



# the Messenger

## North West Law

### The Last Resort: the end of the ARP

**On 13<sup>th</sup> April 2011 the SRA board approved key changes to the arrangements for client financial protection following an extensive consultation process so that from October 2013, the "last resort" insurer, the ARP, will close. Michelle Garlick of Weightmans outlines the changes...**

**The changes to the ARP**  
The SRA has decided to introduce changes to the ARP over a 3 year period starting from the next renewal in October 2011. The key changes include the following:  
From October 2011, the time a firm can remain in the ARP will be reduced from 12 months to 6 months.  
From October 2012, any shortfall for meeting claims in the ARP which is currently met by the qualifying insurers will instead be jointly funded between the insurers and the profession.  
Liability for claims against firms which have not taken out professional indemnity insurance will move from the ARP to the Compensation Fund (subject to further consultation)  
In October 2013, the ARP will be closed to new entrants and replaced with a

new system whereby any firm unable to secure insurance from the open market will have a further 30 days to secure insurance following expiry of their existing policy and if this is not possible, will then have a further 60 days to effect orderly closure. If the firm closes, then the existing insurer will be liable for providing the run-off cover for which the firm will pay a premium.  
Whilst not specifically related to the ARP, the single renewal date will be removed from October 2013.  
The SRA has also decided not to exclude financial institutions from the compulsory Minimum terms, a proposal which had been backed by insurers in order to help make insurance policies more flexible for the profession, but which was met with much criticism by

the profession and indeed lenders.  
**Reasons for the changes**  
The ARP has clearly been viewed as the chief cause of problems in the market and it seems to have been universally accepted in the consultation responses that change was needed. The original purpose for having an ARP was to ensure that firms would always have access to insurance and therefore it would not be insurers who determined which firms could or could not practice. It would also give firms in the ARP time to resolve any problems that prevented them from obtaining insurance in the open market and to then allow the firms to return to the open market once the problems were resolved. However, statistics have shown that only a small pro-



portion of firms in the ARP were actually rehabilitated and the majority of firms in it eventually closed anyway.  
The main complaint of insurers was that they are currently responsible for the pooled liability of firms in the ARP that they have never chosen to insure and indeed may well have refused to insure. The cost involved has caused insurers either to exit the market altogether, reduce their market share and/or only insure certain types of firm. New entrants to the market have also been deterred.  
This has the effect of increasing premiums for in-

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## June 2011

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## Justice for All Day of Action - 3rd June 2011

Thousands are already campaigning for Justice for All – pledging their support, lobbying MPs and the Ministry of Justice and spreading the word. MPs and Ministers are listening but we can't stop now!

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# President's Column



**Join the "Carnival" and help raise funds for charity by supporting the Manchester Law Society Charity Ball...**

The Regulatory Affairs Committee of Manchester Law Society has had yet another busy month, as the flood of consultations shows no sign of abating. Responses have been prepared on the SRA's Equality Framework and Engagement Strategy for 2011/12, the Legal Ombudsman's plans to publish decisions, and on the Legal Services Board's proposals on developing regulatory standards.

A common theme has emerged in the committee's discussions, namely a general concern that firms are having to deal with too much regulatory change at the same time and will be swamped by new requirements; it is the committee's view that regulators must work together to ensure firms are not asked to do too much at the same time and are able to adapt in a timely, but effective manner, so that the best interests of clients are not jeopardised.

Many of our smaller member firms are finding business difficult at best at the moment, and they do not have the resources to deal with the many changes they are required to carry out between now and October. It is to be hoped that regulators will adopt an understanding approach to the difficulties faced. Initial comments made by the SRA in its road shows are not encouraging. My thanks must go to Brian Rogers, who chairs the Regulatory Affairs Committee, and the other members of the committee who have put in a substantial effort to ensure that our members views are clearly expressed in each of the consultations.

As I write this column I am about to attend the annual Presidents' conference at the Law Society in London. I hope I will have the opportunity to raise the concerns expressed by our Regulatory Affairs Committee at the conference; I will report further in my next column. The conference could not come at a more awkward time for me personally. It takes place on Friday 13 May and

Saturday 14 May, which also happens to be the day of the FA Cup Final. As a Stoke City supporter and season ticket holder this is something I could not miss so I will be hurrying from the conference when it finishes at 1 pm on the Saturday to Wembley for the kick off at 3 pm. I hope the rush will be worth it!

In the next few weeks you will all receive application forms for Manchester Law Society's Charity Ball, to be held at the Midland Hotel on Saturday 8 October. As you may have noticed from the adverts that have appeared in the Messenger over the last few months the theme is "Carnival".

We are aiming to raise significant sums for two very worthwhile charities, namely the North West Air Ambulance, and Nordoff Robbins, which uses music to assist seriously ill children cope better with their illnesses. Over the last few years we have raised in excess of £15,000 each year and I would love to see that figure exceeded substantially this year.

I am sure those of you who attended to this year's Legal Awards Dinner will realise that when Manchester Law Society organises a major event it is done with style and is an excellent evening. The Charity Ball is no exception. Please support us this year and book a table.

**Nick Davenport  
President**

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# Talking Heads

Over the last few weeks the term "super-injunction" has been bandied around in the press with abandon. A user of Twitter attracted over 55,000 followers in just 24 hours after revealing the names of celebrities alleged to have links with gagging orders. So is the age of the super-injunction over? Even the Prime Minister has added to the debate by questioning the validity of the orders. The Messenger spoke to a number of media specialists in Manchester who gave their views on whether the super injunctions still have a future in the UK courts...



### Paul Jonson, Pannone

Super injunctions seem to have built up something of a myth around themselves. What actually are they? Super injunctions are simply injunctions with special terms attached to them. They prohibit any reporting that the injunction itself even exists. They have been around, in one guise or another, for a long time.

No one really knows precisely how many super injunctions have been granted. Some commentators put the number at around 30 whilst others claim it is much higher. Whatever the actual number, super injunctions have generated great controversy. Some commentators complain that they are an affront to a transparent court process and an erosion of the freedom of the press while their supporters claim they protect privacy where it is required. It is said only a minority of super injunctions relate to celebrities, sporting figures or people in the entertainment industry. The problem is that we don't actually know. Lord Neuberger has been asked to review super injunctions and his report is said to be expected imminently. Watch this space!



### Matthew Taylor, Eversheds

The recent use of the so called "super-injunction" by celebrities wishing to stop salacious details about their private lives from being published in the press has brought the privacy/freedom of speech argument back to the fore.

The mainstream media want us to believe that super-injunctions have gone too far and are having a chilling effect on effective media reporting. However, most super-injunctions are granted on the basis of Article 8 of the ECHR and the right afforded to every UK citizen for the respect of their private and family life. Each of us would expect our own right to privacy to be upheld by the courts and just because the press may be able to sell a few more newspapers by reporting on the latest celebrity sex scandal, this should not detract from any particular individual's right to have their privacy respected.



### Nick McAleenan, JMW

The recent media attacks on privacy injunctions were inevitable. After all, "gagging" orders are bad for business. However, the media's coverage of the debate has oversimplified the issues and, at times, verged on the hysterical. Some reporting has smacked of self interest rather than a genuine concern about defending freedom of speech or open justice. The reality is that privacy injunction cases are fact sensitive and involve a difficult balancing exercise between conflicting rights.

Given the disturbing revelations which have emerged from the NOTW phone-hacking scandal, media complaints about our privacy law probably need to be taken with a large pinch of salt.



### Mark Manley, Brabners Chaffe Street

#### An injunction please? Certainly Sir, Regular or Super?

The UK loves salacious gossip and scandal. Readership figures for the News of the World confirms this. Hence the current outcry about superinjunctions. 2 million Google hits this week trying to find out who's got one! It's only a law for the super rich because papers writing about Mr Average don't sell so well. So he doesn't need an injunction (affordability or not). Only for men? No - women can and will obtain such "accessory" in time. Arguments used by injunction detractors to support the demand to read and see private information of the kind they'd hate others to read about themselves - why - because it's PRIVATE. The law says so. And it's right.

There is a lot of public interest in scandal - but it's not in the public interest to know about it. Long live injunctions!



### Keith Arrowsmith, Ralli

Super-injunctions are not given away free with packets of cornflakes. The court exercises its discretion on a case by case basis. Those presenting the case to the judge are under a duty to provide all relevant information, not just the juicy bits. In the very small number of cases that I think have reached court, the judges have carefully weighed up the potential harm that publication would cause against the general presumption of free speech. No one disputes the balance is difficult to strike, especially when the welfare of young children is involved, but this bespoke approach seems better than any of the suggested alternatives.

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# Regulation Matters

## Brian Rogers of Lewis Hymanson Small gives an update on regulatory affairs

The SRA has recently commenced its tour around the country to try and inform firms about the changes that are taking place in October, in particular, the introduction of Outcomes Focused Regulation and the new SRA Handbook.

We are now less than five months away from the changes so if you haven't already made yourselves aware of them and how they will impact on you I would strongly recommend you start; one way is to attend a SRA Roadshow.

We are getting to that time of year again when we have to look at renewing our professional indemnity insurance, and once again it looks like there will be much uncertainty in the market; there is already talk of 20% increases this year and 15% next year, although to balance this it looks like more insurers are going to enter the market, which could help drive premiums down, but only time will tell!

Other issues that you may want to be aware of are:

The Council for Licensed

Conveyancers has been given approval to become an ABS regulator; the approval is currently limited to probate, reserved instrument activities and the administration of oaths, although this could be extended in due course

The SRA has said that the regulatory system is 'defective' and wants consideration to be given to reducing the number of regulators to try and provide a more consistent approach to regulation.

The LSB is to look at 'rationalising' the various disciplinary regimes currently in place so they are 'fit for purpose' in the new ABS era

A recent poll of 71 of the top 200 law firms showed that 74% had been approached with a view to merging; very few got off the ground due to a lack of effective preparation by senior management; 61% said that changes in regulation had led them to look at merging, with 36% saying their banks had put pressure on them to merge.

The SRA is to carry out a fun-



damental review of the CPD training system; the days of attending any old seminar just to get points are well and truly over!

The Legal Ombudsman is consulting over the publication of complaints; if you want to have a say over an issue that could affect your future reputation you need to participate and reply to the consultation

There is much for firms to do over the coming months to prepare for what is coming and time is of the essence; doing nothing is not an option and leaving too late could lead to the door of the regulator!

