abuse throughout society, but principally within various institutions, but will it ever get to the bottom of what happened over 40 years ago? Will documents over which the Official Secrets Act have been claimed actually be willingly disclosed to the Inquiry. We have already had an investigation into what happened to the missing dossier with all the high profile names in it, which still has not been found, and no

impropriety was discovered.

3. Most importantly, the victims of abuse will be able to give evidence in person, and disclose their long withheld painful experiences of abuse in childhood. The involvement of victims in the run up to the inquiry has been fraught with much argument. The original panel which included several victims was dismissed in the early part of this year and replaced with an all professional panel including several lawyers under the stewardship of the chair. This followed some high profile disputes between several vocal survivor groups and their representatives with the then panel. I found it very sad that the very beneficiaries of the inquiry were forced into disputes with each other. There were some talk of a survivor sub-panel, but that in itself led to the survivors feeling that their voices, understandably had been pushed into the long grass, because they didn't really matter. There was then a consultative and interview process for 8 members of the Victims and Survivors Consultative Panel, which is now established, and will work with the main panel.

4. The inquiry has an extremely wide remit, and will

take several years to hear all the evidence. It will cover years of abuse at many wide-ranging institutions. I am not up to date with the latest definition, but an earlier definition which was around at the end of last year was: "To consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; and to publish a report with recommendations".

We must see whether the new outline of the inquiry's purpose published on Thursday differs much from the original proposal.

The danger of course is that by the time the report is published, so much time has elapsed that the immediacy, and news that has elapsed has moved on, with yet another topic grabbing the headlines. If one judges this inquiry against the Australian Royal Commission, then one hopes that it will be a fearless and unshrinking as that model appears to be. Will this report take as long and be as expensive as the Chilcott or Bloody Sunday inquiries?

Personally, despite my misgivings, I welcome the inquiry as do, with some reservations, my clients, and support groups. Any inquiry, which is set up and governed by a Home Secretary into the workings of the very government and its links with paedophile rings must, by its very nature, per se, be open to criticism on the grounds of lack of objectivity. Undoubtedly, the incompetent way it has been set up over the course of a year has contributed to the suspicion and mistrust of the very beneficiaries it is designed to help. Those much more cynical than I have argued that it was set up to fail.

Inevitably, I am enthusiastic about any inquiry which criticises the way in which institutions are run, and finds corruption in public office. It will do much of the work, which otherwise my loyal and dedicate team here would have to do. It will bolster the evidence of my clients in cases where the inquiry looks at institutions I am involved in such as, when the criminal case is over, the Janner saga.

It is also ironical that as long ago as 1995, I was writing to the then Secretary of State for Social Security, who was then Peter Lilley, now a back bench MP, to demand a public inquiry into historical abuse due to the scandals which were then coming out about abuse in children's homes at a time when 41 out of 43 police forces

had major child abuse investigations in their area. I was then hearing anecdotally, as witnesses were too afraid to give evidence formally against government, that abuse spanned every echelon of society. The response I got from government was that it was premature to consider an inquiry as there were so many police investigations afoot. I was supported by many survivor groups. We lobbied Parliament, and managed to achieve a commitment from the newly elected Labour Government under Harriet Harman as the new Secretary of State to push forward an entirely new scheme, as it was then, to police the recruitment of volunteers and employees working with children, which later became known as the Criminal Record Bureau as we know it today. What we didn't get was a Public Inquiry. It has taken another 20 years and the Savile scandal to finally persuade government to act. Knowing what we now know, it is no wonder that there was not much willingness to agree when I originally asked.

It will be interesting to look back at this blog in 10 years' time to see if my predictions are true. I am at the same time optimistic but cautious, because I anticipate that the scandals which inevitably are lying below the surface will not see the light of day in as much focus as we hope for.



Slater Heelis duo score sporting success

Two Slater Heelis employees are set to swap the legal world for the sporting arena, after scoring national recognition from the world of cricket and duathlon.

Head of IT, Richard Hughes, has been named ECB Coach of the Year by the County Coaches Association. He received the honour for his commitment to the development and success of individual players and teams; the design, implementation and production of coaching programmes; and innovative and inspirational coaching methods. Richard attended a special event at the second Investec Test Match between England and New Zealand at Headingley.

Joining Richard in the sporting ranks is associate solicitor, Helen Frankland, who has been chosen to represent the Great Britain duathlon team for her age group. She will compete in the ETU sprint distance duathlon European Championships in spring 2016.

Helen commented: "I'm originally from a swimming and water polo background, but started running a cou-

ple of years ago. I love everything sport-related and I started competing in triathlons and duathlons just over a year ago. I've trained really hard over the last year, despite several injuries, so I'm absolutely delighted that all the blood, sweat and tears have paid off!"

The duo's achievements are part of a wider commitment by the Manchester-based law firm to sport in the community. In January, Slater Heelis launched its new sporting sponsorship programme for 2015, which saw the Manchester firm invest over £10,000 in supporting sport at all levels across Manchester and Cheshire, with over eight individual sponsorship initiatives. These range from Premier League basketball team, The Manchester Giants, to local and junior sports clubs in Altrincham, Sale, Timperley and Wilmslow.

Richard said: "Our business has always operated very much at the heart of the community and we understand just how vital sport is to people of all ages. Sport brings people together, encourages self-esteem and



Helen Frankland

has even been proven to boost lifelong learning.

"We strongly believe in 'giving back' to local clubs who are much in need of support and we are proud to see our name associated with a wide range of projects in the region, from the high flying professional world of the Manchester Giants to the grass roots, muddy Sunday mornings of

junior football."

In May, a team of 15 enthusiastic employees limbered up for the annual Greater Manchester Run, raising money for the Seashell Trust – a charity dedicated to providing a creative, happy and secure environment for children and adults with complex and severe learning difficulties.

Jefferies Solicitors get Pretty Muddy to support charity

A solicitors firm in Altrincham has raised more than £3,500 for charity by running the Pretty Muddy Race for Life.

The 17-strong team from Jefferies Solicitors raised the substantial sum of money for Cancer Research UK, in memory of their good friend and colleague, Michelle Read.

Led by director Nina Ramsden, the team also included Michelle's three sisters, one of who also works at Jefferies Solicitors.

The pink-themed muddy obstacle 5k course attracted 6,000 women from across the region at the event in Tatton Park.

The compensation specialist practice, which was established in 1993, is dedicated to supporting charities and regularly takes part in fundraising activity, raising thousands of pounds over the years.

Nina Ramsden, director at Jefferies Solicitors, says: "Cancer Research UK is a charity that is close to our hearts as we recently lost a very good friend and colleague to cancer. Michelle was an inspiration to us all – she would've been the first person to take up this challenge if it meant money was raised to help the lives of others.

"Raising over £3,500 for charity is a great achievement and is testament to how well-loved Michelle was. We're grateful to all the staff at Jefferies Solicitors who took part, as well as those who have kindly sponsored us, helping Cancer Research to save lives."



before



after

NSPCC launches How safe are our children? 2015 annual report into child protection

The NSPCC launched its third state of the nation annual report, How safe are our children? 2015, last month, which highlighted the pressing need to tackle child abuse. The report exposed a host of disturbing figures that highlight the pressing need to tackle child abuse.

It revealed how 570,800 children were referred to social services in England in 2013/14, the highest number since the data was first collected in 2010. In 2013-2014, over 45,000 children were referred to social services across the ten boroughs of Greater Manchester and 4,234 children locally were subject to a child protection plan. While these numbers alone may be shocking, the NSPCC believes that for every child on a protection plan, another eight have suffered abuse, and remain outside the view of local authorities.

In addition, the latest figures on the number of sexual offences against children recorded by police in Greater Manchester have seen a 111% increase. They

rose from 864 in 2012-13 to 1,825 in 2013-14. It's not clear why the number of offences has risen so dramatically. Greater awareness may be giving more victims the courage to come forward, including those reporting historical cases, or police forces have improved their recording methods.

