



In Touch

The Official Magazine of
Suffolk & North Essex Law Society

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Law Society



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01284 700535

charlie.philip@jackson-stops.co.uk

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01245 806101

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james.sqirrell@jackson-stops.co.uk

Newmarket

01638 662231

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Price St., Birkenhead, Wirral,
Merseyside, CH41 4JQ
Tel: 0151 651 2776
simon@eastparkcommunication.co.uk
www.eastparkcommunication.co.uk

Editor
Chris Andrews

Features
Christine Kettle

Advertising
Simon Castell

Design
Matt Wood - East Park Studio

Accounts
Tony Kay

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Officers of the Society

President

Matthew Cameron
Ashtons Legal
Bury St. Edmunds
Tel: 01284 727016
Fax: 01284 764214
Email: Matthew.Cameron@ashtonslegal.co.uk

Vice President

Chris Andrews
John Fowlers
Colchester
Tel: 01206 576151
Fax: 01206 761916
Email: chris@johnfowlers.co.uk

Deputy Vice President

Amanda Timcke
Birketts
Ipswich
tel: 01473 406215.
Email: Amanda-Timcke@birketts.co.uk

Honorary Secretary

Ivana Radovic
Birketts
Chelmsford
Tel: 01245 211289
Email: ivana-radovic@birketts.co.uk

Honorary Treasurer

Louise Cardwell
Ashtons Legal
Tel: 01473 261320
Email: louise.cardwell@ashtonslegal.co.uk

Honorary Council Member

Roger Buston
Birkett Long
Colchester
Tel: 01206 217335
Mob: 07770 305 977
Email: rbuston@apblaw.co.uk

PRO/PLO

Louise Goodenough
Haywards Solicitors
Stowmarket
Tel: 01449 613631
Fax: 01449 613851
Email: louise.goodenough@haywards-solicitors.co.uk

Education & Training Officer

Amanda Timcke
Birketts
Email: Amanda-Timcke@birketts.co.uk

Administrative Secretary

Christine Kettle
Whitegate Cottage
Coddham Green
Ipswich, IP6 9UN
Tel: 07749 576193
Email: snels@topcopysec.co.uk

A Message From Our President



Dear All,

Welcome to the latest edition of 'In Touch' – the first of a new decade

At the time of writing, I am just back from the Christmas break, and looking forward to the next six months of my term as President of SNELS. It seems like only yesterday that the local Law Society was able to come together at the Annual Dinner, held at Seckford Hall. I would like to thank everyone who came, and I do hope that the evening was enjoyed by all. Thanks must go to all of the SNELS committee for their hard work to ensure that the evening was a success.

The raffle produced a healthy sum to be donated to our chosen charity for the year. In something of a break with tradition, I have chosen to donate the proceeds to a national charity rather than to a locally based one. This is purely in recognition of the excellent research funded by the British Heart Foundation.

As ever, the biggest thanks must go to Christine Kettle, who once again ensured that the evening went well. In her twenty-first year of organising the event, Christine is starting to get the hang of it...

Next year it will be for Chris Andrews to host the event, and I hope everyone will offer him as much support as I have seen.

But there is more to SNELS than just one gala dinner each year. We are hoping to continue developing our links with the universities in our region. I hope you have all had the chance to review our updated website and Twitter feed. If anyone has any comments, you know how to get in touch...

A bientôt!

Matthew Cameron

President, Suffolk & North Essex Law Society

From the Council Chamber

SNELS Council Member Report
Chancery Lane - January 2020

CM Brief

As Law Society Council Constituency Member for Suffolk and North Essex I represent SNELS members nationally both on TLS Council, the Conveyancing and Land Law Committee (CLLC) and on the Property Section (PS) Executive Committee.

CM Activity

Attended: TLS CLLC: 20th Nov. 2019 & 16th Jan. 2020
TLS PS Exec. 21st Nov. 2019 & 9th Jan. 2020,
TLS Council 4th – 5th Dec. 2019

Forthcoming: TLS Council 11th – 12th Feb. 2020,
TLS PS Exec. 5th Mar. 2020,
TLS CLLC: 25th Mar. 2020

Purpose: TLS is the voice of Solicitors : driving excellence in the profession and safeguarding the rule of law

Influencing for impact Regulation

TLS Council welcomed Anna Bradley, Chair SRA. She attended the meeting and set out the SRA's draft strategy 2020-2023 which the SRA is consulting on until Jan. SRA draft strategy has three main objectives:-

- (1) high standards for themselves and the profession,
- (2) technology and innovation, and
- (3) anticipating and responding to change.

Reflecting on her first year as chair of the SRA, Anna talked about the good foundations in place at SRA and the big agenda of change just delivered. Sectoral issues (like AML, Access to Justice, Diversity and Lawtech) were highlighted along with a need for strong relationships, including with TLS, particularly the need to recognise respective roles and responsibilities. It was emphasised that we can be greater than the sum of our parts by working effectively together.

TLS Council had a discussion around its response to the SRA strategy consultation, particularly need to be clear about our respective roles.

Regulation: an academic review: Mayson

The review of legal services regulation sponsored by Prof. Stephen Mayson (UCL) was discussed by TLS Council. It was agreed that a short letter in response to his interim report - setting out TLS concerns about its suggested multi layered

approach to regulation will be sent.

SRA Standards and Regulations

On 25th November 2019 new SRA Standards and Regulations came into force giving solicitors more flexibility in the way they want to practice. TLS has developed a range of resources for members to help them with compliance. There are two practice notes on the two new models of practice – freelance solicitors and solicitors offering legal services to the public from unregulated businesses. TLS has also developed a programme of training and events.