**Brian Rogers**

## The LSC introduce two new family fee schemes

### The 'Family Advocacy Scheme' (FAS)

Under this scheme, both solicitor advocates and barristers claim a single, graduated fee for advocacy work done on public and private family law cases.

### The 'Private Family Law Representation Scheme' (PFLRS)

Under this scheme, solicitors claim a standard fixed fee for work done (excluding advocacy) from the issue of proceedings to the conclusion of the final hearing.

### Online training and guidance

Online training to help you prepare for the new family fee schemes, is now available on the LSC's provider training website. We encourage family providers and advocates affected by the new schemes, to use this training which will help ensure accurate claiming.

If you have not registered for training before, you will need to do so, entering your log-on details correctly. These include your:

- account number
- provider postcode
- organisation's name.

We have also published new guidance on our website under Guidance on fees and funding.

### New forms

We have introduced three new forms to support the schemes:

- CLAIM1A for non-advocacy work
- CLAIM5A for advocacy work
- Advocates' Attendance Form for advocates.

If you are an advocate, you need to complete the Advocates' Attendance Form:

- for hearings that last for more than an hour or
- when claiming bolt-ons.

The Court needs to verify the information on this form and it is the advocate's responsibility to:

- get the form signed at court by the judge, magistrate or legal adviser and
- keep a copy of the signed form.

The advocate should submit this form with their claim. Copies of signed forms will not be kept by the court.

## Sentencing for burglary offences: consultation launched on changes to judges' guidelines

The Sentencing Council has published a public consultation on its proposals to introduce a new guideline for the sentencing of burglary offences. The consultation will run for 12 weeks and will close on 4 August 2011. The proposals will bring burglary offences into a single guideline for Crown and magistrates' courts in order to increase the consistency of sentencing across both courts. The draft guideline reinforces current sentencing practice and places a renewed emphasis on the impact of burglaries on victims, ensuring that they are of primary concern in the sentencing process.

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

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# Stephensons adds four solicitors to partnership

**North West law firm Stephensons Solicitors LLP has promoted four legal experts as partners. They are solicitors Victoria Melling, Gwyneth John, Mike Pemberton and Kate Bullen.**

The promotions mean the award-winning law practice, which has offices across the region in Manchester, Wigan, Bolton, Leigh and St Helens, now has 31 partners.

Victoria Melling is a new partner in the Bolton family law team. Victoria joined Stephensons 13 years ago and qualified as a solicitor in 2001. She is renowned for her expertise in advising people with all aspects following the breakdown of a relationship, including the complex financial settlements following a divorce or separation. Victoria is a member of Resolution's Advanced Family Law Panel.

Gwyneth John is an accomplished solicitor who acts for parents, children, family members and guardians in

all aspects of the law as it affects children, predominantly care proceedings and adoption. Gwyneth has a wealth of experience and understanding in what is a very sensitive area of the law, having practised in local authority and private practice as a solicitor for 23 years. She is based at the firm's Bolton office, is a member of the Solicitors Regulation Authority's Children Panel Accreditation Scheme and is Treasurer of Child Concern.

Mike Pemberton (from Oldham) is a leading human rights specialist who has had several cases heard at the Supreme Court, including one which led to a change in the law. He also has cases pending at the European Court of Human Rights. Mike qualified as a solicitor with the firm ten years ago and is manager of the Prisons and Public Law Team. Based in the Wigan office, he has a national reputation for his success in acting for clients nationwide in human rights challenges and he is recognised

in Chambers UK as a leader in the field of civil liberties.

Kate Bullen is a new partner in the Commercial Property team at the firm's Middlebrook office in Bolton. Kate has been a solicitor for seven years and joined Stephensons when her late father's firm, Berrys solicitors from Bolton, merged with Stephensons six years ago. Kate is a specialist in commercial and residential property law and also co-founded Enterprising Women, a networking organisation in Bolton.

On the promotions, Ann Harrison, Stephenson's chairwoman, said: "It gives me great pleasure to welcome Victoria, Gwyneth, Mike and Kate to the partnership. Each of our new partners has demonstrated total commitment to the firm's future success and they are all shining examples of how a solicitor should behave: with integrity, probity and dedication."

# Lane-Smith & Shindler joins DWF's private client practice

**Law firm DWF has welcomed specialist team Lane-Smith & Shindler to its private client practice in Manchester.**

Led by Geoffrey Shindler OBE and Paul Davies, a team of eleven from Lane-Smith & Shindler has joined DWF to help the firm further strengthen its thriving private client practice.

Geoffrey Shindler specialises in the area of trusts and estates planning and co-founded Lane-Smith & Shindler in 2006. He is one of the most highly-regarded private client practitioners in the UK.

He is currently president of the Society of Trust and Estate Practitioners (STEP), consulting editor of the Trust and Estates Law and Tax Journal, and a member of the editorial board of the Wills and Trusts Law Reports. He was awarded an OBE in the Queen's Birthday Honours List in 2007 for

services to the administration of justice.

He said: "Developing our services with DWF comes at a time when issues such as inheritance tax and succession planning are increasingly in the spotlight, especially as tax laws are constantly evolving to meet the fiscal challenges the Government currently faces."

Paul Davies specialises in advising high net worth clients and trusts on tax and succession planning issues. He is a long standing member of the Chartered Institute of Taxation and presently sits on the board of examiners. He is also a member of the Society of Trust and Estate Practitioners.

He said: "We believe we can add real value to DWF and I am hugely excited about joining the team. The firm's credentials are outstanding and this will allow us to tap

into new markets in the future. DWF's client-focused values makes it a natural home for our team."

Graham Ball, head of private client at DWF said: "This is an extremely exciting and progressive development for us and represents a significant expansion of the team.

"Geoffrey and Paul bring solid expertise and a highly technical perspective on both domestic and international matters to DWF and perfectly complement our already strong offering in the private client arena. By combining the strengths of both firms, we expect to be able to achieve our aim of becoming the leading private client practice in the North."

This team expansion follows the introduction of a new family team into DWF's London office with the appointment of leading family lawyer Mary-Ann Wright.



Gwyneth John, Victoria Melling, Ann Harrison, Mike Pemberton, Kate Bullen



Paul Davies and Geoffrey Shindler

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## Two New Partners for JMW

**Leading Manchester law firm JMW Solicitors LLP has appointed two new Partners in response to their continued growth.**

Chris Moss joins JMW as Partner and Head of Corporate from international law firm Pinsent Masons where he was a Partner in their corporate department for over 5 years. Chris advises clients on all aspects of corporate law in particular M&A, MBO's, takeovers and flotations and has worked on many large transactions for both public sector and private companies.

Carl Moran joins JMW as a Partner in the employment department from Manchester law firm Nexus where he was Head of Employment for 5 years. Previously Carl was at major international law firm Eversheds. He specialises in all areas of employment law with particular experience in redundancies, unfair and wrong dismissals, employment contracts, restrictive covenants, discrimination law and employment tribunals. In the Legal 500 2010 Edition they describe Carl as 'excellent' and com-

ment that clients say that his 'advice has been spot on'.

Carl will be joined by Laura Skelly, who also joins JMW's employment department as a Solicitor from Newcastle law firm Dickinson Dees.

This is yet another in a string of high profile appointments for JMW which saw Joy Kingsley join as Senior Partner from Pannone's in September 2010 followed by Ian Tranter who joined as Head of Employment and Durham Grigg as Head of Intellectual Property in January 2011.

Commenting on the appointment of the two new partners Bill Jones, Managing Partner at JMW said:

"We are delighted that both Chris and Carl have agreed to join us in their respective roles. Chris is joining to head up our corporate department and I am confident that his exceptional experience in corporate transactions will help develop our already flourishing corporate team. Carl is joining our already growing employment team and I

know that his considerable experience and skill will help them to develop further. These appointments illustrate our commitment to attracting first-rate people to the firm to build upon our already successful teams."

Chris Moss, the new Head of Corporate at JMW commented:

"I am delighted to be joining JMW; this is a great up-and-coming firm, dedicated to providing an excellent service to its clients. I'm looking forward to contributing to JMW's already significant growth, and to leading a great team of corporate lawyers."

Carl Moran, Partner in the employment department at JMW said:

"I am very pleased to be taking up this fantastic opportunity at JMW and to be introducing my clients to such an entrepreneurial law firm. I am very much looking forward to working with the rest of the employment team and contributing to its on-going growth and success."

**ARP continued from front cover** insured firms, reducing competition and limiting availability of cover for the profession.

The principle of an open-market system of insurance in comparison to the alternatives such as we had with the Solicitors Indemnity Fund is that it provides indemnity cover at a lower cost overall to firms in a way which supports good risk identification and management and in such a way that the cost of PII to each firm is related to the level of insurance risk they present. However, the problems and cost of the ARP has meant that good, high quality firms have had to bear the cost of low quality and/or dishonest firms, a situation unfair to those firms who take risk seriously.

For insurers, the closure of the ARP needed to happen this year and the ABI has branded the changes as "too little, too late". The delay will inevitably mean that some firms will face the same difficulties as they have faced over recent years in finding cover in October 2011. The warning is that the situation could deteriorate even further in the short term - not good news for the profession. However, whilst no doubt unhappy with the delay, insurers

thankfully have not gone as far as to say that they will leave the market (perhaps because ultimately they have got what they wanted in seeing the ARP close albeit later than they would have hoped). There are also some rumours of the possibility of two new insurers entering the market for sole practitioners and smaller firms which, if true, will help to ease the pressure slightly in the short term.

In the longer term, it is hoped that removal of the ARP will result in more new insurers coming into the market, thus increasing competition and benefiting those smaller firms whose choice of insurers is currently limited. The SRA will expect insurers to be able to demonstrate that the market is fair and open to all and that underwriting decisions are founded on objective and justifiable criteria.

Whilst the cost of funding the ARP is to be shared between the profession and insurers as from October 2012 (in an attempt by the SRA to mitigate the concerns of insurers whilst the ARP remains during the transition period), the SRA hopes that the potential liability both for insurers and the profession will be capped in real terms al-

though the detail of what is to happen in this regard is to be open to further consultation. Funds are still available from SIF which will be used first and thus hopefully limit the potential exposure to an additional levy on the profession which lets face it, we could all do without!

The renewal season will again shortly be upon us and the changes will mean that insurers will need to take account of the fact that should an insured firm be unable to obtain insurance with a new insurer at the end of the period of insurance, that insurer will have to provide run-off cover. This will inevitably lead insurers to review their risk assessment and underwriting criteria. In turn, firms will need to be taking steps now to ensure that they are presenting themselves in the best possible light to insurers and doing all they can to minimise risk. Avoiding entering the ARP in the next 2 years has to be a key priority for firms.