Peter Wanless, CEO of the NSPCC, said: "These startling figures must not be ignored. As our report shows, the challenges in keeping future generations safe are myriad and complex. From the leap in young people being referred to social

services, to the number of sexual offences being recorded against children, it is clear that society and government need to 'up the ante' and ensure tackling child abuse is a top priority." The responsibility of tackling child abuse does not fall to government alone. Child abuse is a societal problem with a societal cost, which is why we all have a responsibility to keep children safe from harm.

As part of its mission to protect a generation of children from abuse, the NSPCC visits its primary schools across Greater Manchester, help-

ing children understand abuse, giving them the confidence and courage to speak out and seek help if they ever need it. To date, the NSPCC Schools Service has delivered assemblies and classroom workshops to over 45,000 children across the borough of Greater Manchester.

Abuse changes childhood. But so can we. The NSPCC believes abuse can be prevented and lives repaired. But for that to happen, it is crucial that every single one of us works together; only then can we prevent abuse by protecting those who cannot protect themselves.

How safe are our children?

THE MOST COMPREHENSIVE OVERVIEW OF CHILD PROTECTION IN THE UK

WWW.NSPCC.ORG/HOWSAFE

Send your charity & CSR events to
j.baskerville@jbaskerville.co.uk

The deadline for the September edition is 13th August 2015



Talking Heads

This month's light-hearted Talking Heads poses the question 'If you were an ice cream, which would you be and why?'



Colin Griffin
Chief Clerk, Kings Chambers

Pistachio – you've got to be a bit nutty to do this job



Louise Straw
Partner, Burton Copeland
President of Manchester Law Society

If I were an ice cream I would be the deliciously creamy smooth 99 ice cream cone! The ice cream would be lightly flavoured with vanilla and if I was being rather decadent then I would have raspberry sauce swirled around the curves of the ice cream (or chocolate if you prefer). If I was feeling extremely naughty then I would opt for the double 99 with two flakes! As to why I would be a 99, well I will leave that for you to decide!



Michelle Garlick
Partner, Compli

I would be Stracciatella Gelato – difficult to spell and pronounce (just like Garlick and Compli!) but a delicious and unbeatable combination of ingredients. I'll be eating mine at Gelateria de Neri in Florence.



Geraldine McCool
Partner, Irwin Mitchell LLP

I would be cookie dough with chocolate sprinkles. I wear a lot of camel/black for work (including Bet Lynch tribute leopard skin) & since moving to the Cheshire countryside earlier this year and inheriting an aga my cakes are a disaster. I will be sticking to the law in future.



John Hyde
Reporter, Law Society Gazette

I'd be raspberry ripple. Deceptively layered, with sweetness running through my veins.



Joanne Berry
Principal Travel Litigation Lawyer, Slater and Gordon

I'm definitely a banana split – 50 per cent sensible and virtuously healthy and 50 per cent sugar, fun and decadent.

"It's a classic dessert that only improves over time and will never go out of fashion!"



Fran Eccles-Bech
Chief Executive, Manchester Law Society

I would be a peach gelato, unexpected and refreshing which means I would be in Rome as I would be being served at my favourite ice cream place of all time, San Crispino near the Trevi Fountains!



Sally Harrison QC
Head of Chambers, St Johns Buildings

I would be a magnum: smooth, glossy and hard to crack on the outside, completely soft inside.



Michael Ball
Partner, Gateley Plc

Like all lifelong Everton supporters I would be a Magnum Double Caramel. Get through the hard outer layer and toffee runs right through the middle.



Tricia Chatterton
Senior Academic, BPP University

I'd be a FAB – bright, colourful, a child of the 60s (should I be revealing that?!), one of the catchphrases of my first heart-throb, Scott Tracy of Thunderbirds (should I be revealing that either?!) – and probably my own most over-used word.



Michael Clavell-Bate
Senior Office Partner
Manchester

Rum and Raisin

Cos I'm a right rum'n and always raisin' the bar!



Paul Walker,
Managing Partner, JMW

"I would be a gelato misto, to offer the customer a mixture of flavours, the nearest thing to a 'full service' ice cream!"



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Deferred Prosecution Agreements, Procedure, Common Terms and Court Endorsement

INTRODUCTION

Since 1999 in the USA, and 2014 in the UK, prosecutors have been permitted to enter into DPAs for corporate bodies and other specified organisations suspected of or under investigations for criminal offences. In the UK, under the terms of the agreement, the prosecutor agrees to defer prosecution of the offences, provided that the corporate body complies with the terms of the agreement during its period of operation. DPAs permit the prosecution to be reinstated if the corporate body fails to perform its undertakings.

Between 2000 and July 2013, the US DOJ concluded 257 publically disclosed DPAs and non-prosecution agreements. The US Securities Exchange Commission concluded six agreements in the same period. The use of DPAs is on the rise in the US and is likely to be followed in the UK¹. Between 2000 and 2006, the US DOJ averaged 10 such agreements per year but, between 2007-2013, this had increased to an average of 30 agreements annually. The financial penalty that can be extracted as part of a DPA is a powerful motivation for prosecutors to adopt DPAs as a prosecution tool. In the USA, between 2000-2013, a total of \$37.2 billion was recovered from companies seeking

resolution of cases by this mechanism.

Obtaining A UK DPA

The Crime and Courts Act 2012 introduced DPAs into English law. The relevant provisions came into force on 24th February 2014. Section 45 provides that Schedule 17 of the Act contains all provisions for the making of DPAs. Rule 12 Criminal Procedure Rules addresses procedural issues. In February 2014², the DPP and SFO Director published a code providing guidance to prosecutors regarding the general principles to be applied in determining whether a DPA is likely to be appropriate in a given case as well as disclosure of information by a prosecutor to the corporate body. The code also contains detailed guidance on the means by which DPA negotiations can be entered into and special topics the prosecutor should consider in entering into a DPA.

Paragraph 1(1) of Schedule 17 describes a DPA as an agreement between a "designated prosecutor"³ and a person whom the prosecutor is considering prosecuting for an offence specified in Part two of the schedule. The person who may be a counter party to an agreement with a designated prosecutor "may be a body corporate, a partnership or an unincorporated associa-

tion, but may not be an individual."⁴ Paragraphs 5(1)-(5), Schedule 17 Crime and Courts Act 2013, provides that a DPA may impose on the corporate body requirements including the following⁵:

- i. To pay to the prosecutor a financial penalty;
- ii. To compensate victims of the alleged offence;
- iii. To donate money to a charity or other third party
- iv. To disgorge any profits made by the corporate body from the alleged offence;
- v. To implement a compliance programme or make changes to an existing compliance programme relating to the corporate body's policies or to the training of the corporate body's employees or both;
- vi. To co-operate in any investigation related to the alleged offence;
- vii. To pay any reasonable costs of the prosecutor in relation to the alleged offence or the DPA.
- viii. Terms setting out the consequences of a failure by the corporate body to comply with any of the terms of the DPA.

The prosecutor has to consider whether a DPA is a

possible disposal for the alleged criminal conduct by way of an application of a modified version of the two-stage Full Code test in the Code for Crown Prosecutors⁶. The prosecutor must consider whether there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge based upon the prosecutor's objective assessment of the evidence and the public interest would be properly served by the prosecutor not prosecuting but instead entering into a DPA. Where the evidential stage of the test is not satisfied, prosecutors considering a DPA are advised to consider whether "there is at least a reasonable suspicion that the corporate body has committed the offence and there are reasonable grounds for believing that a continued investigation would provide further admissible evidence within a reasonable period of time, so that all the evidence together would be capable of establishing a realistic prospect of conviction in accordance with the Full Code test"⁷.