Solicitors Qualifying Exam (SQE)

Since the SRA began to interfere with SQE in 2014, TLS has responded to all four rounds of consultation and the SRA have responded to many of the key issues noted by TLS. The inclusion of a degree level qualification and two full working years of qualifying work-experience as requirements were major wins.

Updating: TLS has further been heavily engaged in ensuring the profession is aware of the upcoming change to legal education, working closely with the Junior Lawyers Division (JLD) leading to an updated SQE overview available on TLS website. The overview outlines all currently known information on the SQE - and is regularly updated with new information as it becomes available.

Podcasts: Alan East (Chair, TLS Education and Training Committee) has been conducting a podcast series focusing on different elements of the SQE. The most recent of these was recorded with Julie Brannan (Director of Education and Training SRA) covering the SQE 1 pilot results. The podcasts are released every 4-6 weeks and aim to provide different perspectives on the SQE's development.

Criminal Justice campaign

TLS has achieved a number of successes as part of the criminal justice campaign. Highlights include:-

RUI: Publishing new analysis on 'released under investigation', highlighting problems with increased usage. This resulted in wide press coverage in the Express, Daily Mail, Channel 4 News, the Guardian, the Telegraph, the Times and over 115 local news outlets. This was based on new data obtained by the law firm Hickman and Rose and a TLS paper written in collaboration with members of TLS Criminal Justice committee. Following this, the Government announced a review of the use of these provisions.

Chancellor: TLS launched a 'write to the Lord Chancellor' e-action calling for action on legal aid deserts and criminal justice – 640 members took part.

HMCTS: In November 2019 two select committees published reports on the court modernisation programme. The Justice Select Committee report mentioned the Law Society's evidence five times (based on Richard Miller's evidence) and was supportive of several of our recommendations. The Public Accounts Committee (PAC) also published a progress review on HMCTS' court modernisation programme. Richard Miller provided oral evidence to this inquiry on behalf of TLS, and TLS was mentioned 12 times in their final report. TLS stated that HMCTS should not close any further courts until they have analysed the impact of their progress so far and have been able to bring in the legislative framework required for the programme. PAC report also noted some of our concerns such as the need for HMCTS to set out what it will do to make sure that the needs of vulnerable users are considered in future closure decisions, and where access issues are apparent, it should put in place measures to compensate for difficulties.

Role of the Profession

Solicitor Judges: TLS has held a round of events as part of the Pre-Application Judicial Education programme. This is a new initiative aimed at supporting applicants for judicial office from non-traditional and under-represented backgrounds. Early feedback has been positive, and TLS is developing a formal evaluation framework so we can build on what has worked well.

Advocacy: TLS has submitted a response to the SRA consultation on assuring advocacy standards. TLS supports the general approach of not changing advocacy rights, instead relying on the professional obligation not to undertake work beyond competence. TLS stressed the need for any proposals to be evidence based, and highlighted areas where we considered that they were not. We emphasised the need to ensure that any requirement for higher standards did not further damage an already fragile market, particularly in areas covered by Legal Aid. We agreed with the principle that youth courts require separate consideration but did not support the proposal that higher advocacy rights were an appropriate reflection of the skills needed in the youth courts.

Promoting the profession

TLS Council heard that the Solicitor Brand campaign continues to promote the profession as honest and honourable, approachable and accessible, experts in their field, client focused, delivering value for money and adding value to society. TLS media relations team, with the support of our subject matter experts on staff and committees, achieved a 59% increase in broadcast media coverage. Feedback from TLS member survey indicates that being a strong voice in the media is one of the things members expect and most value.

Technology and the law

The senior judiciary has made supportive statements echoing TLS's recommendations on the ethical considerations on the use of algorithms and the use of English law for smart contracts and dealing crypto assets.

A Supreme Court Justice, Lord Sales, called for the regulation of computer algorithms handling decisions about people's lives. He stated that an 'expert commission' could help ensure that automated decision-making processes have 'a capacity for mercy'.

The Chancellor of the High Court, Sir Geoffrey Vos, urged the profession to turn its intellectual fire-power towards the development of the English common law, so that it can effectively tackle the problems thrown up by the use of big data, crypto assets, on-chain smart contracts, and artificial intelligence.

Sole practitioners and small and medium firms need to be equipped with practical tools on the uses of legal technology and informed of the opportunities that could bring for their business which enable them to make informed investment decisions.

Legal Ombudsman (LeO)

LeO has released a discussion paper entitled 'Transparency and Reporting Impact', to which TLS is preparing a response. LeO is seeking views on how it can improve transparency and extend its current reporting of decisions to make more information available to consumers, service providers, and others.

One of the suggested options outlined in the paper is the publication of ombudsman's decisions in full. We are not convinced that publishing full ombudsman decisions will help consumers to make decisions about the quality of service. Most of the options discussed in the paper would be very labour intensive and therefore costly, which would fall to the profession to pay. LeO does not presently have the powers to publish such information and would require amendment to the Legal Services Act 2007(LSA) to enable such publication. Accordingly TLS would strongly oppose these options and any application to amend the LSA.

