

Leicestershire Law Society magazine



PASSING THE BATON

Immediate Past President Christl Hughes hands over to Incoming President Matthew Oler

JOINT LLS AND JLD WINTER WARMER EVENING 9 DECEMBER 2021

PAGE 8

RICHARD HENRY BLOOR, 1936-2021

PAGE 9

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EDITOR'S INTRO

Wishing all LLS readers a heartfelt Happy New Year!

With the new year comes a sense of renewal and new starts, opportunities to re-set and move forward with purpose and positivity.

2022! Where will this year take you? In the words of Mr Buble – it's a new dawn, it's a new day, it's a new life and we're feeling good! In 2021, we faced another year of a world healing from a pandemic and as lawyers had to continue to adapt, improvise and overcome new developments in our lines of work. Now, we are entering 2022 with renewed expectations and ambitions.

In this edition, we welcome our new President, Matthew Olnier. We also sadly say goodbye to previous President Christl Hughes.

Thank you for being a part of the Leicestershire Law Society this year. Whether you've been with us for a while or are new, we truly appreciate you being here.

With that being said, I am always eager to hear from our readership with any articles that you wish to write, ideas for future articles/features and of course any ideas and suggestions for forthcoming editions of the magazine; so please do get in touch.

Sameer Karim,
Editor
Sameer.karim@d-w-s.co.uk




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PRESIDENT'S REPORT

by Matthew Olnier



Welcome everybody to this latest edition of the Leicestershire Law Society magazine.

Firstly, may I wish all of our members and Patrons and business partners a very happy, safe and prosperous New Year.

As this is my first formal magazine presidential address I take this opportunity to thank my immediate predecessor Mrs Christl Hughes MBE for all of the superb work, help and support during her time as President. May I also thank all members of the LLS Team. I am lucky to have such a fine group of people working for LLS.

The many twists and turns of the Covid pandemic have affected all of us in different ways. We have all had to develop new ways of working and staying in touch with each other and with our clients. We have had to adapt to the most challenging circumstances. I am incredibly impressed and inspired by the way our local legal community have adapted and stepped up to the challenges placed before them. Despite all that the pandemic has thrown at us, they continue to deliver the exceptional service for which they are rightly known.

LLS is developing and enhancing our social media presence and I recommend that you visit our recently refurbished and upgraded website, where you will find resources and information that will be of benefit.

Leicestershire Law Society continues to build links with the local business and cultural community. We are so very grateful for the continuing support of our Patrons, University of Leicester, De Montfort University, Severn Trent Water Limited, Marsh Insurance, DG Legal. We are also delighted to welcome new Patrons Mattioli Woods and Fraser Stretton.

We also continue to benefit from our relationship with our business partners, Kazzoo IT and Computer Solutions, Cross Productions, Hitz Rao Photography and Freeline website productions.

The help and support all of these organisations and businesses provide to us is invaluable and Leicestershire Law Society and its members gain so much from the input and energy and ideas of these different organisations.

I take this opportunity to say particular thanks to Raj Modi of Finance Lab. Finance Lab have been Patrons of Leicestershire Law Society for a number of years. Finance Lab are bowing out as Patrons and I take this opportunity to formally thank them for all of their superb help and input throughout the years they have been a Patron of Leicestershire Law Society.

We had a very successful joint Leicestershire Law Society and Junior Lawyers Division evening at Bistro Live on 9 December, more of which inside.

There was a virtual Law Care seminar on 23 January. I am extremely keen to look at all and any ways of highlighting and promoting the mental health and well-being of our members. Our profession is a difficult and demanding one at the best of times. This past two years or so has placed the heaviest of further burdens on all of us in different ways. I heartily recommend that, if you can, you do attend future events like this, as I think it will be useful.

We hope to be holding a solicitors' and accountants' evening in early spring. There will also be the Awards Short-listing Ceremony.

We will also be holding a charity golf day later in the year.

We will be arranging a sponsored sky dive, again to raise money for my nominated charity this year. I will be sky-diving myself and I hope to see many of you take the plunge (as it were) with

me. There will also be a sponsored walk around Rutland Water.

Our awards evening is due to take place on 20 May 2022 at Athena.

My nominated charity for the year is **Leicester Children's Holidays**. This local charity, which has been in existence for over 100 years, does superb work with local children who have had a difficult time of things.

The charity arranges for children to be taken on an exciting adventure holiday in the summer months. If you go onto the Leicestershire Law Society website, you will see all of their details.