When deciding the appropriate course of action, paragraph 2.3 of the DPA Code provides that the prosecutor should consider other relevant codes of practice and guidance including, but not limited to The Code

for Crown Prosecutors⁸, The Joint Prosecution Guidance on Corporate Prosecutions⁹, Bribery Act 2010: Joint Prosecution Guidance¹⁰ and the DPA code. If the prosecutor concludes that a DPA is the appropriate means of disposal of a case, a formal letter of invitation outlining the basis on which any negotiations will proceed will be sent to the corporate body¹¹. The Code addresses the manner and form of the negotiation- see in particular paragraphs 3.4, 3.5, 3.8 of DPA Code.

After the start of negotiations, the prosecutor must apply to the Crown Court for a declaration that entering into the DPA is likely to be in the interests of justice and the proposed terms of the DPA are fair, reasonable and proportionate¹². The court must give reasons for its decision on whether or not to make a declaration. Once terms are agreed, the parties return to court for a final hearing and obtain another declaration from the court that the DPA is in the interests of justice and the terms are fair, reasonable and proportionate¹³. Once the court makes the declaration, the DPA comes into force. The DPA and the court's declaration must then be published by the prosecutor. See Paragraphs 1(2) and 2 of schedule 17 of The Act for procedure in court as to what happens next.

Common Terms Imposed Under DPA

The DPA must include a statement of facts relating to the alleged offence which may include admissions made by the corporate body¹⁴ and must specify an expiry date.

Terms that may be agreed between the prosecutor and the corporate body include: financial terms, a prohibition on the company engaging in certain activities, financial reporting obligations, the implementation of a robust compliance or monitoring program, and co-operation with sector wide investigations.

Admission of conduct. The corporate body must admit responsibility in some way and undertake not to contradict anything in the statement of facts. In the USA, there is no requirement for an admission of adverse conduct by the defendant. It is, however, common to find terms within the DPA where the defendant admits the conduct that forms the basis of the offence. See E.G.: *US -v- UBS (2009)* ([deferred prosecution agreement](#)); *US -v- Shell Nigeria Exploration and Production company Ltd [2010]* ([Deferred Prosecution Agreement](#)); *US -v- WellCare Health Plans*. In the UK, paragraph 5.1 Schedule 17 of 2013 Act provides that



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while a "DPA must contain a statement of facts relating to the alleged offence", that statement "may include admissions made by co-operation." Further paragraph 6.3 DPA Code notes that, "there is no requirement for formal admissions of guilt in respect of the offences charged by the indictment though it will be necessary for [the corporation] to admit the content and meaning of key documents referred to in the statement of facts."

Financial Terms. Financial terms may include: compensating victims; payment of a financial penalty; payment of the prosecutor's costs; donations to charities which support the victims of the offending; disgorgement of profits. Any financial penalty should reflect what a court could have imposed had the corporate body pleaded guilty to the offences charges, with reference to the Sentencing Council's Definitive Guideline for Fraud, Bribery and Money Laundering Offences¹⁵.

Appointment of independent Monitors. The monitor's responsibilities are to assess and monitor internal controls within a corporation, advise on necessary compliance improvements to reduce specific misconduct identified and to report specified misconduct to the prosecution. Paragraphs 7.15-7.21 DPA Code make provision for the appointment of monitors.

Removal of Staff. A common feature of US DPAs has been the requirement to remove culpable staff who have been proven to be responsible for the misconduct in question¹⁶. The US DOJ has on occasion required the complete replacement of certain departments where the misconduct identified has been endemic¹⁷. In some cases where the removal of relevant employees and/or the appointment of new employees has been a step taken by the corporation prior to the finalising of the DPA, this has been acknowledged as co-operation with the prosecutor or other investigators.

Implementation of Compliance programme. See e.g. *US-v- Johnson and Jonson* [2011] where for breaches of The Foreign Corrupt Practices Act, Johnson and Jonson agreed, inter alia, in its DPA that: it would create a compliance department which "serves all business sectors within the company"; due diligence reviews of all third parties; developing mechanisms for handling reports

and complaints; procedures and standards regulating gifts, hospitality and travel." Co-operation. Paragraph 7.7(iii) DPA code provides that a normal requirement of a DPA concluded with a UK prosecutor will be:

*"A requirement on [the corporate body] to notify the prosecutor and to provide where requested any documentation or other material that it becomes aware of whilst the DPA is in force which [the corporate body] knows or suspects would have been relevant to the offences particularised in the draft indictment."*¹⁸

An example of the standard US co-operation terms may be found in Toyota's US DPA agreement with the DOJ¹⁹.

Privilege. It was a term of many early US DPAs that a corporate body waived its right to legal professional privilege in order to be considered to have co-operated with the US Government. US prosecutors are now prohibited from making waiver of privilege a term of a DPA. Waiver of privilege is, however, one of the many considerations that Prosecutors take into account when deciding whether to enter into negotiations regarding a DPA²⁰.

Christopher Tehrani QC
Exchange Chambers

NOTES

1 See "Deferred Prosecution Agreements: Government response to the consultation on a new enforcement tool to deal with economic crime committed by commercial organisations" MOJ 23rd October 2012.

2 <http://sfo.gov.uk/media/264623/deferred%20prosecution%20agreements%20cop.pdf>.

3 The DPP, SFO Director, any persons designated by an order made by the Secretary of State- Schedule 17, paragraph 3.

4 Paragraph 4(1), Schedule 17.

5 The DPA may impose time limits within which the corporate body must comply with the requirements imposed upon it.

6 See paragraph 2.2 et seq of DPA code.

7 Paragraphs 1.2(b) DPA Code.

8 https://www.cps.gov.uk/publications/code_for_crown_prosecutors/codetest.html

9 http://www.sfo.gov.uk/media/65217/joint_guidance_on_corporate_prosecutions.pdf

10 http://www.sfo.gov.uk/media/167348/bribery_act_2010_joint_prosecution_guidance_of_the_director_of_the_serious_fraud_office_and_the_director_of_public_prosecutions.pdf.

11 Paragraph 3.1 DPA Code.

12 Section 7(1) Crime and Courts Act 2013. See also paragraph 7.2 DPA Code.

13 Paragraph 8(1), Schedule 17 Crime and Courts Act 2013.

14 Example of statement of facts re DPA between New York County District Attorney's Office and HSBC may be found at <http://www.justice.gov/sites/default/files/opa/legacy/2012/12/11/dpa-attachment-a.pdf>

15 See also Paragraph 7.9(iii)-(iv) DPA Code

16 E.g. see *US-v-Bristol-Myers Squibb Company* (2005). Deferred prosecution agreement, where the company was to replace its CEO, Controller and President of its Worldwide Medicines Group.

17 In *US-v- HSBC* (2012), the DPA providers that HSBC "has taken, will take and/or shall continue to adhere to a number of remedial measures in relation to key employees, including: the appointment of a new leadership team including a new CEO, General Counsel, chief compliance officer, AML director.....; claw back bonuses for a number of their most senior AML and compliance officer;increasing AML staff from 92 full-time employees and 25 consultants to 880 full-time employees and 267 consultants; replacing 18 of the top 21 officers of HSBC Group.

18 Paragraph 2.8.2(i) DPA Code.

19 <http://www.justice.gov/sites/default/files/opa/legacy/2014/03/19/toyota-def-pros-agr.pdf>

20 See Section 9-28.720 of the US Attorneys Manual

The rationale behind matter-centric document lifecycle management

by Jon Wainwright, Sales Director, Ascertus Limited

There can be many homes for a document – it could reside in a physical file folder in an office cupboard, on an employee's personal desktop, in an Outlook inbox, in a voice-mail on a mobile device and so on. The individual working on a document of course knows exactly where it's saved (most of the time); but it's not easily accessible to others.