Working effectively

A further discussion about the future size and shape of TLS Council was held, with the aim of getting Council's views on the latest stage of the Council Membership Committee's thinking. Work on TLS governance is designed to ensure that the profession is effectively reflected in the running of its professional body.

as shown by the results from the recent pilot, risks reducing unacceptably the standard of entry into the profession

Roger Buston - TLS Council Member SNELS,
Mobile: 07770 305977
email: rbuston@apblaw.co.uk

Dates for the Diary

Annual Essex Law Lecture – date TBA

Monday, 10th – Friday, 14th February 2020:

The Great Legal Bake – See page 13

Monday, 16th March 2020:

Vice President's Cocktail Party, Colchester - See Page 20

Monday, 22nd June 2020:

Ipswich Legal Walk - 5.30 p.m. from Christchurch Mansion, Ipswich

Thursday, 2nd July 2020:

AGM - Birketts, Providence House, 141-145 Princes Street, Ipswich – full details will appear in the June Newsletter



Future Council Meetings:

16th March

18th May

21st September

November - TBA

If you would like any specific items discussed by your Council, please notify our Admin. Sec. (snels@topcopysec.co.uk) to ensure they are included on the agenda.

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Why do solicitors need a charity?

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Why do solicitors need a charity?

Have you ever wondered why solicitors need a charity? After all, legal professionals are successful, wealthy and live a stable lifestyle, right?

You're probably shaking your head at this moment thinking, this sentiment doesn't quite reflect reality. And you'd be right. The truth is, lawyers are vulnerable to life's hazards like everyone else. Simply being a lawyer doesn't shield you from illness, accidents, family breakup, job loss or bereavement and more.

With this in mind, it's no wonder so many solicitors fall into financial hardship each year. Fortunately, there is hope for those in crisis.

SBA The Solicitors' Charity

When you are in financial difficulty, paying for essential day-to-day items can seem impossible. Imagine having to manage the stress of having little to no income, with bills rising and still having to put food on the table. Add in illnesses, struggling to find a new job or caring for dependents and it can feel like a pot boiling over.

Luckily, solicitors don't need to suffer alone. Lawyers like you have your very own charity to be there for you and colleagues when you are in financial difficulty.

SBA The Solicitors' Charity supports solicitors (and their dependants) through financial assistance. This support pays for essential items most people take for granted. These include:-

- Utility bills
- Groceries
- Transport
- Household repairs (leaking roofs, etc.)

The charity also helps with access to services for debt and welfare advice, mental health and career coaching.

How can I help?

This year, Suffolk and North Essex Law Society gave £712 to SBA The Solicitors' Charity. Through this kindness, you and members helped the charity to secure a better quality of life for individuals most in need in this region.

The quote below comes direct from an SBA beneficiary and shows the difference made by supporters like Suffolk and North Essex Law Society.

"SBA has made a massive difference in my life. I cannot thank you enough for the confidence and security that your help has given me"



On top of the help already provided, there are more ways for you to supported positive changes for those in crisis.

These include:

- Donating money yourself or via your firm
- Donating your unclaimed client balances
- Telling your colleagues about SBA The Solicitors' Charity and how it helps solicitors

Fancy going the extra mile for your colleagues? We can together make an impact and turn the lives around for solicitors in need or crisis. Visit the SBA The Solicitors' Charity website for further details: www.sba.org.uk

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Finding support to develop in a changing world



As we come through January into February, many of our New Year resolutions have already become long forgotten. So how can we create change that sticks, in this changing world?

“The only constant in life is change”

Have you ever heard that saying? Apparently, it was a Greek philosopher chap called Heraclitus that said it in around 500 BC. Can you imagine how little change there was then compared to now?

In January, many of us are often hungry for change, promising ourselves that we will do things differently this year, etc. Yet how many of us succeed in making that change? After all, we know it's inevitable (thanks Heraclitus) and we can want it, crave it even, yet it can cause us so much anxiety.

In today's world, change is a key feature of high performance. And high performance is the route to both personal and organisational survival. So our firms need to change to survive. And, in turn, we need to create the change within it through our high performance.

To be that high performer, we need to be dealing with change with vigour and resolution. Embracing it as a new challenge, confident and capable of doing what is required.

It sounds like a lot of pressure, doesn't it? And so it should, because it is.

However, being a high performer doesn't mean we should cope with this change alone (I know as lawyers we often think we are invincible, but we aren't!). If our firms vision the change, they can buttress us with support to cope with the change that we are bombarded with. But this doesn't always happen and can leave some of us (me included) burnt out.

Creating change is challenging. So often the reason we fail to create the change we want is because we don't have sufficient support to balance out the challenge. So instead of waiting for support, why not take responsibility for creating your own support?

Reaching out to experts can be the first step. And at Clara Rose Consultancy, we support many lawyers through the changes they want to see in their career so that they create

change that sticks. As the newest member of the team I am looking forward to using my background as a solicitor and my skills in leadership and performance coaching to help legal professionals move their careers forward.

Even if you're not looking to change roles right now, if you'd like to discuss any change you'd like to see in your career then please do reach out to me or any of the team at Clara Rose Consultancy.

Vikki Pratley, non-practicing solicitor

Career Advisor and Performance Coach at Clara Rose Consultancy

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- 10 Celebrate** (with cake)!

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JUNIOR LAWYERS DIVISION

Oliver-James Topping
Chair of the SNEJLD
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NEW COMMITTEE

November 2019 saw the formation of a new SNEJLD Committee. We are formed from students to junior lawyers from the private and public sectors living and working around Suffolk and north Essex.

One of the aims of the new Committee is to build strong relationships with the universities in our area. Currently we have two representatives for the University of Suffolk. However there is a vacancy for a representative for the University of Essex. If you are interested in the role, please contact us at: jld.sne@googlemail.com.