*Weightmans' compl-i team can help firms prepare for renewal and secure beneficial insurance terms through their risk management and compliance services. To discuss further, please telephone 0161 233 7338.*



Joy Kingsley, Bill Jones, Chris Moss and Carl Moran

**Don't miss the Deadline.....**

The deadline for the July edition is 8th June 2011



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## George Davies' lawyer advises on West Didsbury's newest restaurant

Commercial property solicitor Richard Hawkridge of leading Manchester law firm George Davies, advised William Mills, the owner and head chef of the Rose Garden.

The restaurant, based on Didsbury's trendy Burton Road, opened on 7th May.

The food will be modern British cuisine. Mr Mills has 12 years' experience as a chef working at a number of established local restaurants including Kro Bar, Felicini and Burton Road neighbour Rhubarb.

Richard commented "This is William's first restaurant and



Richard Hawkridge

it has been an exciting project to advise on. We completed the six year lease earlier in the year and William has been fitting out the premises since. I'm looking forward to seeing the finished article later this month."

## New Partner for JMW's Business Crime & Regulation Team

Manchester-based law firm JMW Solicitors LLP has strengthened its Business Crime & Regulation team with the appointment of a new partner.

Evan Wright, from Sale, joins JMW's Business Crime & Regulation team after spending eight years at Draycott Browne where he was also a partner. Before joining Draycott Browne Evan had previously spent 7 years at JMW where he joined as a newly qualified solicitor in 1997.

Evan works across all areas of business crime and regulation but predominantly specialises in business crime, asset recovery and confiscation. He has represented clients in many of the largest cases pro-

duced in the North West as well as internationally, in particular in China and Eastern Europe.

Commenting on Evan's appointment, Head of Business Crime and Regulation, Peter Grogan said; "I am delighted to welcome Evan back to JMW for his second spell in our Business Crime and Regulation team after an eight year absence. Evan brings with him an exceptional combination of experience, skill and commitment, not to mention a client following, and will be a significant asset to the Business Crime and Regulation team at JMW."

On his new appointment, Evan Wright, a partner at JMW said: "I am pleased to be re-joining a forward



thinking and commercially focused firm like JMW. I am looking forward to working closely with Peter and Isaac to develop the department further and attract more high profile fraud and asset recovery work and help our clients attain their business and legal needs."

## Brabners Chaffe Street awarded highest accreditation given by NHS Workplace Wellbeing Charter

Leading North West law firm Brabners Chaffe Street has achieved an 'Excellence Certification' from the NHS Primary Care Trust for its workplace wellbeing strategy, practices and procedures. The firm is one of only two organisations in the region to have received excellence standard, the highest accreditation given by the scheme.

Brabners Chaffe Street, with offices in Liverpool, Manchester and Preston, has been working with Liverpool Primary Care Trust on an initiative called the Workplace Wellbeing Charter, which aims to create healthier workplaces and reduce sickness absence. Designed to get organisations to think about the health of their staff, the scheme provides a simple framework to follow and acknowledges the effort of businesses that promote a healthy working environment.

The firm was assessed on its HR practices and documentary evidence submission and achieved the excellence standard in relation to all areas of assessment which include leadership, wellbeing, culture and communication. Only Brabners Chaffe Street and Liverpool City Council have achieved the excellence standard in the region. There are a number of other organisations who have been assessed and have reached different levels of recognition but are yet to achieve excellence recognition.

Initially launched as a pilot scheme by the NHS Primary Care Trust in Liverpool, the initiative has been such a success that there are now plans for it to be rolled out nationally.

Mark Brandwood, Managing Partner at Brabners Chaffe Street comments: "Achieving this accreditation is a fantastic achieve-

ment for the firm. It is recognition of the creative approach we continually take to improve the health and wellbeing of our staff. We do believe that people are our key asset, and we are working hard to retain the culture that allows us all to have a sensible work life balance whilst performing at the highest level in the service we provide to our clients."

The achievement follows on from last month's announcement that Brabners Chaffe Street is the only law firm headquartered in the North West to feature in The Sunday Times 100 Best Companies to Work For 2011, the firm's sixth consecutive appearance in the guide. The survey rates companies in a number of different ways, ranging from the leadership of the organisation, to a fair deal on pay to personal development, staff well-being and community/corporate giving.

Send your news and views for the next edition to [j.baskerville@btconnect.com](mailto:j.baskerville@btconnect.com)

## Knutsford garden centre sold

Leading North West law firm Brabners Chaffe Street has advised Reuben Fielding on the disposal of Hills Garden Centre Limited for an undisclosed sum.

The independently owned garden centre has been sold to All-In-One Garden Centre Limited, a family run business with an existing garden centre in Middleton, Greater Manchester. Located near Knutsford, Hills Garden Centre offers cus-

tomers a full range of garden products as well as an award winning miniature railway, a pet store and a cafe.

Reuben Fielding has sold the garden centre to focus his attention on new business opportunities.

Robert Street, Corporate Partner at Brabners Chaffe Street, who led the team advising on the deal said: "Reuben Fielding has built up a strong business in re-

cent years, with an outstanding reputation locally, which offers the buyer great potential to develop the business further."

The legal team at Brabners Chaffe Street also included Corporate Solicitor, Mark Morrell and Paul Nicholls, Property Associate. Tony Woolley of Pareto Tax and Wealth LLP provided financial advice to Reuben Fielding. JBHS Solicitors advised All-In-One Garden Centre Limited.

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# City Profile:

In this edition Julia Baskerville talks to Bill Jones, Managing Partner of JMW and recent winner of the Outstanding Achievement Award at the MLA.....

A greengrocer's son, Bill Jones was born and raised in Gorton. After gaining two O levels at Spurley Hey Secondary Modern he went out at the age of 16 to find a job. He joined the firm of Farrelly & Barker as the office boy, and Bill says his role was generally "sorting the post, licking stamps and making the firm's deliveries." More importantly he adds "I liked what I saw in the law firm and decided to train to become a solicitor."

Whilst still working at the firm Bill took more O levels and A levels and then embarked on the ILEX course, qualifying as an Associate Legal Executive in 1969. He then did a five year training contract, qualifying as a solicitor in 1974.

Whilst still newly qualified Bill

decided to set up his own firm and joined forces with Gareth Hughes, an outstanding advocate, and they became Hughes & Jones, operating from offices in Albert Square, with Bill running the day to day administration of the firm.

Bill and Hughes parted amicably in 1978 and he then joined forces with Alan Maidment and Ged Wilson to form Jones, Maidment & Wilson. The firm started out doing mainly crime and legal aid work and Bill believes that this period of his career helped to shape his future. He says "Representing clients in the courts forces you to be confident, you have to know your facts and be able to think on your feet and well as being responsible for the out-

come - over the years these skills have proved invaluable to me."

Bill Jones became Managing Partner of the firm in 1996 and during this period the firm has undergone a transformation. Moving away from crime, JMW's focus moved onto large matrimonial and commercial cases. In 2004 JMW bought premises in Byrom Street. Bill recalls a comment his father often made "Buy if you can, never rent" which turned out to be good advice.

The development of Spinningfields as a financial and commercial centre proved to be a catalyst for change within the firm. They built new offices on the former car park, and included new con-



ferences suites and IT systems. Bill says the new premises encouraged the firm to re-think its strategy and began to recruit high quality candidates from other firms whilst introducing marketing and IT departments and formulating the brand of JMW. According to Bill, branding is not just about the name of the firm, it is inextricably weaved through the whole culture and ethos of the firm.

Bill is married and has two children and three young grandchildren. He enjoys tennis, golf and skiing as well as being an avid supporter of Manchester City.

## The Messenger

Making the headlines in June 2008

Manchester Law Society joined in the campaign for climate change by working with carbon management company co2balance to calculate and reduce its carbon footprint. The assessment showed that the Society emitted 5.97 tonnes of carbon dioxide every year and counter this the Society invested in co2balance's African Energy Efficiency Project which distributes solar ovens and energy efficient stoves to local communities.

The MTSG held their annual netball and football tournament at the Armitage Centre in Fallowfield with Halliwells taking the trophy in both competitions.

It was announced that the 1st Annual Manchester Legal Walk was to take place later in the year. The 10k sponsored walk was open to all members of the legal community and all money raised would go to support legal charities in Greater Manchester.

Paul Naylor of Trafford Surveyors informed readers that from July 2008 all buildings constructed, sold or leased required an Energy Performance Certificate (EPC).

### Lifestyle Factfile

**First job:** In my Dad's greengrocers at the weekend and school holidays, for one pound a week!

**Favourite Book:** I'm not an avid reader, but one book which sticks in my mind is "The Art of Advocacy" by David Napley

**Favourite Film:** The King's Speech

**Favourite Restaurant:** The Cloud Bar on the 23rd floor of the Habtour Hotel, overlooking the beach in Dubai.

**Who or what would you take to a desert island?:** My iPad



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# Manchester Law Society Seminar Programme

## DISCRIMINATION LAW UPDATE FOR CIVIL PRACTITIONERS

**DATE:** Monday 6th June 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Ben McCormack, Kerry Smith and Kate Stone, Garden Court North Chambers  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30195

## OUTCOMES FOCUSED REGULATION & THE NEW HANDBOOK A PRACTICAL GUIDE

**DATE:** Tuesday 7th June 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Michelle Garlick, Weightmans and Brian Rogers, Lewis Hymanson Small  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30225

## PSYCHOLOGICAL INJURY AND RTA'S: AN EXPERT WITNESS PERSPECTIVE

**DATE:** Tuesday 14th June 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Lawrence Yusupoff, Consultant Clinical Psychologist  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30203

## MORTGAGE FRAUD

**DATE:** Monday 20th June 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Anis Waiz, Mohindra Maini LLP  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30189

## WHERE NEXT FOR LEGAL AID?

**DATE:** Tuesday 21st June 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Simon Pottinger of JRS Consultants  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30211

## REFERRAL ARRANGEMENTS

**DATE:** Tuesday 28th June 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Brian Rogers, Lewis Hymanson Small  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30200

## MEDIATION WORKSHOP WITH CHARTERED INSTITUTE OF ARBITRATORS AND ASSOCIATION OF NORTHERN MEDIATORS

**DATE:** Monday 5th September 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30207

## FRENCH PROPERTY LAW

**DATE:** Monday 12th September 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Walter Cairns, Manchester Metropolitan University  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30226