LLS Committee members are dealing with and responding to consultations raised by the government that affect our members. You will have seen emails from Leicestershire Law Society about consultations and I do hope that you can take time to respond to provide us with your views. We are, after all, the voice of our members and I want to encourage as much discussion and participation across the local profession as possible. There are many important developments taking place at the minute in the profession and the more we get involved, the better it is for all of us. The SQE, for example, has now just started, and how this major new innovation in legal training pans out is going to affect all of us.

Whether you are doing predominantly conveyancing work or corporate take-overs, whether you are representing defendants in the criminal courts or doing probate work, whether you are representing clients in the family courts or pursuing personal injury claims, we are all part of the same profession. We are all solicitors. It is my very firm belief that we are stronger when we stand together, whatever part of the profession we are practising in.

I also believe that it is more important now than ever that we ensure that we properly look after ourselves and each other.

All the best for 2022 and I hope to see as many of you as possible in the coming months.

Matthew Olnier
President LLS

BOOK REVIEW: THE SPACE BETWEEN BLACK AND WHITE



THE SPACE BETWEEN BLACK AND WHITE
A Mixed-Race Memoir
Esuantsiwa Jane Goldsmith
ISBN 9781913090128

Born in 1953 Jane Goldsmith (as she was then - she acquired the additional first name later in life) was elected the first woman of colour President of Leicester University Students' Union in 1975. Today her portrait, unveiled in March 2018 to celebrate International Women's Day and the Centenary of the women's vote hangs in the Council Chamber. She was also awarded an Honorary degree by Leicester University in 2014.

As a contemporary I remember her as a very active campaigner on Women's Lib* and Black Power issues which she went on to develop during her very successful career. Recently Esua Jane has been involved in leading roles in Black Lives Matter and Healing Solidarity Collective and describes herself as an author, feminist activist and development consultant of British Ghanaian Heritage as well as Queen Mother of Development of her village in Ghana.

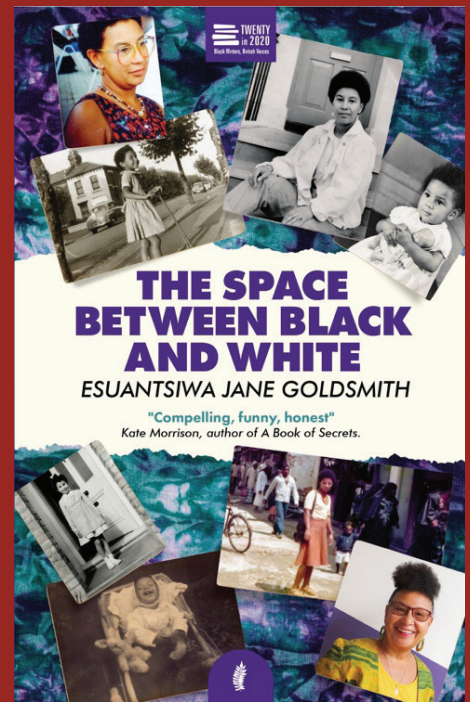
This autobiography however is focussed more on the author's personal journey to discover her own beginnings and thus move on to what she is now. A girl of mixed race ("half caste" as was the then description), born to a white single mother out of wedlock (a disgrace in the 1950s) on what would now be known as a "sink estate", at one point Jane was the only "black" girl among 500 pupils in one of the many schools she attended. The chapters describe her voyage of discovery, including being told "you should never have been born" to dealing with unwanted pregnancy herself and the racial bullying and other issues.

Then in her mid thirties Jane travelled to Ghana in search of her Father, who had departed before she was born. This voyage of discovery is the main theme of book.

This is a fascinating very readable account and after 568 pages I was left wanting more. And I definitely endorse the prescript wording:-

Knowing who you are, and where you are from, and your beginnings, is the only way you can find out where you're going, and who and what you can become.

Christl Hughes



* The author states that she did actually burn her bra and organised a group session for female students to examine each other's intimate parts. No I did Not attend that....

LAW SOCIETY NEWS

FAMILIES AT INQUEST NO LONGER MEANS-TESTED FOR EXCEPTIONAL-CASE LEGAL AID

In early 2022, the Judicial Appointments Commission (JAC) is launching a selection exercise to recruit fee-paid Recorders.

The Judicial Office has recorded a seminar for those interested in applying for appointment as a fee-paid Recorder.

It aims to help applicants:

- be better prepared to apply
- receive up-to-date guidance and advice on the JAC's selection process

You'll hear from:

- a recorder (previously a solicitor in private practice)
- a judge in the first-tier tribunal
- representatives from the JAC

- The seminar was recorded on 9 December 2021.