Tangible cost of inefficiency and productivity

There is a substantial cost attached to the time it takes individuals to locate documents and information. A global IDC survey (including the UK) shows that information workers waste 12.1 per cent of their time per week dealing with challenges related to document creation and management – all of which translates into loss of organisational productivity of 9.8 per cent. Eliminating the time wasted related to creating and managing documents would be equivalent to adding 98 new employees in a 1000 person company. The time wasting tasks include searching for, but not finding information; recreating documents and pulling information that exists in different files and formats into a single document. Potentially, these costs are indicative of the situation in law firms too, especially given the nature of the business where documentation accounts for a high proportion of law-related activity.

Aside from cost of inefficiency and diminished productivity, there are other repercussions too. For instance, with ever stringent and growing complexity of compliance, it's imperative that client matter information is safely stored in data repositories that are located in the right locations and jurisdictions. These documents must also be easily accessible to authorised users – so there has to be an intuitive logic behind the process followed.

What is matter-centric document storage?

Matter/project-centric document storage is a good option – within a firm-wide document management

system. It requires creating matter-related workspaces where all information and documents related to particular, unique matters are stored from across data sources – everything from correspondence, images, data, presentations, pleadings, voicemails, emails, contracts and more. Such an approach enables the organisation to even capture dialogues and discussions that take place via email pertaining to matters that don't necessarily form part of more formalised documents.

A logical approach

Such an approach offers numerous benefits. Documents and information are easy to locate as their storage is designed around a matter. This therefore eliminates the need for standard naming conventions across the firm, which can become tedious to implement. The most effective way of storing documents in the finance or HR departments may be very different to that in a legal department. Matter-centric document storage offers legal teams the flexibility to use terminology relevant to cases and matters and so 'Google-like' searching becomes possible. The benefit of such an approach greatly increases if multi-jurisdictional teams are involved on a case or matter.

Documents are much easier to share and collaborate on with matter-centricity. The document management system becomes the default, central repository for all documents – email trails and all. It also becomes straightforward for team members to share large documents – they can simply email links to the repository instead of attaching large file, some of which has been exceptionally enormous given the nature and scope of legal documents. Crucially, version control (a bane of our lives often!) can be built into the storage and retrieval processes.

It also becomes significantly easier to secure documents. With matter-centric workspaces, the central document management system can be configured for security based on case confiden-



Jon Wainwright

tiality requirements and internal document management policies. So for instance, security could be set at the workspace, folder or document level with users/documents automatically inheriting access rights – for how long the documents must be stored, who can access them, what folder structures should be used, etc. In fact, firms can ensure that all regulatory and legislative policies pertaining to document collection, retention and destruction are rigorously followed.

A matter-centric approach to document management is suitable for mobile working too. Rather than wading through massive folders, it's far easier and quicker to access matter related workspaces while working remotely or out of the office – be it through a laptop, tablet or any other smart device.

Fundamentally, a matter-centric approach to document storage and management is intuitive and takes into consideration the 'user' point of view. Norwegian law firm, Kyllingstad Kleveland Advokatfirma DA (KKLAW) is a case in point. Some cases at the firm run over a period of four to six years and there are instances where for each case there may be close to 10,000 documents. Despite the large volume, users are able to find the right documents relatively easily. Getting users on board has never been a problem. The easier a document system is to use, the higher its adoption is likely to be. A matter-centric document management system delivers that.



Management Matters

This column is now into its fifth year and feedback is still good. We would still like to receive observations and ideas for future issues. Please mail Bill Kirby at billkirby@professionalchoiceconsultancy.com or the publisher Julia Baskerville at j.baskerville@jbaskerville.co.uk

Will the lesson ever be learned?

Over the last few months I have visited many law firms, met accountants and had discussions with banks and other finance houses.

It is still amazingly apparent that many law firms have not learned the lesson about how much more important liquidity is than demonstrations of profitability.

I have encouraged revenue growth, achievement of billable time standards, billing and gross profit achievement but this cannot be at the expense of cash-flow as without money in the bank irrespective of paper profit, billing and WIP growth unless the cash is in the bank we cannot survive so there is an amazing need for financial capability rather than the ego of growth and usual target achievement or excesses. This applies at a fee earner and partner level.

In the November check list issued in November Cash Management featured quite strongly.

Unfortunately big and small firms have not taken heed and are under pressure from their banks, not having drawings available and in some cases borrowing money to pay their VAT.

The November check list stated:

"Cash Management

For many this is still the biggest challenge.

- Poor management in this area can adversely affect up to three hundred firms a year and of all sizes
- Credit control is essential but too late in the process
- Close review of lock up is perpetually essential
 - o Validation of realisable WIP is perpetually key as unless we are to be paid for it, it is of little value
- Time recording is key even on fixed price activity as it is essential that we at least know the cost of something before the next time and we need to compare individual performance and business process
- If offering fixed price litigation the what is included is key along with proper change control procedures
- Look at your client/file inception procedures to add in the

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agreement with the client of when they are to pay what; establish this billing profile and bill on time in line with the profile

- Include sensible estimates and a client risk assessment (ability to pay) is a good first step for every lawyer in every firm.
- To establish, working with your IT people, a means to monitor costs against the estimate to trigger early warnings when an estimate needs to be changed; and be bold enough to do it, making changes clear to the client. Most Practice Management Systems facilitate this now – just make sure it is deployed
- Always look at discretionary costs and headcount and the inevitable timing of expenditure"

And Now

Unfortunately the problem hasn't gone away.

In 2007 the world was a very different place. Because I was a professional lawyer I could call my bank and it was highly likely there wouldn't be too many objections from the professional bank manager to my overdraft being increased.

With the recession and major issues with the banks that lack of professionalism disappeared

Certainly now there are people that can potentially bail us out of trouble. Assure Law, Legal 360, our accountants (but it is often an added value service that is lacking) and others but to be quite honest control of this situation is within our own hands.

Thankfully, more of us are delegating accountability to department heads for billing, gross profit, time recording and cash collection as well as business development but so often they do not know what to do themselves or in managing their fee earners.

I would suggest that everyone first of all takes stock. The bare facts.e.g.

As at end of July 2015

Bank Balance	Overdraft Ennknk	
Lock Up total	£n million	Department A E Department B E Department C E Department D E
WIP	£n million	Department A E Department B E Department C E Department D E
Outstanding Bills	£n thousand	Department A E Department B E Department C E Department D E
Outstanding Disbursements	£n thousand	Department A E Department B E Department C E Department D E

It is all very well having growing WIP – but is it all recoverable and when?

It is good to know that we have billed – but is it all recoverable and when

You will be potentially stunned by looking at these figures. They should also be looked at by fee earner. There is absolutely no point in having WIP that is unrealisable and not having a good idea as to when. Same applies to outstanding bills.

Imagine being a firm with £2.5million of lock up. Outstanding bills of £500k and a bank putting you under pressure on a £200k overdraft. Crazy stuff as it can so easily be fixed with realism.

Some actions

- Every fee earner should be able to give an update on when or if a client is going to pay a bill
- Every fee earner should be able to advise his manager as to when a matter is likely to close and what it is going to be worth when it does.

• Working files is no different than being a project manager – an end target date, stages through the process, problems that have to be fixed to get back to that end point within time and budget.

• There is no point raising a bill, setting expectations as to cash receipt when it is not going to happen.

• WIP, billing figures and cash forecasts should be adjusted at least monthly to reflect this.

• Many firms are these days discounting WIP over 6 months old in reflecting fee earner performance

• Why pay VAT and tax on figures that are not going to turn into cash? I even had a partner the other evening say that he didn't record all his time to avoid tax – I can see his point but that is not the issue.