EVENTS

November 2019 also saw the new Committee host their first gin tasting networking event which was a success. There was a great turnout with people at varying stages of their law careers, from university law students to junior solicitors, attending the event hosted by the Three Wise Monkeys in Ipswich. The venue treated the networkers to a wide ranging of gins, with different

food courses carefully selected to accompany those particular gins. The feedback received from the attendees was excellent, and the Committee are already planning the next event to bring their members together once again.

UPCOMING EVENTS

Careers Talk

On 30th January 2020 we will be holding our annual careers talk. The theme this year is on one of the most topical issues in the legal workplace today - wellbeing.

One of our sponsors, Clara Rose Consultancy, will be giving a presentation on trends in the legal jobs market across Suffolk and North Essex. She will also be giving advice on how to maximise the move from training contract to qualified solicitor, and how best to market yourself to potential employers as you embark on newly qualified life, including some key CV and interviewing tips.

This will be followed by a talk from Vikki Pratley from Skylark, an ex-employment lawyer now health and wellbeing coach.

She will be discussing her seven top tips for creating a healthy and high performing career in law in order to prevent 'burnout' - something which continues to be a significant problem in the legal field.

The careers talk will be held at the University of Suffolk on Thursday, 30th January 2020 at 5.30 p.m. The event is free to attend and all are welcome. However there are limited spaces so book your place now on: <https://www.eventbrite.co.uk/e/your-wellbeing-in-the-workplace-matters-lawyers-career-talk-tickets-80683409249>.

Future Events

There are more events in the pipeline for 2020. All events will be advertised via email, on our Facebook page (Suffolk and North Essex Junior Lawyer Division) and on our Twitter page (@SNEJLD) so keep an eye out!

If you would like to join our mailing list, please let us know by contacting us at: jld.sne@googlemail.com.

PRO/PLO Report

Following on from my last report, the President's Annual Dinner proved to be another great success and even managed to fit in a dance this year! The raffle held that evening raised nearly £500 and is being donated to the Charity of our President's choice. Again we thank our Sponsors JM Finn, Index, Executor Solutions, Language Link UK and Williams~Wroe for their sponsorship and wonderful donated prizes.

In this coming year the Law Society will continue its focus on BREXIT. My role as your SNELS PLO is to feed back any issues or concerns lawyers within our region may have on the BREXIT so these can be brought to the attention of the BREXIT taskforce and be used in negotiations of the separation agreement. Therefore if there is anything members would like to have raised or put forward to your local MEP or the Law Society please email me louise.goodenough@haywards-solicitors.co.uk.

Our new Deputy Vice President takes on the task of organising this year's SNELS seminar so watch this space for further details and there, of course, will be this year's Vice President's Cocktail Party to look forward to.



The Council are always pleased for you to contact us with news or suggestions to help improve our contact with you and move the Council forward. So if there is anything you wish to share please contact us.

All training and events can be found on our newly launched website www.snels.org.uk and twitter @SNELS_UK.

Louise Goodenough - PLO/PRO Officer

2019 President's Annual Dinner Review

 Suffolk & North Essex
Law Society

Sponsored by Executor Solutions, Index,
Language Link UK Ltd, JM Finn & Williams~Wroe

Our 85th Annual Dinner was held at Seckford Hall Hotel, Woodbridge. We must once again thank our sponsors, Executor Solutions, Index Property Information, JM Finn, Language Link UK Ltd. and Williams~Wroe, without whom we could not put on such a lavish evening.

The Dinner was very well supported by many member firms from across the region and also East Anglian Chambers.

Thanks go to our sponsors and member firms for providing some great raffle prizes. £495 was raised for the British Heart Foundation.

The evening's entertainment was provided by The Mementos Duo who performed right up until midnight and filled the dance floor.





Angela Gifford, MD.
Able Community Care Ltd.

Talking About Care for a Loved One in 2020.

Christmas and the New Year are the times of the year when many families meet, and this leads to the discussion that a loved one needs care support or increased care support.

Care is available from many care providers and a look online at www.Yell.com will bring up the care providers in your local area.

If you live in a rural or remote area of the country the list of available care providers will be significantly reduced and as a family, you may think that a move to a residential care home is going to be the answer to the support needed.

This is not necessarily the situation. Live-in Care, having care workers supporting you in your own home, is the alternative to making the often-sad exit from your home of choice, your own.

Live-in care workers will help with your personal care needs, your domestic tasks and can provide companionship. Your home and how you wish to live in your home and surrounding community is respected.

Able Community Care has been providing Live-in Care packages throughout the UK for 39 years. We introduce

appropriate carers into your home on a fortnightly basis and our objective is to provide you with a rotational system of carers whom you have chosen to support you.

Our website at www.ablecommunitycare.com gives detailed information and if you wish we can also send you our information brochure. If you have questions, please give us a call on 01603 764567 and we will be happy to answer them.

Able Community Care has provided millions of hours of reliable care support throughout the UK and beyond.

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First green shoots in a Legal Aid desert ...

There has been much publicity and campaigning around the lack of Legal Aid housing advice and assistance in Suffolk since 2014. Following the closure of Shelter in Colchester the provision of housing legal advice and assistance in Suffolk and North Essex had been solely through voluntary advice agencies and on a pro bono basis at Suffolk Law Centre and others. This meant a lot of people facing eviction and serious despair could not access specialist legal advice and representation in court. Those of us setting up Suffolk Law Centre knew this was an early priority.