The event was organised on behalf of the Judicial Diversity Committee to support the Judicial Diversity and Inclusion Strategy.

The role: Recorder

A Recorder's statutory jurisdiction is similar to that of a Circuit Judge.

Main activities include:

- reading and assimilating case papers before a hearing or trial begins
- case management in the Crown Court, County Courts and Family Court
- presiding over Court hearings
- deciding appeals
- determining any necessary paper

applications

- assessing costs and reviewing detailed assessments

Location and jurisdiction

Recorders are appointed nationally and assigned to a circuit within England and Wales by the Lord Chief Justice.

When you apply, you should carefully consider how you rank jurisdiction and location, as deployment recommendations are based on the following:

- the merit order of candidates
- requirements from HM Courts and Tribunals Service (HMCTS)
- your ranked location preferences
- your home address

JOINT LLS AND JLD WINTER WARMER EVENING 9 DECEMBER 2021

This event took place at Bistro Live. It was jointly organised by LLS and JLD. Many thanks to Rishi JLD President and his team for all their help and hard work. The event was kindly sponsored by KCL Chambers. We were also honoured to be joined by senior members of Marsh Insurance one of our cherished Patrons.

It was a thoroughly enjoyable evening. I was very happy to see a real mix of experienced practitioners and junior colleagues swapping stories and letting their hair down – much deserved by everyone.

As President of LLS I am very keen that we continue to build on our links with the JLD. It is a vibrant and exciting organisation. I was lucky enough to be able to chat to a few JLD members on the evening. It left me feeling very proud and confident in the future of our profession.

I look forward to many more such events.

Matthew Olnier
President







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RICHARD HENRY BLOOR PROPERTY SOLICITOR 20TH NOVEMBER 1936- 20TH DECEMBER 2021, ADMITTED ON 1ST OCTOBER 1960.



Richard Bloor, then of Owston & Co at 23 Friar Lane was Librarian of Leicestershire Law Society 1978-1982 and President 1990/91.

During his period of office members enjoyed a Closed Dinner in November and a Summer Ball in June.

Business included a lunchtime meeting with Mr (as he then was) Edward Garnier the prospective Conservative candidate for the Market Harborough seat in the forthcoming (1992) election, the looming advent of the Solicitors Complaints Bureau and the imposition of Client Care Letters.

Born in Leeds, Richard moved with his family to Leicester when his father was appointed Classics Master at City of Leicester Boys School. He attended Lutterworth

Grammar School where he later became a Governor and played cricket for Dunton Bassett. Other roles included Lutterworth Round Table, Prince Rupert Masonic Lodge, St John Ambulance and Leicester Probus Club, always at a senior level. Church Warden at Burton Overy, in 2002 he was honoured to be appointed Registrar to the Diocese of Leicester, a post he held for 10 years.

Richard took over the Senior Partner role at Owston & Co, then of 23 Friar Lane on the retirement of Donald Hunt.(LLS President 1970/71). Owstons then merged firstly with G Stevenson & Co of New St and then in 1996 with

Harvey Ingram to form Harvey Ingram Owston, the ancestor of the current Top 60 UK Law Firm Shakespeare Martineau. At that point and aged 60 Richard retired as a Partner and became a Consultant to the national firm.

Richard was for very many years a Director of and regular attendee at the Leicestershire Club in Welford Place. In retirement his hobbies included reading, his vegetable garden, sailing on the Norfolk Coast, and walking the footpaths in Burton Overy where he now lies in the churchyard. Married to Anne for 54 years, above all he treasured family life.

FRASER STRETTON PROPERTY GROUP



Narinder Nijjar

Fraser Stretton Property Group are proud to be a Patron of the LLS. The business is owned by husband and wife team, Narinder Nijjar and Jaz Kaur. The property group actually started out life as The Lettings Business in June 2019 but has gone on an exponential growth journey which has encapsulated incorporating first sales into their offering and then further diversifying into new home sales, land sourcing and development projects. At this juncture, Fraser Stretton was born and, since then, Jaz and Narinder have further evolved the business by increasing their offering to financial services for clients and developers alike.



Jaz Kaur

The auction platform is the newest offering from the group and this is aimed at assisting clients to achieve timely sales completions, especially in the Probate area, where clients need the estate to be handled in a sensitive and timely manner.