• The working capital cycle starts long before the credit control activities and it sits with the fee earner

- o Give an honest appraisal of the work to be done
- o Explain the likely costs and disbursements – by stage preferably – Jackson has shown the way
- o Estimate the % chance of success
- o Confirm all of this with the client care letter
- o Discuss a billing profile with the client to handle the circumstances – size and length of activity, payment at end of case or payment in stages or periods. Money on account
- o If you are lacking the courage to discuss payment and many lawyers do then use the compliance rules – makes the "sensitive" discussion easier.

Most systems these days then allow you to set up a payment profile with the automatic generation of a draft bill and the collection of a regular direct debit

Check the clients credit limit within the firm – regular clients will not automatically qualify for a summation of estimates because of their circumstances

Keep the client up to date with potential amendments to estimates. Failure to do so upsets the clients and their experience and can lead to write offs and poor debt collection

Setting the ground rules in most cases is not a turn off for the client – he knows what to expect in terms of service, he knows what to expect in terms of paying bills, he could be offered a choice of payment methodologies. The client will understand the professional approach

Time recording – use your electronic system – it gives you a clear history. Clients are not daft and expect you to keep a time record of work being done. The history also gives a platform to discuss potentially higher fees going forward

Regularly review against cost budgets by stage or the whole file and credit limits. This provides the opportunity to discuss variances with the client

Billing – make sure you achieve the profile you have agreed with your client

Be prompt with your bills – bill at the due moment or immediately at the end of the file. Don't leave it to the end of the month as that first access may have been denied. Capitalise on the euphoria moment. If not successful believe it or not he is likely to pay quicker than if he has time to brood

If you are working on a fixed price deal – even litigation make sure that his expectations of what is included are very clear

Please, please be real. The thing that really matters is the ability to pay the bills, staff wages even your own drawings. It is all in your own hands too.

Bill Kirby is a director of Professional Choice Consultancy offering advice to firms on business issues from strategy, planning, business development, the effective use of IT applications and IT hosting for compliance, business continuity and DR. He can be contacted at billkirby@professionalchoiceconsultancy.com



‘Death by Dangerous’ - the debut novel by Manchester barrister Olly Jarvis

‘Death by Dangerous’ is the debut novel of Olly Jarvis of Exchange Chambers in Manchester.

Olly Jarvis writes both fiction and non-fiction, and wrote the highly acclaimed Radio 4 drama Judgement exploring a barrister's thought processes whilst cross-examining a rape victim. He also wrote and presented a BBC Documentary 'Mum knows Best'.

Death By Dangerous is published by Troubador ISBN 9781784623494 Paperback: £7.99 Ebook: £2.49



barrister. Death By Dangerous focuses on the relationship between barrister John Anderson and a solicitor, Tahir Hussain in a changing legal landscape. “

The main character in this legal thriller John Anderson is one of the North West's most dedicated and successful prosecution barristers. His career is going from strength to strength. On the verge of taking Silk, the life he once knew suddenly comes crashing down following a fatal road traffic accident.

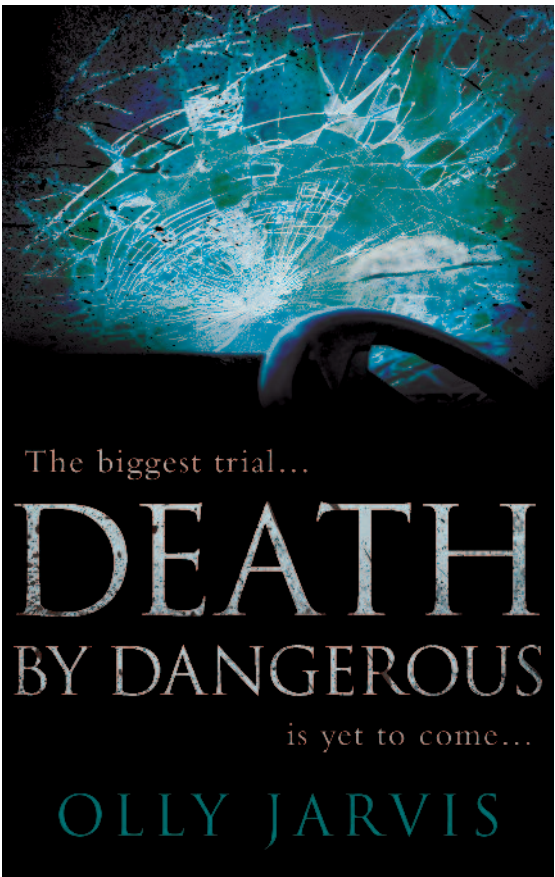
Recovering from his injuries, he has no memory of the collision. Was he responsible for the death of a child? Who was his female passenger? Facing a charge of causing death by dangerous driving, the professional and personal life he once knew now lies in tatters.

The mystery deepens as his search for the truth draws him into Manchester's sordid criminal underworld.

Shunned by his former colleagues, Anderson finds help from an unlikely quarter, enabling him to confront his prejudices and to re-evaluate his past life. He embarks on a journey of self-discovery and, ultimately, the path for his own redemption. Anderson knows that defeat means deliverance to a prison full of violent criminals he has prosecuted over the years. Anderson now has to find the strength to fight the most important trial of his life.

Olly Jarvis writes both fiction and non-fiction, and wrote the highly acclaimed Radio 4 drama Judgement exploring a barrister's thought processes whilst cross-examining a rape victim. He also wrote and presented a BBC Documentary 'Mum knows Best'.

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“Death by Dangerous” is the debut novel of Olly Jarvis of Exchange Chambers in Manchester.

Olly started writing the book three years ago. He says “I had just completed an horrific death by dangerous case and was exhausted. I took a week off work and started to write.”

The first draft of “Death by Dangerous” took Olly 10 months and then he says, the most difficult part started with the editing and re-writes which took a further 12 months.

Olly says that his experience as a lawyer and in the courtroom has provided the background and inspiration to the book but all the characters are purely fictional, despite speculative discussions in the robing room!

Olly comments “ There are very few books out there, if any that really reflect the modern day challenges faced by lawyers working in the English Criminal Legal system - little financial reward, working all hours, immense stress. And at the heart of it, the prickly symbiosis between solicitor and

A little bit of history

The John Rylands Library

The John Rylands Library was founded by Enriqueta Rylands in memory of her husband John Rylands. In 1889 the architect Basil Champneys designed the striking gothic building, which took ten years to build and was opened to public readers on 1 January 1900.

The library was one of the first buildings in Manchester to be lit by electricity, which was originally generated on site, with mains electricity introduced in the 1950s and major re-wiring bringing it up-to-date in the 1990s.

The bookcases were equipped with elaborate locks and seals to protect their contents against both unauthorized handling and the City's grime-laden atmosphere.

Above the door of the magnificent frontage on Deansgate the coat-of-arms of St Helens, John Rylands' birthplace, and the combined arms of the Rylands and Tennant (Mrs Rylands') families are surmounted by John Rylands' monogram.



The library became part of The University of Manchester in 1972 and currently holds the Special Collections of The University of Manchester Library. Mrs Rylands' memorial to her husband is now part of the third largest academic library in the United Kingdom, and the Deansgate building houses over 250,000 printed volumes, and well over a million manuscripts and archival items.

My Other Life

This month Liz Fletcher of JMW solicitors talks about her love of skydiving...

Liz Fletcher qualified in 2009 and joined JMW Solicitors earlier this year where she specialises in employer and public liability claims, including product liability and criminal injuries compensation claims.

However, when Liz isn't working she enjoys nothing more than jumping out of planes and helicopters. Her passion for skydiving began when she agreed to to a jump with her sister whilst a student, with the view that it would be a “one-off”.

Now over 1100 jumps later Liz still loves the feeling and describes skydiving as the “ultimate escape with an amazing adrenalin rush. When you step out of that plane or helicopter into the air, nothing else matters.”