## NAVIGATING THE CONTRACTUAL MINEFIELD: A NEW PERSPECTIVE ON 4 TRICKY ESSENTIALS IN FORMATION

**DATE:** Monday 26th September 2011  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKER:** Sarah Fox, Enjoy Legal Learning  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30207

## ARE YOU FINANCIALLY FIT? IN CONJUNCTION WITH WESLEYAN FOR LAWYERS

**DATE:** Tuesday 27th September  
**VENUE:** Mint Hotel, 1 Auburn Street, Manchester  
**SPEAKERS:** Ross Hume, Wesleyan for Lawyers  
**TIME:** Registration: 5.30pm - 6.00pm - Seminar 6.00pm - 7.30pm  
**CODE:** 30218

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Manchester Law Society In conjunction with "Management Matters" presents  
**Operating in a Changing Legal World**

Thursday 30 June 2011 At Marriott Victoria & Albert Hotel, Manchester – 6 CPD Hours

This conference is aimed at managing partners, senior partners, rain-makers and staff line managers for Business Development, Finance and IT

*"The ramifications of the Legal Services Act can no longer be avoided, law firms have to become competitive businesses in their own interest as well as the principles of the Act.....  
 The reality is that whereas some have responded well others have not really changed."*

This conference is designed to address many of the key issues

Conference Chair: Andrew Otterburn – A leading law firm management consultant and author - [www.otterburn.co.uk](http://www.otterburn.co.uk) .  
 He is an executive committee member of the Law Management Section and Founder of the Law Consultancy Network

**Conference Programme**

**Speakers Biographies**

|               |  |
|---------------|--|
| 9.00 – 9.30   | Registration, Networking, Exhibition   |
| 9.30 – 9.40   | Welcome and Introductions<br><i>Introduction of the chairman and some "new normal" indicators</i><br>Bill Kirby – Professional Choice and Editor of Management Matters   |
| 9.40 – 10.00  | Chairman's Address<br><i>An overview of his perception of the status of implementation of the Act and law firm response to the business drivers</i><br>Andrew Otterburn – Otterburn Consultants  |
| 10.00 – 1.00  | Business Development   |
| 10.00 – 10.30 | Retention and Development of Clients<br><i>Loyalty amongst clients is changing rapidly as firms become more competitive and clients expect good service, value for money and communication</i><br>Mark Hovell – George Davies LLP  |
| 10.30 – 11.00 | Improving the Client Experience<br><i>Do you deliver a MAD Client Experience? Often it is the simplest of acts that really Make A Difference (MAD). Learn how to recognise these and deliver a profitable client experience!</i><br>Lee Williams – Whitworth Associates  |
| 11.00 – 11.20 | Break, Networking & Exhibition   |
| 11.20 – 11.50 | <i>How can we do better than the CO-OP?<br/>In excess of £20m billing in four years using legal process and access to retail clients.<br/>-We can't be better, so..be different..Find a niche....Outsource<br/>-Do what we're good at and get the rest done by people who are...good at it!</i><br>Andrew Woolley – Woolley & Co |
| 11.50 – 12.20 | <i>How useful is our web site? How can we use social media?<br/>-Does it help us develop new business?<br/>-How do we stay in touch with people?<br/>-How does digital marketing support our offline marketing activities?</i><br>Sarah Trude – Conscious UK   |
| 12.20 – 13.00 | Pricing our Work<br><i>Do we know what our work costs us to do? How do we price our work for competitive advantage? Fixed price can apply to litigation but we need to change a little.</i><br>Nick Davenport – Turner Parkinson   |
| 13.00 – 14.00 | Lunch, Networking and Exhibition   |
| 14.00 – 15.00 | Technology<br>The Right Application and Effective use<br><i>Application vendor revolution, application priorities and establishing the effective use of technology</i><br>Bill Kirby   |
| 14.30 – 15.00 | The Cloud<br><i>And SaaS or hosted managed services – Everybody is doing it – so what does it mean for efficiency, continuity, flexibility and economics</i><br>Nigel Redwood – e-know.net   |
| 15.00 – 17.30 | The Act's Opportunities  |
| 15.00 – 15.30 | Alternative Business Structures and Mergers<br>Andrew Otterburn  |
| 15.30 – 15.50 | Break, Networking and Exhibition   |
| 15.50 – 16.20 | Collaborations and Business Partnerships<br><i>Grouping for Growth - methods of collaboration in the challenging new marketplace</i><br>Peter Heginbotham- SP Davis Blank Furniss  |
| 16.20 – 17.00 | The Business Plan....<br><i>Business model, structure and finance that makes the shape of the firm for 2012</i><br>Steve Carter - Baker Tilley   |
| 17.00 – 17.30 | The SRA<br><i>Handling the SRA and handling the client complaint process</i><br>Mickaela Fox - Weightmans  |
| 17.30 – 18.30 | Conference Closes – Networking Opportunity – Exhibition  |

**Andrew Otterburn** has advised around 250 firms on their management and profitability. Author of "Profitability & Law Firm Management" (Law Society - 2007) and "From Recession to Upturn – financial management and strategy for law firms" (Law Society - 2009). He is a member of the Executive Committee of the Law Management Section; a founding member of the Law Consultancy Network; a core MBA faculty member and module leader for the Nottingham Law School MBA in Legal Practice and a lead tutor for the MMU Postgraduate Certificate in Legal Practice Management.

**Bill Kirby** – High profile consultant in business, IT and marketing strategy and application to the legal sector. Written the management matters column in The Messenger for nearly three years. Bill designed the conference content.

**Mark Hovell** – Managing partner at George Davies LLP. Acquiring a management degree and then a law conversion, Mark joined the firm 20 years ago and is now putting into practice his experience. As a practitioner Mark concentrates on sports law, representing many athletes, clubs and Unions and working at the Court of Arbitration for Sport, in Switzerland

**Lee Williams** - specialises in helping businesses achieve profitable growth through process- and customer-centric change. Acting as the customer champion he ensures operational change activities deliver both efficient processes and effective customer outcomes; ensuring that his clients continually evolve to meet customer and market demands.

**Andrew Woolley** - has long been at the forefront of innovation in the legal profession, starting the world's first virtual business ([www.family-lawfirm.co.uk](http://www.family-lawfirm.co.uk)) in 1996 and the firm has gone from strength to strength. He attended Warwick Business School in the mid 90s, is a qualified business coach and is presently studying an MSc in Organisational Change & Development. He will challenge you to think about what you really want to do with your business.

**Sarah Trude** - Account Director at Conscious Solutions. An expert in online marketing and CRM, she has extensive knowledge of the legal sector having a background in PMS sales with OPSIS. Before the legal sector she worked in for a Microsoft VAR.

**Nick Davenport** - Senior Partner of Turner Parkinson LLP, a city centre law firm dealing with the birth, marriage, and death of private companies. Qualified in 1978 and has practiced as a corporate lawyer ever since. Nick qualified as a commercial mediator in 1991, and is the current President of Manchester Law Society.

**Nigel Redwood** - Appointed as Managing Director of e-know.net in September 2003, Nigel has significantly grown the business by adopting a Consultative approach to selling Managed and Outsourced IT Solutions to Legal and Professional Services firms seeking to increase organisational efficiencies and lower the risk associated with their IT systems. Previously BA Hons – Business Analyst at Bass Brewers then QAD Inc advising on deployment of ERP and MRP systems.

**Peter Heginbotham** - is the former senior partner of Davis Blank Furniss. He is now a consultant with the firm and is Chairman of several companies including Manchester Solutions. He is a former president of Greater Manchester Chamber of Commerce.

**Steve Carter** is the Head of Baker Tilly's Professional Practice Group in the North. Steve is primarily involved in providing leading-edge commercial, strategic and business advice to the legal profession. Steve has over 20 years experience as a Managing Partner of a professional practice himself as part of the regional management team and office managing partner in a large international Accounting firm. Steve is a committee member of the Solicitors' Special Interest Group of the ICAEW and was part of ICAEW SSIG working party that dealt with ASB and HMRC on accounting treatment of contingent fees.

**Mickaela Fox** - is the Head of the Solicitors' Indemnity and Regulatory Teams at Weightmans. She is recognised as an expert in solicitor professional indemnity claims and regulatory work. Her work includes advice on coverage and recoveries on behalf of insurers. She regularly lectures on professional conduct issues and provides consultancy advice to law firms on compliance and practice management.

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 DX 14378 Manchester 1 Or email to [VickyBall@manchesterlawsociety.org.uk](mailto:VickyBall@manchesterlawsociety.org.uk)



# Management Matters

This column is now into its third 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](mailto:billkirby@professionalchoiceconsultancy.com) or the publisher Julia Baskerville at [j.baskerville@btconnect.com](mailto:j.baskerville@btconnect.com)

## Meeting the Challenges of the Legal Market - Now

The Management Conference (30<sup>th</sup> June 2011) - sponsored by this column is really coming together - bookings are high and the support from Sponsors and Exhibitors very welcome and also key to the Conference theme. Many of them are leading the way in the changing legal market place.

There will be a great opportunity to listen to speakers and exhibitors plus network with them during the day as see how it all joins up to support business needs. The nature of the speakers and exhibitors underlines their commitment to the changing legal scene. The nature of the speakers, sponsors and exhibitors identifies the real source and actions for change.

The overall conference sponsor is one of the leading independent Practice Management and Case Management suppliers SOS [www.soslegal.co.uk](http://www.soslegal.co.uk) with more than 400 firms nationally. In recent years continued development has been to support law firms in the changing legal market - with efficiency, functionality and ease of use. SOS offers hosted IT also with 45 clients with this arrangement. Locally - JBHS - Rochdale, SJ Legal - new start up with outsourced software and cashing and Abacus - are clients.

Of significance to this conference they are the systems supplier to Woolley & Co, the first true virtual law firm, dating back to 1996, with Andrew Woolley speaking at the conference about his revolutionary techniques and why he can challenge new entrants (such as the Co-Op, into the market. Woolley & Co [www.family-lawfirm.co.uk](http://www.family-lawfirm.co.uk) has adopted an outsourced approach services such as software/IT and marketing. The picture here is also advanced with e-know net as exhibitors that has hosted Woolley & Co IT since 2009.

Nigel Redwood, MD of e-know.net [www.e-know.net](http://www.e-know.net) is speaking at the conference (and the company exhibiting) about how firms are limiting the IT headache and being able to focus more on developing business and improving client relationships. e-know.net has a major focus on the professional services market and is also a preferred supplier to Lexis Nexis. Clear Law, the young go getting PI firm in Manchester is a user of this service.