Suffolk Law Centre was awarded the Legal Aid Agency housing contract in September 2018 which required us recruiting a housing supervisor, which despite repeated advertising we could not do.

This was due to the Legal Aid agency requirements for specific experience in relevant cases in the previous three years meaning that no one local could meet the criteria; and there being a national shortage of qualified candidates. The poor Legal Aid rates no doubt exacerbated this situation. This meant that a new approach was required.

Following lengthy negotiations with the Legal Aid Agency agreement was finally reached to employ a housing case worker, externally supervised by a solicitor from Hackney Community Law Centre with initial funding for project and additional supervision and training costs provided by the Legal Education Foundation.

James Hanlon was recruited to the housing legal caseworker role in August 2019 and is supervised by Kevin Long from Hackney Community Law Centre. We were fortunate that he had prior experience as a local Citizens Advice adviser in housing cases. This has been supplemented by a flexible programme of training and shadowing in house and externally on both housing law and legal aid regulations and processes.

Since restarting the Legal Aid Agency contract in September 2019, Suffolk Law Centre has received in excess of 70 housing related enquiries, from a variety of sources including Civil Legal Advice, Citizens Advice, Social Services, Coram and Suffolk Law Centre Legal Advice Clinic referrals. A majority of these enquiries have translated to Legal Aid funded cases although a worrying number of clients find themselves ineligible due to the financial means testing requirements.

Whilst the need for housing legal advice was never in question, the sheer scale of enquiries and referral has been somewhat disconcerting, requiring careful triage and case management. It also proved that our concerns about the volume of unmet need were correct.

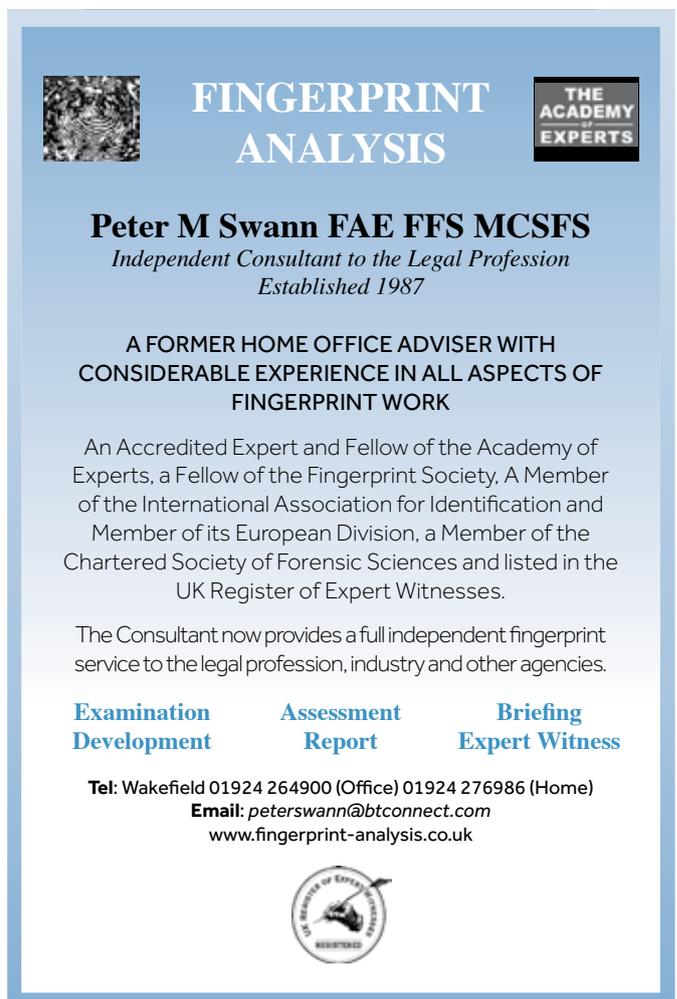
Finally, it is nice to be able to share some positive outcomes for our clients, who without publicly funded legal advice would be in a worse situation:

- possession proceedings against a young family by an overzealous landlord were dismissed due to complete failure by the landlord to follow Civil Procedure Rules;

- a vulnerable care leaver in Essex who was found intentionally homeless had that decision withdrawn and has been provided long-term accommodation by the local authority;
- a disabled woman in Ipswich who was being treated as not homeless and not in priority need has been provided interim accommodation whilst the local authority carries out enquiries into her vulnerability;
- a young family renting from a private landlord have been able to challenge the serious disrepair issues at the property that were causing them significant health issues;
- a homeless pensioner had the refusal to accept his homeless application challenged and is now secure in suitable accommodation.

The first green shoots are finally blooming in the legal aid desert.

Audrey Ludwig and James Hanlon, January 2019



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Vice-President's Cocktail Party



By kind invitation of your Vice-President and Council,
All Solicitors in the Society are cordially invited to a Cocktail Party

Monday, 16th March - 5.30 p.m. - 7.00 p.m.
to be hosted by John Fowlers at
45 East Stockwell Street Colchester
Essex CO1 1SR

RSVP to Admin. Sec. by e-mail to snels@topcopysec.co.uk

Please note there is no parking at the venue,
but there are two car parks nearby:

St Mary's Car Park on Balkerne Hill, CO3 3AA (pay and display or by using MiPermit)
www.colchester.gov.uk/article/12623/St-Marys-Car-Park

Nunns Road NCP, CO1 1EJ (aka locally informally as the Williams & Griffin/Fenwick's car park)
www.ncp.co.uk/find-a-car-park/car-parks/colchester-high-street



FALLEN INTO THE HOUSING ACT REPOSSESSION TRAP?