After that first addictive jump Liz joined the Leeds University Skydiving club and went on to train as a coach, teaching novice skydivers to gain their 'FS1' qualification. She later



Liz jumping from a helicopter over the Swiss Alps

joined her local club's camera team, filming tandem skydivers every weekend for 18 months whilst working as a solicitor. The most camera jumps she did at once was 28 in under 2 days, but says this was just too much pressure in such a short space of time.

Liz has skydived all over the UK and in Spain, Portugal,

Slovakia and Switzerland, and has organised charity jumps. She adds “Contrary to popular belief, skydiving is a safe sport. But, you can't become complacent. Despite jumping over 1100 times I am still nervous, but I think that is part of the appeal. It is a unique sport, which is a mental rather than physical challenge.”



MTSG News

As I come to write my final article for the Messenger as the Chair of the MTSG for 2014-2015, the first thing I want to do is acknowledge and pay thanks to my fellow Committee members. They have put in a significant amount of time behind the scenes, not just in respect of their specific roles but as part of wider committee business. To do this whilst working in a demanding profession and juggling their own personal lives deserves recognition and so on behalf of all the members I thank them for this.

Thanks must also go to our sponsors and supporters throughout the year. Their generosity has enabled the multitude of MTSG events to go ahead, and in doing so has ensured that our members are supported during their life at the junior end of the legal profession in Manchester.

Reflecting on the past 12 months, I'm incredibly proud that the MTSG has opened up its membership to paralegal apprentices and to junior barristers and that we raised a total of £3,257.21 for our nominated charity -Wood Street Mission. This year we have introduced a Constitution which outlines what the objectives and powers of the MTSG are, in addition to how we operate. A copy of this has already been emailed to members, and it is also available to view on our website. On behalf of the Committee, I would like to thank Nick Davenport from Turner Parkinson and Keith Etherington from Slater and Gordon for their helpful comments and feedback on the various draft versions.

Finally, from a personal viewpoint, I want to thank all our members and sponsors for the support they have provided me with over the last year – it has been both a formative and engaging time and I will forever be grateful for the opportunity and the experience I have gained. Looking ahead, the Committee for 2015 – 2016 has now been appointed and I am sure they will continue to develop the MTSG and expand

the opportunities for members. I wish them every success for the future.

Kieran Duignan
MTSG Chair 2014-2015
Slater and Gordon



The Manchester Trainee Solicitors Group provides social, educational, sporting and networking opportunities for junior legal professionals in and around Manchester. If you would like to join us as a paralegal, prospective trainee, trainee or newly qualified solicitor, please visit the 'Join Us' section of our website: www.mtsq.org.uk

MYSG News

As summer gets into full swing the MYSG committee have been very busy. At the beginning of July we held our annual Beer tasting event at Beermoth in the Northern Quarter. Members had a chance to sample varied array of brews and learnt what goes in to getting that perfect pint! The event was a great night and a special thanks goes to the sponsors of the event, Anakin Seal, who not only supported this event but is a continued sponsor of the MYSG events.

Most recently MYSG teamed up with JCI Manchester for the Flip Flop summer social held at Lock 91. Guests were asked to get their flip flops and sunglasses at the ready as members and inter-professionals from all over the city came together in a relaxed fun atmosphere. The sunshine even managed to hold out! It was a great evening and guests were treated to complimentary summer cocktails and great food whilst soaking in the summer atmosphere at this great venue. It was a great success and we look forward to holding more joint events with JCI in the future.

The next event in MYSG's diary will definitely get our members feeling summer ready with our lifestyle, nutrition and fitness seminar. The talk will be based around helping members with their personal training and diet plans as well as give more information on how to reduce stress and increase energy. We hope that the seminar will assist you and you will shortly be able to register for this event on our website please look out for the mail shot we will shortly be forwarding details of this to you.

We also have many more great events to look out for this year including a cupcake making event, wine tasting and our popular pool competition later on in the year. Please keep a watch on the website for these and also details of our upcoming Summer event for Newly Qualified members. This is always a popular event and we are currently looking at venues for this to ensure this is a fabulous evening.

The upcoming events are sure to provide some great opportunities for networking and we look forward to welcoming you to the same.

Carly Murphy,
TPC Solicitors,
MYSG Committee Sponsorship Officer.

The MYSG has over 1000 members and we invite qualified Solicitors up to 10 years PQE (excluding partners) from in and around Manchester to join our group. We offer Manchester's Young Solicitors the opportunity to attend Solicitor and inter-professional social events, as well as educational and sporting events throughout the year. Please continue to check our website, www.mysg.org.uk, as well as your emails, for all of the upcoming events. If you would like to be added to the MYSG mailing list, or if you have any ideas for future events you would be interested in attending and would like us to organise, simply email us at info@mysg.org.uk. Membership is completely free and the cost of the events is met by Sponsors. If you are a company who is interested in sponsoring these events or want some further information on what it involves, then please email Carly@tpclaw.co.uk or jemma.goldstone@jmw.co.uk

CILEX News



CILEX Greater Manchester Branch

The branch will be running a full calendar of events during 2015. No events are being held over the summer but plans are being made for future event commencing in the autumn.

All CPD events are open to both members and non-members.

If you would like further details of any of future events, and/or you have any requests or suggestions for CPD topics you would like to see covered, please contact the branch at: manchestercilex@outlook.com

The Chartered Institute of Legal Executives

Local Government lawyer David Edwards takes helm at CILEX

On 10th July David Edwards became the 52nd President of the Chartered Institute of Legal Executives at a ceremony at Hatfield House in St Albans. David's legal career spans 40 years and he is now the principal Chartered Legal Executive for St Albans City & District Council. His new role as CILEX President will run to July next year.



David Edwards

David said: "We now have our own practice rights and can regulate our own practices. With an increasingly specialised legal sector we will undoubtedly be a significant part of the future of the profession."

As CILEX develops its plans for working with government for the next five years, David said: "It is refreshing to hear Michael Gove speak candidly about the difficulties faced by those less well-off who try to navigate our justice system and I

am determined to work with him to make a better justice system."

David takes office as Chartered Legal Executives begin to set up their own law firms to deliver reserved legal activities. The move is expected to improve the availability of legal services to consumers, and improve diversity in the legal profession with three-quarters of Chartered Legal Executives being women.



David Edwards, Millicent Grant and Martin Callan

am determined to work with him to make a better justice system."

The CILEX Council leadership team for 2015/16 is completed by Vice President Martin Callan, who will take up the presidency in summer 2016, and Deputy Vice President Millicent Grant who will do the same in summer 2017.

Government gives new employment opportunities to CILEX lawyers

The Government Legal Service has opened up their lawyer roles to Chartered Legal Executives for the first time.

Following an in-depth review of recruitment practices the head of Government Legal Service and Treasury Solicitor Jonathan Jones approved proposals made by CILEX.

CILEX President Frances Edwards said: "There are still some organisations which overlook the full spectrum of lawyers available to recruit, depriving them of practically-trained specialist lawyers. The Government Legal Service has adapted to reflect the modern ways in which lawyers are educated, and I am grateful to Jonathan and the entire Government Legal Service team for their work which will broaden opportunities for CILEX lawyers"

The first round of recruitment open to Chartered Legal Executives is now live, with roles advising Treasury ministers on tax law open for the first time.

CILEX Regional Contact

If you would like any further information about the above, or about CILEX generally, please contact Chris Hoskin, CILEX' Development Officer for The North of England:

Phone: 07881 286267
Email: choskin@cilex.org.uk

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You will find the very best local and seasonal ingredients, astoundingly good food and a warm welcome, with a spacious, contemporary backdrop. Damson offers breath-taking views of MediaCityUK and the water with perhaps "The best view from a Manchester or Salford restaurant" according to Manchester Confidential.



The restaurant is easily reachable from Manchester city centre with a direct Metrolink tram stopping directly outside at the Media City stop and taking just 15 minutes.