Fraser Stretton are based at 15 Allandale Road in the Stoneygate area of Leicester, but this has not stopped the company gaining clients in the wider Midlands area such as Nottingham, Derby, Coventry & Birmingham. In addition to this, they are embarking upon some exciting land projects nationwide for new home developers and assisting clients in London with new and exciting developments.

Narinder said, "We are very proud to be associated with the LLS and we are hoping that our patronage will help the LLS continue to grow from strength to strength. In addition to us solidifying relationships with our existing friends who are members of the LLS, we are hoping to forge and build new and fruitful business alliances within our company's various offerings".

The property consultants say the secret to their success is their shared goal: to provide for their children. Jaz Kaur said, "Working this way means we have found ways to juggle childcare and methods of creating opportunities wherever possible. Our children don't hinder us, they drive us."

A few awards have now arrived for the shelf... winning the British Property Awards 2021 Gold Winner for best Estate Agent for Leicester in September 2021 and winning the Growth Business of the Year award at The Signature Awards 2021 In London. This was then followed up by being voted SME of The Year at The Signature Awards 2022 that were held In Birmingham.

Fraser Stretton Property Group are looking forward to meeting, connecting and adding value to the LLS In whatever way they can.

SQE UNRAVELLED

What is the SQE all about?



SQE stands for the Solicitors Qualifying Examination.

It has been set up to provide a completely new pathway to qualify as a

Solicitor in England and Wales.

One of the major changes that has come with the introduction of SQE2 is that a training contract is no longer compulsory. Instead, potential solicitors now have to undertake two years of full-time Qualifying Work Experience (QWE). QWE can be any legal work, such as a placement, pro bono work or previous work as a paralegal. The only requirements is that that the work must be done at no more than four different legal enterprises and be signed off by a solicitor who is qualified to practise in England and Wales.

QWE aims to offer a more flexible approach than the previous period of recognised training, commonly referred to as a 'training contract'.

QWE gives candidates the opportunity to:

- interact with clients
- see how solicitors work in practice

- consider ethical challenges
- develop competences set out in the Statement of Solicitor Competence

There are no longer requirements:

- for contentious or non-contentious work
- to work in a specific number of legal areas

The new regime requirements are now:

- A degree in any subject (or equivalent in any subject)
- Pass SQE1
- Pass SQE2
- A minimum of 2 years Qualifying Work Experience (QWE)
- Pass the SRA's character and suitability test

The SQE is a standardised exam divided into two parts – SQE1 and SQE2.

In SQE1 candidates are tested on 'functioning legal knowledge' which tests the application of law based on realistic client-based scenarios in multiple choice questions. The test consists of a multiple choice paper of 180 questions covering all aspects of the SQE1 syllabus. SQE1

must be passed before being eligible to sit the SQE2 assessments.

SQE2 tests candidates on the practical legal skills required for practice, including:

- Interviewing (with written attendance note/legal analysis)
- Advocacy
- Legal research
- Legal drafting
- Legal writing
- Case and matter analysis

Costs

The total cost of the SQE assessments is £3,980.

- SQE1 – £1,558
- SQE2 – £2,422

Further information is available at:

www.lawsociety.org.uk/career-advice/becoming-a-solicitor/solicitors-qualifying-examination-sqe

Parvien Akhtar

GENERATION ENTITLED?

One case that attracted media attention last year and was case of Mr Faiz Siddiqui.

The Court of Appeal refused permission to appeal against the decision of the Family Division dismissing the adult son's application for financial orders against his parents under s 27 of the Matrimonial Causes Act 1973, s 15 and Sch 1 of the Children Act 1989 and under the inherent jurisdiction.

Mr Siddique is a 41-year-old Oxford graduate and qualified solicitor. So far so good, except that he had been jobless for the past 10 years. He had become accustomed to being supported by his wealthy parents and lived in a rent-free in a £1 million flat in London paid for by his very generous parents.

Mr Siddiqui did what no grateful and

reasonable person would think of doing. He sued his parents! He wanted them to provide him with a maintenance grant for life.

Mr Siddiqui is no stranger to bringing such lawsuits. He previously issued proceedings against Oxford University because he was awarded a 2.1 (a perfectly respectable classification of degree) rather than a First Class and this he claimed hindered his career prospects. This claim was rightly dismissed otherwise it would have opened up the floodgates.

Mr Siddiqui claimed he was entitled to maintenance from his elderly parents because he was a "vulnerable grown up-child" who suffers from health concerns despite the fact that his poor parents (no pun intended) had been providing him with free lodgings and a weekly allowance of £400 a week

Not surprisingly his parents wanted to reduce his allowance as his requests were becoming too demanding and unreasonable.