Another key sponsor, the wine for the end of programme networking session is another leading PMS/CMS supplier - Manchester based Norwel [www.norwel.co.uk](http://www.norwel.co.uk) Norwel can name Cobbetts and Medium Law Firm of the Year - George Davies - as clients. Norwel has again remained independent and balances its activity between private practice firms and the difficult local government sector. The company prides itself on close working relationships and development with clients developing specific needs. Mark Hovel of George Davies is passing on his experience and advice at the conference on the retention and development of clients.

DPS Software [www.dpssoftware.co.uk](http://www.dpssoftware.co.uk) another independent PMS/CMS supplier is exhibiting at the conference. DPS has more than 500 legal practices and 9,000 users over the UK and also has a base in Manchester. Initially a dedicated case management product and more recent complete PMS has benefitted not only from traditional sales but in particular with smaller break away teams from law firms establishing themselves without IT headaches by hosting IT. DPS has a number of small firms in the Manchester area hosted and firms such as Robert Lizar, Parry Welch Lacey and Kristina Harrison.

Exhibiting also, two established vendors one in data (Onyx) and the other in telecoms (Matrix247) have come together, just in April this year, and formed LegallT247 [www.legalit247.com](http://www.legalit247.com) to specifically offer one stop shop advice to law firms for converged business resilience, continuity and DR and already, Manchester law firm Draycott Brown, who have successfully implemented resilient Telecoms & Mobile infrastructure utilising VoIP technology through the communications arm of LegallT247 (Matrix) has announced a review to further enhance data reliance through converged hosted data solutions.

Confirming to me the absolute need for immediate value add needed by many firms, exhibiting also is local Converge IT that provides managed IT services to nearly 30 firms in the Manchester area. They are to exhibit their newly launched range of products but particularly SMART. [www.smartlegal.it](http://www.smartlegal.it). With a familiar MS Office look and feel, **smart** comprises contact management, account management, event planning, cam-

paign management, referral management, pipeline management, forecasting and profiling. While integrating smoothly with existing PMS and CMS systems, the solution itself is self-contained, requiring no additional hardware or software. It has been developed on a .net framework, rather than Dynamics, to accelerate deployment and minimize consultancy costs. QualitySolicitors Oliver & Co is already piloting the **smart** software ahead of a firm-wide roll-out later in the year. "Many of the solutions we reviewed were too generic, too complex, too unwieldy or simply too expensive. What made **smart** stand out was the fact that it has been written specifically for the legal market and for lawyers - it's genuinely lawyer-friendly, very intuitive and very slick. That's crucial if we are to successfully engage everyone across the practice in the wider marketing effort".

The Manchester Law Society is very grateful for the commitment from these suppliers to our sector and we will make a point of referencing other exhibitors, in this column, as they come on board.

### Peppermint Update

I mentioned Peppermint Technology in last month's column and now can announce that they have declared the first client for their portal. Darbys in Oxford - 125 staff. The Portal provides remote access to time recording and client information as well as extending the breadth and depth of available KPI (Key Performance Indicator) reports. The Portal makes it easier for fee earners to maximise their personal billing time and margin.

Simon McCrum, Managing Partner of Darbys - "Son of Manchester" commented,

*"This is another example of Darbys leading the way in delivering innovative legal solutions. The Portal has enabled us to take control of our business and be far more proactive in managing our fee earners, prospects, clients and business partners. We have identified an immediate ROI and value from the Peppermint Portal."*

### Where is he now?

Jon Miller previously the head of finance at Pannone has launched his own management consultancy - Evolve Financial Solutions - [www.evolvefinancialsolutions.co.uk](http://www.evolvefinancialsolutions.co.uk) and with his experience is offering a valuable range of services - part time or interim finance director/COO, working capital health-checks and management advice, developing the right KPI for firms and departments, compliance health checks and remedial programmes, distress support to assist in negotiations with banks, brokers and accountants.

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*Bill Kirby is a director of Professional Choice Consultancy and Management Services Consultancy offering advice to firms on all things IT from strategy, planning, effective use and outsourcing continuity and DR.*

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# MYSG News

Hmm do you get the feeling that summer came and went in April? One minute you are rewarding yourself with a well earned Pimms in the sunshine at Screenfields, the next you are battered with hail, thunder and horizontal rain. What is a solicitor to wear?.... Well ladies and gents, our members showed Mother Nature that such erratic weather and clothing conundrums would not set them back as they donned their finest and enjoyed some fizz and canapés at our Spring Soirée. Thursday 19 May saw the second event of this type organised by the committee and took place in the lavish surroundings of Restaurant Bar and Grill's private room. A huge thank you to the venue and our sponsors NatWest, Wesleyan and The Legal Recruitment Company who helped us run the event so

smoothly. Well done to the lucky winner of the Amazon Kindle courtesy of Wesleyan. Photos to follow.....

Fancy attire was also on display at the JLD ball which took place following their conference on 7 May. One concern aired at the conference was whether law firms were required to modernise themselves to compete with the emergence of alternative business providers, or ABS as we fondly refer to them. Finally, this month our members were also able to take part in the Law Society Question Time which took place on Thursday 12th May at the Renaissance Hotel. In particular they had the opportunity to meet and question the President and Chief Executive of the Law Society on any issues or concerns regarding the profession. We are keen to

hear from our members about the above events and issues. Any comments are welcome and can be sent to us at [info@mysg.org.uk](mailto:info@mysg.org.uk)

*The MYSG has upwards of 700 members and we invite qualified solicitors to join from firms in and around Manchester. We arrange events on a monthly basis, including social events for solicitors, occasionally jointly with the trainee group, networking events with young accountants/bankers/surveyors, and CPD seminars including international opportunities/partnership routes. All costs are covered by sponsorship from recruiters and banks. If you would like more information please contact us ([info@mysg.org.uk](mailto:info@mysg.org.uk)) or visit our website at [www.mysg.org.uk](http://www.mysg.org.uk).*

# MTSG News

As the summer gets under way (well a Manchester summer anyway), the MTSG has continued to organise a variety of events for its members.

We had a career event with Icon Search and Selection entitled 'Selling Yourself' which was held at Bar 38 on 11 May 2011. The seminar looked at selling skills to your current firms and also to other firms, in an attempt to obtain a newly qualified role, something which will be on a lot of trainee's minds at the moment!

The next social event was with MatRICs (the young surveyors) and the Young Planners Group to encourage interprofessional networking in the city. This was held on

26th May 2011 at Atlas Bar and was sponsored by Wesleyan for Lawyers. It is hoped that more inter professional events will be organised in the next year.

Unbelievably, it is nearly the end of this committee's reign and nominations for the new committee will be announced this month, with the handover in August. We still have a few more events planned though, including a talk from McKenzie Douglas, a summer BBQ, our traditional 'thank the sponsors' event and last, but by no means least, the Summer Ball on 1st July 2011. The Ball this year will be a carnival theme and will be held at the Hilton Hotel. It promises to be one of the events of the year!

*The MTSG has upwards of 400 members and we invite trainees and paralegals to join from over 350 firms in and around Manchester. We represent our members' interests in a professional capacity, for example by providing assistance with their future career planning, and arrange a whole host of social and educational events.*

*Membership is currently £50 for 2 years or £30 for a year and is open to Trainees, Paralegals and NQs. Visit our website [www.MTSGroup.org.uk](http://www.MTSGroup.org.uk). For details of how to join please contact Chair Gemma Harris ([gemma.harris@pannone.co.uk](mailto:gemma.harris@pannone.co.uk)) or Membership Secretaries Penny Mills ([penny.mills@irwinmitchell.com](mailto:penny.mills@irwinmitchell.com)) or Amy Parkes ([AParkes@hbj-gw.com](mailto:AParkes@hbj-gw.com)).*



# ILEX News

## Associate Prosecutors: Parliament recognises ILEX excellence in regulation

The Institute of Legal Executives is now an approved regulator for litigation rights for Associate Prosecutors, enabling associate prosecutors in the Crown Prosecution Service to exercise litigation and advocacy rights in the Magistrates Courts under the stewardship of an approved regulator.

This step came last night (05 April 2011) when the House of Lords approved an Order previously approved in the House of Commons.

Ian Watson, Chief Executive of ILEX Professional Standards, explained: "The Order will permit Associate Prosecutors to be regulated by a professional body, ILEX, through its regulatory arm IPS. The Order also makes ILEX an Approved Regulator for litigation rights generally. I am very pleased by the positive comments made in both Houses and echo Baroness Hayter who said: "This arrangement will ensure that the consumer

interest is reflected though these regulatory arrangements." I am also pleased with the close working arrangements we have with the CPS which has made this possible."

Diane Burleigh, Chief Executive of ILEX added: "ILEX has been regulating Associate Prosecutors in their capacity as Members of ILEX for two years. We are delighted that not only have ILEX, and IPS, received recognition as excellent regulators, but that our Associate Prosecutors have received the recognition they deserve for their abilities and dedication. We are also grateful to colleagues in the Legal Services board, the MoJ and CPS who have supported this process. We see this development as another contribution that ILEX makes to diversify the legal profession and provide opportunities for people from all backgrounds to access a career in law".

Mike Kennedy, Chief Oper-

ating Officer of the Crown Prosecution Service, said: "This is good news for our Associate Prosecutors, and I am confident that this new arrangement will continue to promote their professional development. Associate Prosecutors play a crucial role in our in-house advocacy and this development with ILEX will ensure that excellent work is recognised where it should be and where improvement is needed it is carried out swiftly and effectively."

**For further information about ILEX please contact Anne-Marie Dhillon Anne-Marie Dhillon BA (Hons) G.Inst.L.Ex Regional Liaison Officer Direct line 01922 429720 e-mail: [adhillon@ilex.org.uk](mailto:adhillon@ilex.org.uk) www.ILEX.org.uk**

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# Media and the Law of Privacy

**The final part of an article by Iain Goldrein QC, Barrister and Accredited Mediator, who details recent decisions in relation to Super-Injunctions and Anonymity...**

**XJA v. News Group Newspapers Ltd [2010] EWHC 3174 (QB) per Sharp J**

17. Issue: - Anonymity.

18. The test:

"6. On behalf of the Claimant, Mr Price submits that following the decision of the Court of Appeal in *Ntuli v Donald* [2010] EWCA Civ 1276, the relevant question on anonymity which has to be answered is that posed in the judgment of Lord Roger in *Home Secretary v AP (No 2)* [2010] 1 WLR 1652 at [7]:

"... the court must ask itself 'whether there is a sufficient general public interest in publishing a report of the proceedings which identifies [AP] to justify any resulting curtailment of his right and his family's right to respect for their private and family life.' The court [in *Re Guardian News & Media*] emphasised that the answer will depend on the facts of the particular case."