We offer a variety of packages from breakfast meetings, private dining, chef's tables, canapés receptions, and conferencing dinners, to suit all personal and corporate requirements including bespoke exclusive hire.

Please email events@damsonrestaurant.co.uk for more information or contact a member of the team on 0161 751 7020.

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dinner or special occasion. Seating up to 40, the area is an exclusive dining option, retaining the 'buzz' of the restaurant.

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The award-winning wine cellar at Damson is a big string to the restaurant's bow, and the large bar area is a fabulous place to while away a few hours tasting your way through the list! - You will receive a full consultation in advance so that you can match the drink to the occasion. A bespoke canapé menu is available too - all served by your own dedicated team of staff.

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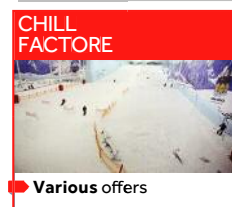
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Contact

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MLS ADVANTAGE

Whatever happened to the 9 to 5 client? -

by Bernadette Bennett, Legal Commercial Manager at telephone answering specialist Moneypenny

There was a time, refreshingly some may argue, when clients were happy enough to conduct any business with their law firm between the hours of 9am and 5pm. There was even an understanding that the office may be closed for a lunch break.

Clients' expectations fell within these safe, easily defined parameters. Today, an online culture; which initially crept up on us, pervades almost every aspect of our business; and indeed personal, lives, changing all that for good. Embracing the digital age, in terms of developing and successfully implementing an online strategy is no longer a nice-to-have for law firms of all sizes, it's a must, with the pressure on to deliver when the phone rings as a result.

Those who attended the recent NatWest mmdigital 'From Click 2 Client' Conference will no doubt have plenty of food for thought in terms of capitalising on the opportunities digital marketing presents when it comes to new business generation and overall client satisfaction.

With clients accessing information and making enquiries on the move on smartphones, tablets and other devices, and expecting a response at

a time to suit their busy lifestyles, an ever-growing number of firms are recognising the benefits of telephone answering support. At a fraction of the cost of hiring, it's a flexible and cost-effective solution to meet demand and provide a seamless professional response every time; supporting busy periods, holidays, absences and extending virtual opening times.

At Moneypenny, legal continues to be our largest sector, accounting for more than half a million calls every quarter. Legal also accounts for the majority of overnight calls handled by our receptionists in New Zealand during their daytime. Indeed, in the early part of this year, the numbers of legal clients requiring 24/7 call handling support either on an overflow or fully outsourced basis rose from 17% to 24% when compared to the same period in 2014.

Client habits have changed and expectations are at an all-time high. In an 'always on' world, the firms thriving are not only generating more leads from creative marketing across multi-platforms, but capitalising on every opportunity by having the resources they need to convert new business in the first place then building lasting client relationships through great service.

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Welcome to the August edition of Risk Update.

The Gold Rolls Royce - not yet in the scrap yard

A few years ago I chaired a "Round the Table" discussion on behalf of Manchester Law Society (MLS), with the participants including officials and council members of MLS and very senior insurance market representatives who travelled from London to attend.

The scope of the Minimum Terms Cover (MTC) for professional indemnity insurance was a hot topic then, as it continues to be today. One particular comment has stuck in my mind since that day. I had responded to a question along the lines of "Compared to the insurance cover required by other major professional bodies such as the ICAEW, RICS, RIBA etc, the MTC demanded by the legal profession is akin to a gold-plated Rolls Royce, when a standard saloon would have been adequate". This provoked a retort by a senior MLS Council Member, which has stuck in my mind since, to the effect that **"Sorry, Kevin, you are wrong: the MTC are the equivalent of a solid gold Rolls Royce, and will cost the profession big style in the future"**.

There we had it. Likening the MTC to a solid gold Rolls Royce that would cost the profession dear proved to be a very perceptive comment, particularly as it was made before the economic crash when the profession had become accustomed to annual premium reductions, not massive increases.

Since then the Roller's been customised a bit. One major modification has been the replacement of the Assigned Risk Pool (ARP) by a specific obligation for insurers to provide run-off cover, whether paid for or not, if the insured has to shut up shop: another one of those "be careful what you wish for" moments for the insurance market.

They say timing is everything. Well, the SRA has gone and done it again: **"SRA Discussion Paper: Protecting Clients Financial Interest, 8 July 2015"** is now with us. After last year's embarrassing fiasco for the SRA, it has demonstrated yet again a complete lack of understanding of how the insurance market works. And this after the SRA promised that the consultation paper would be available to the insurance market by Christmas 2014.

To see the problem that will be created by this timing, you need look no further than the front page article published in The Law Society Gazette of 13 July 2015: **"SRA in renewed call to lower minimum cover for insurance"**.

The SRA states in the Discussion Paper:

"We will set out detailed proposals in a further consultation in early 2016. This means that the earliest any major changes can be implemented by is October 2016"

I presume this means that the changes will catch the 85% or so of policies issued to firms of solicitors that

still fall due for renewal on the old common renewal date, in September 2016.

I am somewhat bemused by the Discussion Paper, particularly in the light of what was proposed and subsequently rejected by the LSB last year. It asks for feedback on a range of issues, some of the key ones being as follows:

- level of indemnity;
- insurer's obligation to provide run-off cover;
- period of run-off cover;
- consistency of cover for all clients;
- payment of policy excesses, including insurers' obligation to pre-fund the excess payment;
- ability of insurers to deny cover for claims.

The potential outcomes of the above will have an effect on the Solicitors' Compensation Fund, which is of course the province of the profession and not the concern of the insurers.

The SRA has at least learned something following last year's fiasco, even if it's not about the timing. It is seeking information from the insurance market, which it did not do last year and without which it made blind decisions. The SRA does not have credible evidence to support its suggestion that there would be significant premium reductions if, for instance, the minimum limit of indemnity were to be reduced to £500,000. Of course, some firms might benefit financially but there is no proven case that there would be any saving for the majority of eligible firms; in fact the reverse is possible because of the knock-on effect on the cost of top-up cover.

The level of indemnity is a difficult area. The SRA's position is that it is the responsibility of firms to assess what limit of indemnity is appropriate. This is not so easy. For a start, some firms will simply purchase the minimum amount of cover required to satisfy the regulator in order to save premium, without regard for their exposures or the consequences for their clients. Brokers and insurers will provide advice but understandably neither is in a position to recommend a specific figure. The availability of capacity might in some cases be a constraining factor and conversely it does have to be recognised that affordability may be an issue. What I would say is that some of the larger professional indemnity claims we have seen have arisen from seemingly innocuous advice, which quite simply would never have been factored into any consideration of what level of cover is advisable.

I can also state without fear of contradiction that, in the light of claim statistics for all professions over the last 20 years, a limit of £500,000 is not enough for the vast majority of practices. It could leave sole traders and partnerships massively exposed and lead to their financial and reputational ruin.

What does need to be avoided is any knee-jerk reaction to put solicitors' indemnity limits on a par

with, say, those of the ICAEW, following the opening up of probate work and any perceived need to level the playing field with respect to insurance limits and costs.

I will not comment in detail on the rest of the SRA's list of topics. The fundamental issue remains the Solid Gold Rolls Royce! The Minimum Terms are too wide and always have been, yet they are now the accepted benchmark for "customer protection" — and firms' protection, of course, albeit at a financial cost to them. Tinkering with the Minimum Terms could reduce the cost, but equally it would correspondingly reduce the protection provided. Little will change unless a calculated gamble is taken and certain types and sizes of firms are allowed to buy cover that is significantly reduced in all aspects, including the element of discrimination against certain classes of client.

I believe that insurers could work with this type of approach, providing that there were safeguards, possibly via the Compensation Fund and/or other levies. But I fear that it would be impossible to get all stakeholders to buy into this, given the many conflicting interests in play.