The case was heard by Sir James Munby who described the case as "unprecedented" with no arguable substance to support Mr Siddiqui's demands. The end result should come as no surprise to any lawyer or indeed any non-lawyer. Mr Siddiqui lost his case, his appeal was rejected and he was rightly presented with a legal bill of costs.

The moral of the case – don't bite the hand that feeds you!

Siddiqui v Siddiqui & Anor [2021] EWCA Civ 1572

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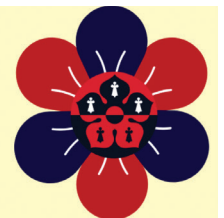


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LGS STONEYGATE



COUNCIL MEMBER'S REPORT

DECEMBER 2021

Linda Lee has been Council Member for Leicestershire, Northamptonshire and Rutland since 2003. She is a past President of the Law Society of England and Wales and is the current Chair of the Professional Indemnity Insurance Committee and a member of the Policy and Regulatory Affairs Committee, the Regulatory Processes Committee and Access to Justice Committee. She is current Chair of the Solicitors Assistance Scheme. Linda is an experienced litigation solicitor and is a Consultant at RadcliffesLeBrasseur where she specialises in solicitors' disciplinary, compliance and regulatory work. She can be contacted by email at: lindakhlee@aol.com



**In May of 2017, the
On 23 November 2021,
the Solicitors Regulation
Authority (SRA) launched
its Consultation on,
'Options for post six-year**

**run-off insurance cover and the Solicitors
Indemnity Fund². The decision the SRA takes
following this Consultation has the potential
to affect every solicitor who was a partner
(whether operating in a traditional partnership
or in a Limited Liability Partnership) or a former
employee of any firm which closed without a
successor practice and their clients. It could also
impact on those connected with firms that close
without a successor practice in future.**

Background to the Solicitors Indemnity Fund -SIF.

The solicitors' professional indemnity insurance (PII) market operates on a claims made basis. Insurance must be in place on the day the claim is made, not the date when the negligent act occurred. The operation of the Limitation Act² means that claims can be made very many years after the date of the negligence.

In 1987 SIF was established to provide PII cover by way of a mutual fund³. By the 1990s SIF was unpopular with the profession, particularly those in large firms, who thought they could get minimum terms and conditions (MTC)⁴ cover cheaper on the open market and this has been proved correct.

It is only very recently that the total amount paid by the whole profession for MTC has reached the pre-SIF closure levels of more than 20 years ago.

It has largely been forgotten that smaller firms also disliked SIF. The way in which premiums were calculated did not reward firms with a good claims history and as a consequence smaller firms also benefitted financially from a move to the open market.

The then Law Society Council voted to retain SIF but this was reversed following a ballot of

the profession. SIF was closed to new entrants from September 2000.

Firms that closed on or before 31 August 2000 were promised complete cover and that promise is being honoured by the SRA. All other firms were to resolve all their PII requirements on the open market.

Money was held in SIF limited to cover those firms that had closed before the move to the open market. By 2004, SIF decided that it had taken more money from members than was necessary to meet claims and so it was decided to offer post six year run off cover ("PSYROC") for firms that closed without a successor practice - but only until those additional funds were exhausted. SIF is still operating on the money allocated in 2004 and no additional funds have been raised since. This is partly due to the benefit of the relatively low level of claims and the benefit of the returns on the investment of the funds.

Developments since 2000

Claims have been brought to SIF relating to negligence which did not come to light until more than 6 years after a firm had closed. The high-risk areas for these types of claims are, conveyancing, wills and probate, infants' personal injury claims and matrimonial property.

The last 20 plus years have seen a number of developments that could not have been predicted when the profession moved to the open market.

In 2000, no-one anticipated that the right to make any decisions on PII would have been transferred from a professional body, the Law Society, (which applied professional values) to a regulatory body the SRA. Although the regulatory objectives set out in the Legal Services Act⁵ seem consistent with professional values, they are open to being interpreted rather differently by regulators.

In 2000, many firms that closed had a successor practice- now very few firms have successor practices as such even if it appears externally that firms have been taken over.

A firm which appears to have been taken over may in fact have been put into run-off. Although the buildings, files, the staff, and the name may have been transferred, the insurance liability may well not have been transferred.