19. Arguments for anonymity etc:

a. Tying the hands of the judge downstream? The court may need to consider what might happen in the future. Naming a claimant may well have an impact on what, if anything, can be said in a later public judgment, including after a trial [para 13];

b. The public interest at the interlocutory stage? There was no general public interest in identifying C at this early interlocutory stage of the proceeding to justify a resulting curtailment of his right and his family's right to respect for their private and family life. Identification of the C could seriously affect his family life.

20. Order by consent - for approval.

**CDE and Another v. MGN Ltd and Another [2010] EWHC 3308 per Eady J**

21. Factual context for the injunction sought:

"4. The First Claimant often appears on television and is married to the Second Claimant. They have always guarded their private lives closely and have never sought publicity. They have teenage children whose interests they are also concerned to safeguard. The application is intended to protect them all, so far as possible, against the inevitable intrusion a newspaper publication would make into their private and family lives.

5. The Second Defendant is a single mother in receipt of disability benefit. It seems from the evidence that she had suffered from time to time with mental health problems. She has only ever met the First Claimant face to face on two occasions, in April 2009, when he made brief visits to her home. She nevertheless conducted a kind of quasi-relationship with him "on and off" between about March 2009 and February 2010 by means of telephone, texts, emails and tweets. Intimate and personal thoughts were exchanged and there was also a good deal of flirtation and sexual innuendo. She now wishes to sell her story to the *Sunday Mirror*, although it is said that she is not motivated by money. A "confidential agreement" has already been entered into with the paper. The publisher of the newspaper has been joined to these proceedings as the First Defendant."

22. Rights engaged? Article 8 rights of both sides engaged, including daughter of D2.

23. Issue: The question to be asked to generate the balancing exercise -

"85. As Maurice Kay LJ pointed out in *Donald v Ntuli*, however, any litigant in such a case is entitled to expect that the court will adopt procedures which ensure that any ultimate vindication of his Article 8 case should not be undermined by the way in which the court has processed any interim application. Thus it may be helpful to set about the balancing exercise, as between privacy rights and the public's interest in open justice, by posing the question in the form adopted by Lord Rodger in the *AP (No 2)* case. Is there a sufficient general, public interest in publishing a report of the proceedings which identifies the person concerned to justify any resulting curtailment of his right and his family's right to respect for their private and family life (my emphasis)? In this particular case, the rights of the parties' families are of considerable importance."

24. The Order made:

"[86].....There may be cases in which it is possible to reveal the identity of one or more of the litigants involved and yet not defeat the purpose of the court's protection. If so, well and good. It is plainly desirable that everything should be made public unless there is a sound reason to withhold any information - including the parties' identities. But I am satisfied that this is not such a case. It is necessary and proportionate to withhold their identities to ensure, so far as possible, that the information to which rights of privacy are said to attach should not be revealed pending trial. Otherwise a trial would serve no purpose."

**POI v. The Persons Known as "Lina" [2011] EWHC 25 (QB) pr Tugendhat J:**

25. Issue: Anonymity in the context of photographs and/or video.

26. The Order made:

The information the subject of the order was identified in the order as follows:

"(a) Any information concerning the subject matter of these proceedings or any information identifying or tending to identify the Applicant save for that contained in this Order and in any public judgment of the court given in this action. (b) All or any of the private photographs ("the Photographs") or video ("the Video") of the Applicant or any information as to their contents or the circumstances in which they were taken, as more particularly described in Confidential Schedule A at the end of this Order ("the Confidential Information"); and .... PROVIDED THAT nothing in this paragraph of this Order shall prevent the Respondent from publishing, communicating or disclosing any material that before service of this Order was already in, or that thereafter comes into, the public domain as the result of national media publication (other than as a result of breach of this Order or a breach of confidence or privacy)"

27. Basis of ruling:

"[4]The Photographs and/or the Video were taken in circumstances where the Applicant has a

strong basis for submitting that he has a reasonable expectation of privacy. The evidence of the applicant is that no permission was sought or given either for the taking of the images or the publication of them. The Applicant also has a strong basis for submitting that the Respondent is attempting to blackmail him. No notice was given in advance to the Respondent, and the Respondent was not present or represented."

**JIH v. News Group Newspapers Ltd [2011] EWCA Civ 42:**

28. Issue: Anonymity.

29. Ruling: Order at first instance, not providing for anonymity, overturned. Per Maurice Kay LJ: "42. For these reasons, I would allow JIH's appeal against the order of 5 November 2010 to the extent that I would direct that he is to be granted anonymity in connection with these proceedings until trial or further order. I would also direct that the extent to which the facts of, and individuals involved in, this case can be reported is limited to the facts and matters in this judgment and the two judgments of Tugendhat J. It is therefore unnecessary to consider JIH's appeal against the judgment of 18 November 2010, but it is right to record that, had I decided to uphold the decision of 5 November, I would have upheld the decision of 18 November. If the Judge had been right to conclude on 5 November that anonymity should be refused, he was well within the margin of discretion available to him to decide that the events subsequent to that date did not justify going back on that conclusion."

30. The principle to be applied: Per Maurice Kay LJ at paragraph 21:

21. In a case such as this, where the protection sought by the claimant is an anonymity order or other restraint on publication of details of a case which are normally in the public domain, certain principles were identified by the Judge, and which, together with principles contained in valuable written observations to which I have referred, I would summarise as follows:

- (1) The general rule is that the names of the parties to an action are included in orders and judgments of the court.
- (2) There is no general exception for cases where private matters are in issue.
- (3) An order for anonymity or any other order restraining the publication of the normally reportable details of a case is a derogation from the principle of open justice and an interference with the Article 10 rights of the public at large.
- (4) Accordingly, where the court is asked to make any such order, it should only do so after closely scrutinising the application, and considering whether a degree of restraint on publication is necessary, and, if it is, whether there is any less restrictive or more acceptable alternative than that which is sought.
- (5) Where the court is asked to restrain the publication of the names of the parties and/or the subject matter of the claim, on the ground that such restraint is necessary under Article 8, the question is whether there is sufficient general, public interest in publishing a report of the proceedings which identifies a party and/or the normally reportable details to justify any resulting curtailment of his right and his family's right to respect for their private and family life.
- (6) On any such application, no special treatment should be accorded to public figures or celebrities: in principle, they are entitled to the same protection as others, no more and no less.
- (7) An order for anonymity or for reporting restrictions should not be made simply because the parties consent: parties cannot waive the rights of the public.
- (8) An anonymity order or any other order restraining publication made by a Judge at an interlocutory stage of an injunction application does not last for the duration of the proceedings but must be reviewed at the return date.
- (9) Whether or not an anonymity order or an order restraining publication of normally reportable details is made, then, at least where a judgment is or would normally be given, a publicly available judgment should normally be given, and a copy of the consequential court order should also be publicly available, although some editing of the judgment or order may be necessary.
- (10) Notice of any hearing should be given to the defendant unless there is a good reason not to do so, in which case the court should be told of the absence of notice and the reason for it, and should be satisfied that the reason is a good one.

31. As to applying those principles:

22. Where, as here, the basis for any claimed restriction on publication ultimately rests on a judicial assessment, it is therefore essential that (a) the judge is first satisfied that the facts and circumstances of the case are sufficiently strong to justify encroaching on the open justice rule by restricting the extent to which the proceedings can be reported, and (b) if so, the judge ensures that the restrictions on publication are fashioned so as to satisfy the need for the encroachment in a way which minimises the extent of any restrictions.

32. The trade-off between anonymity and disclosure:

24. In the course of his judgment, at [2010] EWHC 2818 (QB), paras 8 and 9, Tugendhat J accepted the proposition advanced before him by Mr Tomlinson for JIH that:

"Where the court has accepted that the publication of private information should be restrained, if the court is to avoid disclosing the information in question it must proceed in one of two alternative ways:

- (1) If its public judgment or order directly or indirectly discloses the nature of the information in question then it should be anonymised;
- (2) If the claimant is named in the public judgment or order then the information should not be directly or indirectly identified."

25. While that is not an unfair assessment in the present case, in other cases the position will sometimes be a little less stark. However, in any case, it is plainly correct that, where the court permits the identity of the claimant to be revealed, it is hard to envisage circumstances where that would not mean that significantly less other information about the proceedings could be published than if the proceedings were anonymised. Thus, if the identity of JIH could be published in the context of the present proceedings, it would not be appropriate to permit the publication of even the relatively exiguous information contained in paras 7-9 above. As the Judge went on to say, the obvious corollary is that, if the claimant is accorded anonymisation, it will almost always be appropriate to permit more details of the proceedings to be published than if the claimant is identified.

33. The relevance of the "jigsaw" factor: Per Maurice Kay LJ at paragraph 40:

**Iain Goldrein QC  
Barrister and Accredited Mediator  
7 Harrington Street and St Johns Buildings**



# Cycling for Genesis Breast Cancer

Ian McConkey is taking part in this year's L'Etape du Tour, which is a cycle ride over a stage of the Tour du France. It is a one day event in the French Alps cycling 109KM

climbing over the Col du Galibier at a height of 2556m and finishing at Alpe d'Huez at 1850m. He is cycling with Dr Ashu Gandhi and they are raising money

for the Genesis Breast Cancer charity. Donations to [www.justgiving.com/Etape-Challenge-2011](http://www.justgiving.com/Etape-Challenge-2011)



# London Marathon Achievement

On the 17th April a team from leading criminal and regulatory firm Burton Copeland, completed the London Marathon in aid of their chosen charities, the Children's Society and the Childhood Eye Cancer Trust.



The Burton Copeland Team getting ready to run

Boasting a total of 32 between them and planning for the next one, marathon veterans, Louise Straw, Gwyn Lewis, and wife Claire, a music teacher at Westholme School, Blackburn and Dan Weed, and wife Virginia Hayton, a barrister at Deans Court Chambers all ran the race and finished with varying times which will be kept confidential on request from the runners although Louise Straw achieved a personal best! They all say quite rightly that it has been the taking part and raising funds which counts, the total

raised being in excess of £7000 raised from individual contributions and events including a wine tasting and quiz night.