The imposition of solutions to one or two of the issues being consulted upon might only cause problems in other areas. I suspect this can will be kicked down the road for years to come, without a satisfactory resolution. But a long-term solution does need to be evolved, so as to create a balance of customer and solicitor protection. A one-size approach will not necessarily fit all.

By the time this article is published, I will be in warmer climes and in close proximity to a pool and a bar, as I suspect will be many MLS Members ... enjoy your holidays!

KEVIN J. McPARLAND ACII

Managing Director

This article does not present a complete or comprehensive statement of the law, nor does it constitute legal advice. It is intended only to highlight issues that may be of interest to MLS members and solicitors. Specialist advice should always be sought in any particular case.

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HEALTH & FITNESS: A WORD FROM MATT BRERETON-PATEL

1:1, 1:2 & Small Group Pilates at three sixty°

I'll be honest, I've always liked Pilates. But I've never been a big fan or attendee of Pilates classes because they tend to be jam-packed tight with little personal input from the instructor.

And I've never wanted to offer personal and small group Pilates at three sixty° because the quality of instructors is so variable.

That has all changed though as we'll be launching 1:1, 1:2 (held in a private room at three sixty°) and small group STOTT Pilates classes at three sixty° starting on August 4th.

This means personal attention and better results, plus, as we have partnered with Nisha Srivastava of manchesterpilates.com, who is one of the finest instructors in the North West, if not the UK, the quality of instruction is second to none.

Who is Pilates for and who can it help?

In our experience, Pilates can (and has) helped everyone from desk bound professionals, those experiencing chronic back pain and recovering from injury, elite athletes and sports people, through to amateur gym goers and pro lifters.

Ask yourself, do you want:

- To develop core strength, flexibility, and awareness of your body?
- To support efficient, graceful movement and optimal performance?
- To gain improved posture?
- To become stronger?
- Flatter abs?
- Reduced lower back pain?
- Injury prevention?
- To enjoy greater structural stability throughout your body – one of the keys to physical wellbeing and increased performance?
- Enhanced physical rehabilitation and recovery from injury?

Also ask yourself...

- Do you suffer from neck ache and headaches?
- Are you round shouldered?
- Do you wake up groggy, tired and wishing you didn't have to go to work?
- During your working day, do you sit for seven to eight hours (or more!), staring at your computer screen, needing gulps of caffeine to stay awake, especially during mid morning or around 3.30pm?
- When not at your desk, do you spend hours with your head tilted down at your phone?
- Are you anxious or stressed?
- When you're too tired to go to the gym, do you come home, heat up a ready meal and watch TV, before going to bed at midnight?

If you answer 'YES' to some of these questions, then improving your posture and alignment by balancing your body and mind can help.

Interested? Head on over to: <http://threesixtypersonaltraining.co.uk/personal-training/pilates-manchester/> for more information or email pilates@threesixtyclinic.co.uk

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LEIGHTON
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The World

according to Fran



As you know Jack is not the tidiest or cleanest of people! His bedroom has the fragrance of that well know teen aroma - sweat and lynx - you could write your name in the dust or fill a bean bag with the fuzz on the skirting boards.

I have given up shouting, cajoling, begging him to clean. He does occasionally move things around a bit - eg he will move a couple of the empty cans of coke from his bedside table to the bookcase - at least it is nearer to the door.

What has started to really irritate me is WHY HE WILL NOT PUT A NEW TOILET ROLL out when he has used one up in the family bathroom.

I don't always go in there as we have an en-suite so it is quite annoying when people come to visit and need to use the bathroom and there is no loo paper.

I have a cunning plan - one of my friends sent me this and so I am waiting for the next time there is no loo roll left in his bathroom and I shall do this! It probably won't change anything but Peter and I will have a really good laugh when Jack starts shouting!

As toilets are the topic of the month it got me to thinking about when you go in a restaurant and the place is fantastic, the service is good, the food is great and then you

go to the bathroom and it is dirty/has cheap or broken fittings and furniture/dark/too small etc etc and what a terrible impression it gives you.

A bit like when you go to look at a house, I always look at the bathroom and kitchen in a bit more depth to see if they are clean and looked after. If they are not it makes me think the person selling the house is not clean and hasn't looked after the house. Anyway I thought I would do a tour of the toilets of Manchester restaurants and let you have my top pick each month.

I like to have a clean room, funky is great, perfume and toiletries are even better, something a bit unusual is always good. Obviously I can't do the mens toilets so if gents visit any toilets they think are great take a photo and send it in with your comments - anonymous or not! Being an older lady and sadly, with a bladder like a sieve I need to go to the toilet more than most and when I need to go, boy do I need to go. So having to walk for miles down corridors, down stairs etc is a no no for me too!

Here are a couple of funky toilets (not in Manchester to wet your appetite!!!!)

Jacko's favourite which we have been in in Cambridge when we went to visit David and Simon, is in a bar called Ta Bouche, and has video games at the urinal - he was in there for ages!



I saw this one the other day on the internet - talk about blowing your own Trumpet - in toilets in the Bell Inn in Sussex



And finally the toilets in Nopi which are amazing

But I would never be able to find the door, would probably come out with two black eyes from banging into the mirrors and more than likely have had an "accident".

My "friends" call me Mrs Emmery - who for those of you who don't know is the lady from Little Britain who had the incontinence problem!

With friends like that.....

And finally I love the Virgin Trains recorded message when you flush the loo on the pendolino to London -

Fran Eccles-Bech
Chief Executive



Monthly Competition

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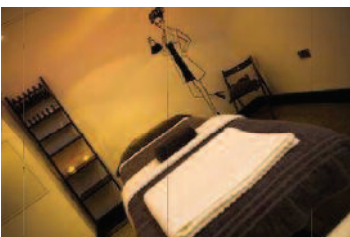
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In which hotel is The Parlour located?

and send to FranEccles-Bech@manchesterlawsociety.org.uk no later than 13th August 2015.

The winner of the Sweet Mandarin competition was Vicky Biggs, Solicitor, Myerson



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Catastrophic Injury Solicitor- Manchester City Centre- £70,000- CMS020769'2002

An experienced Catastrophic Injury Solicitor is required to work for a successful Personal Injury firm. It is essential that you will have 5 - 10 years experience handling high value (£250k to £1million plus) multi track claims across a broad spectrum of files including brain and spinal injuries. A strong defendant background is also required

Contact Lauren Connors lc@clayton-legal.co.uk

Law Costs Draftsman – Manchester - £Negotiable DOE- CMS 020741'2002

A national Costs Practice requires an ambitious and driven Law Costs Draftsman for their fast-paced Manchester team. Broad range of work available for experienced professionals. Unmissable career prospects offered alongside excellent remuneration packages.

Contact Natasha Darr nd@clayton-legal.co.uk

Senior RTA Paralegal – Manchester – Up to £30,000 – CMS 020803'2002

A highly regarded law firm based in Manchester is looking for a Senior Paralegal to join their RTA team. All applicants must have experience managing their own caseload made up of portal and fast track litigated matters. It is essential that candidates have at least 12 months experience dealing with a similar caseload.

Contact Rebecca Owen ro@clayton-legal.co.uk

Landlord and Tenant- Manchester- £40 000

My client is a boutique commercial law firm based in City Manchester, they have a strong commercial base and specialise in landlord and tenant work. The firm offers a great work life balance and working environment. The firm now seek to appoint a 3-6 PQE Commercial property Solicitor to work almost exclusively in commercial landlord and tenant work and therefore require an accomplished Solicitor with specific experience in this area.

Contact Lynn Sedgwick ls@clayton-legal.co.uk

For more on these and other vacancies please contact Clayton Legal

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email: enquiries@clayton-legal.co.uk

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