If anyone had given consideration in 2000 to what should have happened, it may have been thought that there would be a market solution, but there is not and markets and solicitors' regulation has have changed in many ways. Despite discussions with brokers and insurers going back as far as 2012, and despite the occasional glimmers of hope, it is now clear that there is no appetite for insuring this risk on the open market.

The SRA Consultation:

Responses to the SRA consultation are due by the 15th of February 2022. This should allow sufficient time for everyone to respond.

The SRA is consulting on the following:

- Closure of SIF and the funds remaining when closure costs have been met, returned to the Law Society, if the SRA do not allocate to some other purpose
- Insurance through the open market – amending insurance rules to require participating insurers to provide PSYROC on top of the six-year run off cover that is currently provided for.
- Although this would not assist firms already closed, the rump fund could provide for those and going forward extended run off is the easiest solution. and if payment is enforced, it is the most viable.
- Insurers are wary given that at the current time a significant number of firms do not pay for run-off but under the MTC, insurers cannot void the policy. There has been criticism of the SRA of its failure to enforce against those who do not pay their run-off premium. As a consequence, there is no support whatsoever from the insurance industry for extending MTC to cover PSYROC .
- Establishing a partner insurer to provide on-going PSYROC cover through a Master Policy

- Consideration of alternative models of operating an indemnity fund for ongoing PSYROC on a more cost-effective model than SIF – working through a larger organisation who have the relevant staff expertise to undertake claim assessment, claim handling and legal work in house, and which would reduce the handling cost of each claim. Regulatory arrangements for more targeted on-going PSYROC cover, limiting eligibility as compared to the existing SIF arrangements. Under this option PSYROC provision could be open only to claims from particular practice areas or for firms of a particular size, where there is the highest density of claims. However, this does not appear viable as historically high-risk work may have been undertaken.

The SRA has made it very clear that its preference is that the fund should close. The SRA has suggested that the Law Society could take over what remains of the fund and offer some sort of assistance. This is problematic for a number of reasons. The Law Society cannot levy the profession to enable the fund to continue. Furthermore, as the Legal Services Act stands, without amendment, the Society cannot run an indemnity arrangement of any kind.

It should also be remembered that under the SRA's Indemnity Insurance Rules, rule 3.2 prevents firms from contracting or attempting to contract with its clients to exclude liability below the minimum level of cover. This could be revisited by the SRA to ensure that the need for PSYROC declines in future years, but this would not assist firms that have already closed. However, the SRA recently indicated that there may be no regulatory obligation on firms to provide PSYROC as it is not an SRA requirement. This was not clear previously, but clarification is now being sought.

Anna Bradley, the Chair of the SRA stated that one of the main reasons for the SRA wishing to close SIF was that very few claimants benefit (around 31 annually although the number who claim is double this), and that the average value of claims paid out, including defence costs, is £34,600 and that has to be balanced against requirement for the ongoing funding from the profession, estimated to be up to £2.4m a year, 'which is likely to be passed on to consumers'⁶ She concludes that, 'it is unlikely to be proportionate in light of the level of consumer protection it provides'.

However, the Consultation also contains the report prepared by Willis Towers Watson, 'PSYROC – Analysis of options'⁷. This reveals that if SIF were to continue, it would require a levy of either £16 per individual solicitor or £240 per firm, it is hard to see how this very low cost would result in a cost to be paid by the consumers. The analysis does not predict a substantial increase in claims.

The Law Society Position

The Law Society Council voted unanimously to support the retention of SIF in October of this year. It would favour a review of the current claims handling system to see if cost savings could be introduced.

The Law Society believes that although the value of claims are relatively low, it should be remembered that this is an average but, even at that level, it is a significant sum for consumers and for many solicitors in retirement.

Clients who contracted with solicitors on the basis that they would be fully insured in line with MTC could face a lottery: there may only be a means of satisfying their claims if the firm remains in business or if the surviving partners or the person who was negligent can be located and is solvent.

The Law Society is seeking to raise awareness in the profession of the situation and encouraging individual members, firms, local law societies and special interest groups to respond and it has produced a fact sheet and web page to assist those who wish to respond⁸. The Society and the President are meeting with interested groups including consumer groups and insurers and the brokers.

Next steps:

Technically SRA have not decided to close SIF, but it has not committed to a fourth extension beyond September 2022. As all indications are the SRA will not extend further, not approving a further extension is not a rule change as such, it does not appear to require the approval of the Legal Services Board (LSB). However, given the high-profile nature of the decision, it is likely the LSB will be consulted.