Louise Straw, partner, said 'We are delighted with the amount raised and I would like to thank the staff at Burton Copeland especially

who have been very supportive in the last year. For their donations thanks also go to Mortons, Forbes, Tuckers, Deans Court Chambers, Exchange Chambers, Maidments, Jones Knowles Warburton, Hammond Trotter, St Johns Street Chambers and many more'

# Irwin Mitchell Gives £5,000 To Campaign Group

Injury specialists at Irwin Mitchell have announced they are to donate £5,000 to a campaign group formed by families who have lost loved ones as a result of preventable workplace incidents.

related incidents. Irwin Mitchell has a long history of providing advice to families whose loved ones have been killed or seriously injured in workplace incidents, while its team of specialists has also provided support to FACK in the past.

Discussing the donation, David Urpeth, national head of workplace injuries at Irwin Mitchell, said: "Our law firm has a long and proud relationship with FACK and are delighted to once again help the organisation in its excellent work.

"People are entitled to go to work and return home safely at the end of the day. Sadly, all too often this does not happen. The utter tragedy is that in many instances, the accident could and should have been avoided." I hope that Irwin Mitchell's dona-

tion with help FACK in its fight to protect workers health and safety rights, something which Irwin Mitchell strongly support".

Hilda Palmer of FACK added: "FACK thanks Irwin Mitchell for their generous continued financial and other support which enables us to maintain our campaigning and supporting families. We campaign for better regulation and enforcement and against policies which potentially expose workers to a greater risk of being killed, injured or made ill at work. The donation from Irwin Mitchell will help us continue to publicise the devastating impact that poor health and safety can have on so many people, as well as allow us to help those whose lives have been changed forever by such terrible incidents."

Irwin Mitchell's Workplace Injury Executive has agreed to make the donation to Families Against Corporate Killers (FACK), a national campaign network created to lobby for better protection for employees and the introduction of further measures to prevent serious accidents at work.

As well as campaigning to stop workers from being exposed to risks, the body also regularly calls for more support to be provided to families who have been devastated by the consequences of avoidable work-

**Factor50**  
Malignant Melanoma Research Fund

The 2nd His & Hers Charity Ball  
Saturday 4th June 2011

All proceeds will go to: **The Christie** Charitable Fund

[www.factor50.org.uk](http://www.factor50.org.uk)

**Factor50** Booking Form  
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The 2nd His & Hers Charity Ball **The Christie** Charitable Fund

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# Developing Winning Tender Submissions

"I am still amazed that lawyers seem to treat the tender process as a way of updating their brochureware."

I began my May article in The Messenger with this quote and it is an equally fitting start to this article on the documentation stages of a tender process.

Typically, there are two stages in a procurement process where the bidder is required to submit information to the buyer: the Pre-Qualification Questionnaire (PQQ) and the Invitation to Tender (ITT). Sometimes you see different names attached to these stages, such as Request for Information (PQQ) and Request for Proposal (ITT). The roles of the PQQ and ITT are very different but before we examine them, let's put ourselves in the buyer's shoes for a moment.

Having issued a PQQ or an ITT, what does the buyer expect to happen? In most tender processes, a 'window' is given for bidders to ask questions or seek clarification. Sometimes a bidders' conference is scheduled during this time period. I have always referred to the period when a

bidder is gathering information and gleaning insight into the organisation or opportunity being tendered as the 'scoping process'. I regard it as essential to delve into the organisation or opportunity to find out the key business drivers and what makes it 'tick'.

Some clues will be given in the instructions you receive from the buyer – please, read these well and re-read them! These instructions usually contain reasons for the tender process, objectives which the buyer has, evaluation criteria and key information about the 'business need'.

Law firms often say to me "should we ask questions, after all by doing so we are showing our ignorance or giving something away to the competition if the questions are distributed amongst all bidders?" My answer is – think of the buyer! By asking yourself these questions, you can decide if you are comfortable with 'scoping' or not: Why has the buyer provided the opportunity for bidders to ask questions/seek clarification

if he/she does not intend you to use it? What impression will you make by asking well thought out, pertinent business questions? What impression will you make by not asking any questions or not using this part of the process which has been offered to you? As I said previously, in a competitive buying process every action you take or lack of action counts for or against you. My stance would, therefore, always be to use the scoping process, use it wisely and use it well within (not at the end of!) the timescale allotted. In parallel to this, please do some research into the organisation or opportunity you are bidding for. With the wealth of information available on the internet, a 'smart' bidder can build up quite a picture of the organisation or opportunity. Before starting to 'write' the documentation, I would always say 'hold an internal meeting'. It's not a waste of time if properly run, it can be a 'think tank' to look beyond the formal wording of the tender instructions and information to the business, sector, objectives, people and culture of the

organisation or opportunity needing your services. You don't just have to present your firm well, you have to stand out from other firms bidding in competition with you. So, why have two stages – a PQQ and an ITT? They have very different purposes: A typical PQQ is about you, the bidder. A typical ITT asks you to develop a suitable business proposition – in essence, a solution to the bidder's needs.

## The PQQ

Most businesses, however large or small or the nature of their sector, want to know if you – a potential supplier or business partner – are financially sound, well structured, well managed, can continue business if a 'disaster' strikes, and operate in a complementary way to themselves. Hence, you are often asked about policies and procedures, strategy, business conduct, etc, and may need to submit accounts, copies of policies such as environmental, CSR, diversity and equality, and so forth. You may be asked about relevant experience, either in the sector conducting the tender process or in similar types of work or projects.

A tip: Read and re-read each question. Check back to the instructions and key information you have received, make sure you give greatest attention to the questions which carry the most 'marks'.....and when you have finished drafting, stand back and re-read the questions and your answers 'cold'. Have you answered the questions in the right order? If there are word counts or page restrictions, follow them to the letter! Ignore them and risk being disqualified.

If there's someone available in your firm to read your draft with fresh eyes, rope them in! It's all too easy to think we've answered the questions but would an independent reader or someone with little or no knowledge of your firm read the answers in the same way? Watch out, too, for the multi-part questions! Remember, too, you may be writing for people who aren't lawyers, such as procurement officers, HR professionals, commercial managers, and so forth. So, in summary, the role of the PQQ is to determine if your firm qualifies you for a full blown invitation to tender. That's a key word – do you qualify? Is your organi-

sation suitable to go beyond this initial assessment stage? And, to end with some feedback from procurement officers whom I interviewed in some research last year – the mistake most commonly made by law firms is that they don't answer the questions properly or fully!

## The ITT

If you have survived the PQQ stage, you are likely to be in a much reduced field of bidders who are now being invited to develop a commercial proposition to solve the problem or meet the need of the organisation or opportunity conducting the tender.

Again, you may well be offered a scoping period and, again, my advice is to use it and use it wisely.

In some tenders, scores and feedback are made available to bidders at the end of the PQQ stage. Where this is the case, it provides an excellent opportunity to see where you have scored the most marks and where you may have some 'weaknesses'. As part of your strategy in developing your response to the ITT stage, you can then consider how to build on your strengths and address any 'weaker' areas.

Again at this stage, the buyer is likely to issue formal instructions and provide some key information – dates, evaluation criteria, scoring matrix/weightings, and so forth. Don't assume this is word for word the same as in the PQQ stage; it's too easy to think 'I've read this before' but in fact there may be changes. So what will make you stand out in your submission? Well, the best answer to this is to suggest a role reversal! If you were in the shoes of the organisation or opportunity procuring legal services, what would you really be looking for? What would be the key business drivers and legal imperatives? What would you like the ideal law firm to do for you?

Again I would encourage an internal meeting be used to consider these questions and then to ensure the information submitted reflects this in each answer given. Again, read and re-read the information, make sure your proposition is clear and that there are no ambiguous areas. Use someone with 'fresh eyes' to assist you. Do your answers talk about 'you' and features of your firm .....



or have you offered a business proposition to the buyer, illustrating the benefits of appointing you by drawing on the firm's expertise and relevant experience as evidence. As for fees. Developing a fee structure to mirror the services and promises you make is a time-consuming business! Consider all the likely scenarios of the work or services you are bidding for, assume some 'what ifs', plan for the expected and unexpected. Clients are increasingly focusing on certainty of fees and the most for the best price, with risk as a key consideration. No one can afford to get things wrong, especially in this climate.

A final point on preparing responses to PQQ and ITT stages, as this article shows there are many roles and different skills required in preparing submissions which have the qualities to succeed rather than 'fail' – legal knowledge, financial acumen, business and organisational support, admin, IT, HR – and tender processes are both time-consuming and require a mix of skills and people. Cutting corners or cutting and pasting are all too tempting but are a false economy. If you have decided to 'go' for a particular tender, you need to invest time and the right resources to undertake it 'properly'.

In the July issue of The Messenger, the focus will be on preparing for and attending final stage presentations and question and answer sessions.

**Carolyn Roberson founded CRC Consultancy (CRC) Ltd to help professionals win new business. The consultancy has helped clients win £15.1million since it began on 1 June 2008. Core services are: client relationship management, tendering and pitching, partner training and coaching, and business development planning. For further information visit [www.carolynrobersonconsulting.co.uk](http://www.carolynrobersonconsulting.co.uk)**

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## *“Is Customer Protection the Holy Grail? Is the SRA playing roulette!!?”*

I was fortunate to be asked to attend the Law Society Question Time on the 12<sup>th</sup> May at the Renaissance Hotel here in Manchester. Presentations on the range of issues concerning the Legal Profession were made by Des Hudson and Linda Lee, the national president.

Within the range of topics discussed was of course Professional Indemnity Insurance. It was extremely interesting to listen to the views expressed by Des Hudson on the stance of the Law Society and the impression that was being given.

Having promised Fran Eccles-Bech to be on my best behaviour, I did not take up any issues with either Des or Linda in the formal part of the evening but I must say I was most concerned with what I would call the selective issues and views expressed. Unfortunately, my good behaviour did not extend to me remembering to turn off my mobile which was in my brief case and as I was sitting in the front row, my fumbling around to find the off switch led to Des Hudson commenting, “Another person who does not know how to operate a mobile”. I stand guilty as charged and offer my profound apologies!

After the meeting, over a glass of wine, once the conversation had run out of steam on the weekend’s key football matches, (I was surprised the first leg play-off between HUDDERSFIELD and Bournemouth did not figure a little higher on the agenda.....however), discussion began to address Professional Indemnity Insurance.