STEWART TITLE HAS A WAY OUT FOR LENDERS

With nearly half of all new homes in England & Wales being sold as leasehold, ground rents are increasingly giving landlords the chance to repossess homes without giving lenders the chance to seek relief against forfeiture.

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Where a long lease contains a rent that is, or is capable of, exceeding £1,000 per year in London and £250 elsewhere, the provisions of section 8 of the Housing Act 1988 apply. In the event of default by the tenant, a landlord can bring statutory possession proceedings without the need to use the forfeiture process and so a lender will not have the chance to seek relief against forfeiture. Many lenders have raised concerns and are unwilling to lend on new or existing leases that could fall into this trap.

Upon consultation with our customers, Stewart Title has developed a solution that offers lenders protection against such potential losses.

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For more information about this policy, visit stewartsolution.com or call 020 7010 7821.



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This brochure is intended to provide general information only. For full cover details, please refer to a copy of our policy.

Stewart Title Limited is a title insurance company authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. Registered in England and Wales No: 2770166. Registered office address: 11 Haymarket, London, SW1Y 4BP. Oct 2019 – E&W

Geodesys launches drainage and water report for new build homes

Conveyancing search provider adds bespoke search option to its service offering

Huntingdon, X September 2019- Geodesys – a leading provider of conveyancing searches for residential and commercial properties throughout England and Wales – has announced the launch of its brand new drainage and water report for newly-built homes in the Anglian Water region.

The Geodesys NewBuildDW - the first of its kind - provides all the same quality data on water and sewerage connections as the Law Society's official CON29DW report. However, NewBuildDW focuses specifically on the information relevant to new build residential properties and offers conveyancers a lower-priced alternative to the full report. It also includes several pages of extra tips and advice for buyers.

Jonny Davey, Product Manager for Geodesys, comments: "We are committed to providing all the information home buyers and their legal advisors may need on a property to avoid any unnecessary future risks and additional costs.

"We decided to launch this new product after identifying a gap in the market for a comprehensive report which has been specifically tailored to provide information for new build residential properties. All data used in the

report is sourced from Anglian Water, which retains liability for its accuracy."

Making conveyancers' jobs easier, the new report will provide:

- 17 questions including two high quality water and sewerage maps
- Crystal-clear front-page customer dashboard highlighting information on key questions
- Easy-to-use interactive navigation making retrieving information easy for users
- Top tips and advice relevant to buyers of new build properties
- £5m professional indemnity insurance

Jonny continues: "Produced by industry experts, our streamlined report clearly outlines all the most pertinent information. Some data contained in a full CON29DW is simply not available for new builds, so NewBuildDW allows conveyancers to access the key details at a more competitive price."

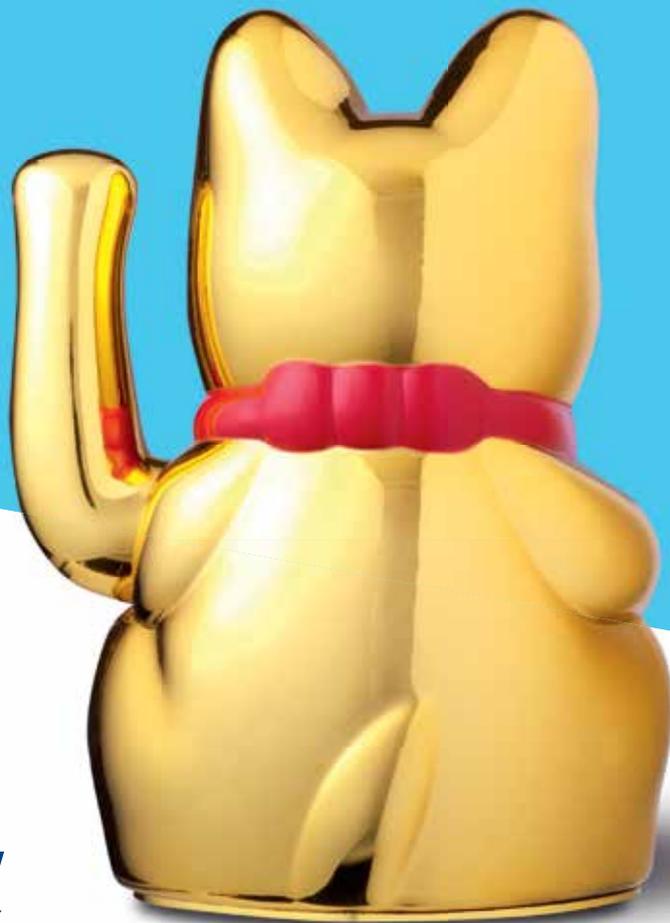
The NewBuildDW Report is available for £36 (including VAT) in the Anglian Water sewerage area only and for residential properties classed as new build. For more information, please visit: <https://www.geodesys.com/residential-searches/drainage-and-water/new-build-drainage-and-water-report/>

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Record Level of Legal Advisers Talk Gifts in Wills With Clients

by Rob Cope

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

- 68% of solicitors / Will-writers always or sometimes raise the topic of charitable bequests proactively during Will-writing
- Only 7% of advisers never proactively reference legacy giving with clients
- 20% of Wills currently handled by legal firms annually include a charitable donation

LONDON, 10 DECEMBER 2019: More UK legal advisers are initiating discussions with Will-writing clients about the option of leaving a charitable bequest than ever before, according to a tracking study from Future Thinking

Commissioned by the 200-strong charity consortium Remember A Charity, the study reveals that 68% of solicitors and Will-writers always or sometimes proactively raise the subject of legacy giving with clients, up from 58% in 2012. Almost one quarter (24%) occasionally raise the topic with clients, while only 7% say they never do, down from more than twice that (16%) in 2012.