If SIF closes to new claims next year, firms that closed prior to 1 September 2000 will still be covered, as will any claims made between 31 August 2000 and 30 September 2022.

If SIF does close, it will surely cause those

thinking of starting up a new firm to pause and as such could be a barrier to entry, which should be a significant concern for a regulator.

I would urge everyone to consider putting in a response to the consultation. The SRA have indicated that they have no sympathy for any argument relating to the hardship individual solicitors may suffer as a result of SIF closing, with its director of regulatory policy, Chris Handford stating that, it is not the job of the SRA to help retired solicitors "sleep easy" by protecting them from historic negligence claims. However, the impact on consumers and the potential barrier to entry into the market must be of concern to a regulator and should be the focus of any response.

My personal work history means I am unlikely to be impacted by the closure of SIF but I would be willing to make a modest payment each year to ensure full coverage continues and the reputation of the profession is maintained, would you?

Linda Lee

NOTES

1 SRA | Options for post six-year run-off insurance cover and the Solicitors Indemnity Fund set out in consultation | Solicitors Regulation Authority

2 <https://www.legislation.gov.uk/ukpga/1980/58/contents>

3 A mutual is a privately-held insurance company that is 100% owned by its policyholders. It is established with the sole purpose of providing its members with insurance coverage.

4 The minimum insurance a firm must have in place as prescribed by the SRA Annex 1 SRA Indemnity Insurance Rules SRA | Indemnity Insurance Rules | Solicitors Regulation Authority

5 Legal Services Act 2007 section 1 Legal Services Act 2007 (legislation.gov.uk)

6 SRA | Options for post six-year run-off insurance cover and the Solicitors Indemnity Fund set out in consultation | Solicitors Regulation Authority

7 PSYROC Analysis John Charles (sra.org.uk)

8 <https://www.lawsociety.org.uk/Topics/Professional-indemnity-insurance/Whats-changing/Solicitors-Indemnity-Fund-consultation>

LEICESTERSHIRE LAW SOCIETY MEMBERSHIP PAGES



WELCOME TO THE LATEST MEMBERS SECTION OF THE LLS MAGAZINE.

The Leicestershire Law Society (LLS) is a fantastic organisation, offering great value to its members and we are very keen to make sure that we tell you about all the Society has to offer.

You will find this section in every edition of the magazine, to provide you with information about what is going on and what you get for your membership.

We are always looking to hear from members with any comments they have about their membership and particularly about any suggestions they have about how they feel the LLS could be improved.

THE MEMBERSHIP TEAM

In the last edition, members saw a change in the Membership Team as Zainab Zaeem-Sattar of Summerfield Browne Solicitors took over the reins of heading up the membership sub-board. Zainab has been working hard behind the scenes to continue bringing members benefits and is currently looking for members to join her in the sub-board.

If you are interested and would like to know more or if you have any queries or comments in relation to membership, then please do contact Zainab on zainab.zaeem-sattar@outlook.com

Zainab Zaeem-Sattar (Chair)



Zainab qualified as a solicitor in April 2019 and has been with Summerfield Browne Solicitors in their litigation department

since November 2019 – Zainab was recently promoted to Associate Solicitor! She joined LLS in 2018 as a sub-board member and became a Main Committee member in May 2019. Zainab further chairs the Equality and Diversity sub-board and sits on the team for the Education & Training sub board.

Aside from volunteering her time at LLS, Zainab is also a legal mentor for De Montfort University's employability mentoring scheme and furthermore volunteers her time for Leicester University's legal clinic, as well as mentoring students for Birmingham University's Women in Law and Women High Up's mentoring scheme. Zainab is also part of Muslim Lawyers Action Group (MLAG) and heads up their Social & Wellbeing group.

Zainab is a radio presenter on Ramadan FM with two shows each month; 'Breaking Stereotypes' and 'Law in Action'. When she isn't doing all of the above, Zainab takes her motorbike for a spin!

LEICESTERSHIRE LAW SOCIETY PRESENTS ITS CRIMINAL LAW COURSES FOR 2022!

Our informal and friendly courses are aimed at all levels of practitioner from the police station and paralegal stalwarts to the dizzy heights of Queen's Counsel. Both prosecutors and defence lawyers are welcome. Our courses are presented by a speaker who is in practice and understands the difficulties we all face in the Criminal Justice System.

During the year, we will run a series of updates courses covering:
Offences • Defences • Evidence • Procedure • Sentencing
Costs • New legislation

The Domestic Abuse Act 2021 will bring new definitions, procedures, offences and sentencing powers into force as it rolls out; the Offensive Weapons Act 2019 is expected to come into force more fully, creating offences of knife crime in the home; criminal litigation continues to get more complicated. But don't worry! We will cover all of these developments.