It became very clear to me that there were very firm views held on the issue of Customer Protection, any dilution of which was the equivalent of the first step on the path to Ruin and Damnation. In effect, Customer Protection is the Holy Grail, these views being strongly held by the Law Society both locally and nationally.

It was at this point that I had to admit I was not from the profession and further, that my view of the Holy Grail was that it was OK but who should pay for it! It was at this point that your President, Linda Lee accused me of being from the dark side. I know Huddersfield is on the other side of the Pennines but.....

Here lies the problem, and it is a difficult one: how to reconcile the extent of Customer Protection, ie the Minimum Terms and Conditions, with the outrageous cost to fund.

Not once did the earlier presentation make mention that the cause of the problem was due to some Law Society members being negligent, being fraudsters or being thieves of client monies. It is amazing how it was seen as an insurer problem and the way to tackle it being the introduction of new entrants to the market.

Whilst I believe that the Minimum Terms and conditions go too far to protect the customer much further than any other profession, I do not argue that the profession is within its rights to raise this bar to whatever level is felt appropriate.

It’s the who is expected to pay for this and how, that causes me and the insurance market a problem. It is the desire of any insurance buyer or risk manager to have an insurance market of continuity and stability in both terms of availability of cover and pricing levels. The current market is not providing those key essentials.

The legal profession will have to accept that it will have to bear more of the cost to maintain this Holy Grail of Customer Protection in the future. Extensive pressure needs to be exerted on to the SRA for them to bring what is a relatively small number of “Rotten Apples” to book!

The SRA published the results of the consultation process and pronounced on their intended course of action.

In the insurance year 2011-2012, the maximum length of time firms can reside in the Assigned Risk Pool (ARP) has been reduced to 6 months.

In the year 2012-2013, the (ARP) will be partly funded by the Legal Profession via the Compensation Fund. I seem to recall Des Hudson mentioning a maximum figure of £30m pa. Unfortunately, I was wrestling with my mobile at that precise moment! Further changes to be made in 2013-2014.

The SRA has missed an opportunity to reduce the fears of the insurance market and thus encourage new entrants and for those insurers currently approved, to increase rather than continue to reduce their capacity.

AS A CONSEQUENCE AND IN MY OPINION ANY NEW INSURER CONTEMPLATING PROVIDING CAPACITY TO THE SOLICITORS MARKET MUST HAVE MONEY TO BURN, OR BE

EXTREMELY FOOLISH.

“Why?“, you may ask: -

The Minimum Terms and Conditions are too wide and provide no incentive to firms to practice good compliance and risk management; In fact, firms consider that the purchase of PII cover *is* their risk management.

The SRA has in general not got to grips with the problems and do not give the insurance market the confidence, at least in the short term, that they will.

The change to the ARP rules made to become effective in 2011 will, in the short term make the problem worse for insurers. It is not too much of a stretch to conclude that after 6 months in the ARP, most firms will have to close their doors and go into “run off” with the insurers picking up the risk for 6 years, probably without receiving payment of the premiums to which they are entitled.

The table below shows the top 10 insurers (as at March 2011) providing Minimum Terms cover to the legal profession. Of the 6 mainstream markets in that top 10, it is doubtful that any will increase their capacity (ie Chartis, Zurich, Travelers, QBE, Aviva, RSA). They will continue to cleanse their books and may possibly reduce capacity.

Of the remaining 4 markets, Allianz are being very specific and will remain pretty much the same.

Hanover Re and XL are new entrants, 2011 will be their second renewal. They will of course have to defend larger books of business and may not therefore be as aggressive in 2011. Also, and more importantly, the combination of no real change in the ARP and the fact that their losses will now be beginning to crystallise, may even result in them offering reduced capacity. At the same point in time Quinn Insurance began to feel the strain and their loss in the UK is thought to be in the region of £497m.

| Insurer   | 2010 Position | 2009 Position | 2010 (March) % | 2010 Premium (March) |
|-----------|---------------|---------------|----------------|----------------------|
| Chartis   | 1             | 1             | 17.414%        | £38,465,219.34       |
| Hanover   | 2             | 9             | 15.359%        | £33,925,996.55       |
| XL        | 3             | 6             | 13.581%        | £29,998,630.06       |
| Zurich    | 4             | 3             | 12.303%        | £27,175,697.34       |
| Travelers | 5             | 2             | 11.514%        | £25,432,900.86       |
| QBE       | 6             | 4             | 7.744%         | £17,105,470.23       |
| Allianz   | 7             | 8             | 6.198%         | £13,690,561.01       |
| Aviva     | 8             | 10            | 4.114%         | £9,087,281.06        |
| Lemma     | 9             | 15            | 2.905%         | £6,416,760.20        |
| RSA       | 10            | 7             | 2.055%         | £4,539,222.79        |

By delaying any meaningful changes, the SRA are playing roulette with the profession’s reputation and finances. They are gambling that by whatever means the insurers will continue to bail out the legal profession. The big question is whether or not the market will continue, or pulls in its horns until its exposure to the ARP (ie the risks it has chosen not to underwrite) has been reduced.

In conjunction with Manchester Law Society, MFL Professional are holding an event which will enable members to “Get Answers to the Questions They Raise” to a panel of experts. More details to follow, however please make a note in your diary for late afternoon Thursday 16<sup>th</sup> June 2011 at the V&A Hotel.

**Kevin J McParland**  
Managing Director  
MFL Professional



# The Social Network Revolution

**Ralph Savage of RTS Media examines how the use of social media for marketing and PR campaigns is on the increase and advises law firms to embrace the future...**

In March the Permanent Secretary for Government Communications recommended that the 65-year-old Central Office of Information undergoes a dramatic overhaul - replacing it with a more focused Government Communications Centre.

The COI is responsible for best practice and overall spending on marketing and communications to external agencies on the government's behalf and in his report, the Permanent Secretary Matt Tee called for a more strategic approach to paid for communication.

The review was not complementary of current practices; concluding that the government's approach to communication has been steadily undermined by a strategy rooted in the past. Traditional marketing, PR or awareness campaigns are no longer attracting the attention of audiences which have switched their gaze elsewhere or simply do not possess the necessary attention span to absorb messages as they once did, often consuming more than one media channel at a time.

What, you might ask does this have to do with Legal Services? Well, the private sector may be guilty of the same thing.

In 2010 online social networks accounted for 23% of all time spent using the internet, rising from only 9% in 2007 and while law firms have slowly begun to target and influence their audiences through them, most of us tend to scratch

our heads about whether these are appropriate to use or just funnels for useless chatter.

What social networks actually represent is a modern means of discovering, filtering and expanding your audience. They allow you to listen in and contribute to conversations and debates just as you would in a normal physical networking environment. There's no need for handshakes and your business cards can stay in the handbag; from now on, it's your online profile and the demographics of those you want to reach that should matter.

On 21 March LinkedIn passed its 100 million<sup>th</sup> member and some fascinating user statistics emerged, including the staggering number of networking groups it has enabled. Some 871,000 individual groups have amassed, with 1.2 million pieces of content added to them every day.

The Law Society Gazette is one of the most significant proponents in this arena, with its own LinkedIn Group amassing over 5300 members and individual discussion topics regularly generating dozens of comments from professionals seeking to convey their opinions and share ideas.

Users of networks like LinkedIn, Twitter, Quora or DiscUs, don't expect to be sold to, but they may be willing to buy. The question therefore is how would you normally network and at what point has a relationship formed? We all know roughly the drill to follow; circulate a room, shake a few



hands, ask some questions and provide a few answers. Listen or contribute; nudge opinions or be rhetorical.

In the government's case Mr Tee is advocating communication with citizens who are consumers of public services, using targeted messages and if possible, two-way engagements through digital media, like social networks. Professionals are beginning to recognise the value of their online profiles, cleaning them up with a good photo and some useful information about their experience and interests and as they learn the ropes, the online networking activity is clearly increasing. But until lawyers take seriously the validity of online social networking, they risk falling behind the curve.

**Ralph Savage is a director of RTS Media Ltd, advising professionals on how to incorporate social networking into their PR and marketing strategies. [ralph@rtsmedia.co.uk](mailto:ralph@rtsmedia.co.uk) | [www.rtsmedia.co.uk](http://www.rtsmedia.co.uk)**

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# Bodyweight Circuit Workout

With the summer now here, I've given you tips, about diet, the way you should live, and some training advice, so this is my 1<sup>st</sup> workout that I'm giving you. ( you should not exercise beyond your own ability .If you know or are concerned that you have a medical condition which might interfere with you exercising safely, before this workout, you should get advice from a relevant medical professional and follow that advice.)

Hope that this doesn't scare you, but enjoy the workout, and get your abs strong and lean for the summer.

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Finish your circuit workout with an abs routine. I have 8 levels but have included the first two to get you started.

Stretch to cool down.

### Abs Routine

#### Level 1 (if you've not exercised for a long time)

- Lying leg thrusts -2x5
- Reverse crunches 2x5
- Abs Bicycle 1x20 (each knee to elbow counts as one rep)
- Alternating Crunches 1x15
- Floor crunches 1x20

#### Level 2

- Lying leg thrusts -3x8
- Reverse crunches 3x8
- Abs Bicycle 1x24
- Stability ball crunches 1x10
- Alternating Crunches 1x18
- Stability ball Plank holds 1x30-60 seconds

(If you're not sure about any of the workout exercises please email me:[info@probalance-health.co.uk](mailto:info@probalance-health.co.uk))



- Bodyweight Squats -8 reps
- Floor Mountain Climbers/Squat thrusts – 20 -30 seconds of feet shuffling
- Bodyweight walking lunges- up 8 steps, turn around and back 8 steps
- Push-ups(THIS IS PRESS UPS) (hands elevated on table or chair if can't do from the floor) -10 reps
- Step-ups (10 reps each leg) or up-down a staircase x3

Repeat circuit twice each week for the first two weeks. Thereafter, you can repeat the circuit 3-5 times to get a great full body workout. Take no rest between the exercises in the circuit, but take 1-2 minutes rest after completing each circuit.



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Bathing, a citrus fusion of bitter orange, grapefruit and bergamot, will be the perfect companion amongst your sea bubbles, helping you to kick back and relax after a hard day at the office. Sleep, consisting purely of lavender, helping one to relax and soothe those sleepless nights. Both will initially only be available in the 420 gram candle. Alternatively one can opt for a taster of the range with a mini candle set that includes one of each, as a 65 gram candle.

- Mini candle set (65g x 4) £30
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