Rob Cope, Director of Remember A Charity, says: "Over the years, we've seen a marked change in the way that advisers are approaching gifts in Wills with clients. Legacy giving is becoming more common across the client base, and there's much less reticence when it comes to raising the topic of charitable giving."

The consortium recognises the key role that advisers play in normalising legacy giving and raising vital funding for good causes annually, with research from the Behavioural Insights Team demonstrating that referencing the option with clients can double the proportion of those that go on to leave a gift.

Cope adds: "Increasingly, advisers now see discussions about gifts in Wills as part and parcel of offering a comprehensive service to clients. In most cases, clients will want to look after friends and family first – and that's something we'd encourage. But a simple question asking all Will-writing clients if they'd like to consider leaving a donation too can make a huge difference to the number of people that choose to give in this way."

On average, advisers report that 20% of the Wills they administer annually contain a charitable bequest, having risen steadily from 16% in 2012. 85% of the legal firms in the study had assisted in administering estates that included a charitable donation.

The proportion of Wills going through probate that include a charitable bequest has risen from 12.2% to 15.8% over the past decade, with more than 10,000 charities named in Wills annually[1].

Advisers that always open up legacy giving conversations with clients typically do so because it is part of their standard Will-writing process or because they want to alert clients to the tax breaks linked to leaving a charitable bequest. More than seven in ten (71%) of advisers always or sometimes reference the tax advantages of leaving a gift to charity. Any legacy gift to charity is currently exempt from Inheritance Tax (charged at 40%), and a lower rate of tax (36%) is applicable on estates where 10% or more is donated.

Remember A Charity is now working with the legal sector to develop a new suite of materials that will help to bring greater consistency and demonstrate best practice for the way that advisers can reference charitable giving with clients.



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OUR AIM

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E: info@heartbeathorses.org

Company Number: 5192509

Registered Charity Number: 1106722

Tel: 01394 775 495

T: 01245 237548
E: giftsinwills@dementiaadventure.co.uk
W: www.dementiaadventure.org



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We have enabled hundreds to enjoy a supported dementia holiday and trained thousands of individuals to think differently about dementia – making a huge difference to the physical, social and emotional well-being of people with dementia and their carers.

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Dementia Adventure is a Registered Charity (CIO): 1163163 (England & Wales).



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For more information please contact:

**The General Manager
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Stonham Aspal
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The Suffolk horse was developed for farm work and gained popularity during the early 20th Century. As agriculture became mechanised, the numbers fell and almost disappeared completely.

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To make a donation please contact us at:
The Suffolk Punch Trust, Sink Farm, St David's Lane, Hollesley, Woodbridge, Suffolk, IP12 3JR

Email: info@suffolkpunchtrust.org
Tel: 01394 411327 Registered Charity Number: 1100596
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Telephone: 01603 617617
Email: enquiries@cli.co.uk
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Countrywide
LEGAL INDEMNITIES

Sperm donor anonymity - a distant memory?

With the plethora of alternative ways now available to either participate in conception, birth or take care of a child and the interest in family trees, the issue of sperm donation has once again come into the spotlight.

In particular, this is being accentuated by the use of social media, celebrity culture and the rapid rise of ancestry companies who use DNA testing information to make links with often unknown individuals and geographical origins. The result is that the possibility of identifying a sperm donor and biologically related siblings is now very high. This raises questions within the law (which arguably has not kept pace with society) and also ethical issues, with regard to personal privacy both for donors and also for donor conceived children.

In 1991, the nascent Human Embryology and Fertilisation Authority began to record data regarding donor conceived children and allowed access to benign information about the donor and the number of genetic siblings. Donors were at this point promised lifelong anonymity, which has created, in 2020, conflicting rights. In 2005 a more profound change occurred in that donors obtained the right to learn the identity of their donor when they turned 18 (and 2023 is getting very close). As part of this legislative change sperm donors also gained the option to remove anonymity if they wished and

post 2005, donors must agree to waive their anonymity when any donor conceived child is 18. These circumstances are a significant challenge to the concept of donor anonymity. As a consequence, the number of sperm donors in the UK has declined.

There has been an explosion in people taking DNA tests for ancestry...26 million by 2019, which is expected to rise to 100 million in 2021. The DNA databases held by the ancestry DNA testing companies are now both huge and powerful, enabling distant relatives and individuals to be presumptively identified with relative ease (half second cousin or closer). Together with online information such as surname searches and family trees, putative relatives can be identified with ease. Some donors embrace this, others are waiting with trepidation - in the excitement of the chase, often the donor conceived child acting as amateur sleuth, places too much emphasis on weak circumstantial evidence derived from ancestry DNA tests. We consider that confirmation of the biological relationship is an essential step to take before leaping into the emotional abyss. Firm knowledge of either biological paternity or sibling-ship (most likely half siblings, united by a common father) using an appropriate DNA test is paramount.

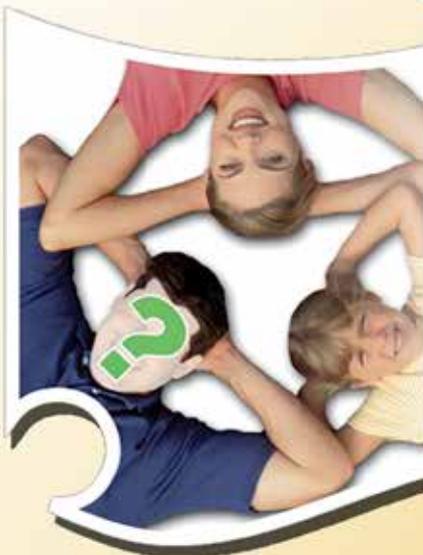
Yet, in an evolving niche, a smaller group of willing donors are finding other ways to make

contact with recipients, such as Facebook groups and co-parenting websites. There is even debate concerning the use of sperm from deceased males. Here the sperm is retrieved by electro stimulation and disingenuously compared to organ donation. Notwithstanding the issue of consent, children conceived in this way will never have the chance to meet their biological father, a circumstance which requires ethical consideration.

Opinions towards anonymity are relaxing across Europe with the balance shifting from the anonymity of sperm donors towards the rights of donor conceived children to know their biological origins. It is estimated that there were around 30,000 sperm donor conceived children in the UK between 1991 and 2005 and obviously a great deal more have been born since. In particular, an appropriate DNA test to determine biological parentage is essential for unequivocal confirmation. This is also required if legal recognition of the relationship is desired to change a birth certificate, to obtain a parental order or to resolve a matter of inheritance.

Neil Sullivan, MBA,

1. *Human Fertilisation and Embryology Act 2008, s24.*
2. [facebook.com/groups/DNADetectives](https://www.facebook.com/groups/DNADetectives)
3. *Parliamentary Assembly, Council of Europe, Committee on Social Affairs, Health and Sustainable Development. Anonymous donation of sperm and oocytes: balancing the weights of parents, donors and children. Draft adopted 21st January 2019.*
4. *Hallich, O., Sperm donation and the right to privacy. New Bioethics 2017, 23 p 107-120*



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Fairweather Law rolls out superior combined Quill-Redbrick package

By Julian Bryan, Managing Director, Quill

Fairweather Law uses a combined Quill-Redbrick software solution for legal accounting and case management respectively. The practice decided to switch because its previous supplier inflated its fees thereby making it unsustainable for the future.

Jack Fairweather, Director at Fairweather Law, describes the decision-making process: "When we were given a very substantial fee increase, it suddenly became the right time to migrate onto something new. The first stage was installing Redbrick to manage our matters and documents with workflow assistance.

"The second stage was legal accounts software. We sought recommendations from Redbrick, of whom Quill was a strong shortlist candidate, took references from existing software users, had sales demonstrations then compared costs and functionality.

"Ultimately, there were multiple reasons for choosing Interactive from Quill. Where cost's concerned, it's chalk and cheese to what we paid before. No law firm can be complacent about introducing financial savings.

"Where functionality's concerned, the overall user interface is so much better,

particularly the dashboards which are extremely easy to use. There are many more features too, not least the wider range of reports which our fee earners find especially insightful as a means of monitoring their own progress. Overall, it's a superior combined package."

Having operated its incumbent application for nine years, the team at Fairweather Law adopted a pragmatic approach allowing a six-month period for implementation in order to alleviate potential disruption.

"Although we were unhappy with our old supplier, it was still a big change as we'd really bedded in over nine years," continues Jack. "We were advised by Quill to take our time for implementation for things to be done seamlessly. Thankfully, that's exactly what did happen. Even my dad, who's a founding partner of our business and was fairly traumatised by the last software rollout which went far from smoothly, has commented that he didn't encounter any difficulties this time.

"The whole changeover was professionally handled by Quill. Full credit to them that it's been so straightforward and gone completely to plan. We all knew what we wanted to achieve. This

was a major contributory factor in our success.

"We're now in the midst of familiarisation, putting our training skills to use and finding our way around Interactive but already our staff are happier. While we acknowledge it'll take time to get used to the new system, we know it's not going to be a laborious task because of Interactive's inherent user friendliness. Although somewhat forced to change, signing for Interactive has been the best decision."

To discover more about Quill, please visit www.quill.co.uk, email info@quill.co.uk or call 0161 236 2910

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

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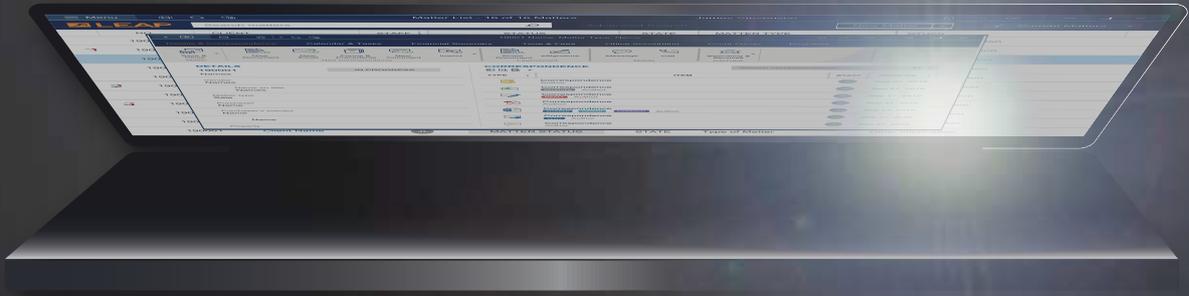
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