Got a topic you'd like to learn more about? Let us know - we can include it in one of our courses.

DATES

27th May 2022 2-5pm 15th July 2022 2-5pm
22nd September 2-5pm 28th October 2-5pm

To book, visit the LLS website.

LLS EVENTS 2022

14th March
Annual Awards Shortlisting @ The Curve Theatre

31st March
Civic Dinner @ City Rooms, Leicester

20th May
Annual Awards Dinner @ Athena, Leicester

04th June
Charity Walk at Rutland Water

18th June
Charity Sky Diving in Nottingham

08th July
Charity Golf morning @ Kirby Muxlow

TBC September
Summer Garden Party @ Trinity House, De Montfort University

TYPES OF MEMBERSHIP

There are various different ways of becoming a member of the LLS. All members are entitled to attend our courses, social and networking events and can take advantage of our membership benefits.

CORPORATE MEMBERSHIP

This is for firms of solicitors. You only pay for the Partners in the firm. Corporate membership covers all solicitors, trainees and paralegals in the firm, so it is a great way of enabling the whole firm to make use of LLS membership.

ASSOCIATE MEMBERSHIP

This is for barristers' chambers and covers all barristers at the chambers.

INDIVIDUAL MEMBERSHIP

Individuals can become members of the LLS. This is available for all current and former legal professionals.

GROUP MEMBERSHIP

This is for businesses that are not law firms but employ lawyers.

PUBLIC BODY MEMBERSHIP

This is for public body organisations that are not law firms but employ lawyers.

SPECIAL MEMBERS BENEFITS

As always the membership team has been working hard to get new deals and discounts with local businesses for our members.

FULL LIST OF LLS MEMBERSHIP BENEFITS:

As always the membership team has been working hard to get new deals and discounts with local businesses for our members.

NEW OFFER**Grounded Kitchen**

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And

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Tel : **0116 2125 317**
shafina.faruk@gmail.com

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or Gayatri_patel@hotmail.co.uk

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Free initial energy review to all LLS member firms. Plus £10 donation to Prost Aid, for each energy review.
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Leicester
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Free initial consultation for all new clients and **also** a free 'second opinion' service for all LLS members and their clients on their current pension and investments.



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Finance LAB
RESPONSIBLE FINANCIAL ADVISORS

We have further great offers from local businesses in the pipeline and we will update you on these in the next edition of the magazine.

A **THIRD** OF PARENTS HAVEN'T NAMED A GUARDIAN FOR THEIR CHILDREN IN THEIR WILL

A third of UK parents haven't named a guardian for their children in their will, research by charity-will writing scheme Will Aid has found.



you will be helping support the life-changing work of nine of the UK's best-loved charities."

Will Aid takes place every November and involves participating solicitors volunteering their time and expertise to write basic wills for the public.

Instead of taking their normal fee, solicitors ask clients to make a voluntary donation to Will Aid which is then shared between the campaign's nine partner charities: ActionAid, Age UK, British Red Cross, Christian Aid, NSPCC, Save the Children, Sightsavers, SCIAF and Trocaire.

The suggested donation for a basic will is £100 and £180 for a pair of mirror wills.

At present there are not enough solicitors in East Anglia to meet demand. Will Aid is calling on more firms to sign up to the 2022 campaign and help change lives by donating their time.

More information on the scheme and how to sign up can be found on the Will Aid website, www.willaid.org.uk.

If both parents die without officially appointing a guardian, courts will decide who is best to look after their children.

This means the person chosen to look after them until adulthood may not be in accordance with the parent's wishes.

The best way parents can ensure their children are looked after how they would like in the event of their death, is to appoint a guardian in their will, and parents are encouraged to do so during Will Aid month.

Will Aid takes place every November and sees participating solicitors write basic wills for people in exchange for a voluntary donation to the campaign, which supports the work of nine UK charities.

Lauren Smith from law firm Taylor Bracewell, which has raised more than £140,000 for charities through the Will Aid scheme, said: "People often think wills are only for leaving parts of your estate to loved ones or good causes after you die. But, for parents with children under 18, wills can play an essential part of their future.

"If both parents die without officially appointing a guardian to look after their children, then the courts will decide who will take on that role. While the courts will work to do what is best for your children, it may not be what you think is best.

"The best way to ensure your underage children are looked after in the event of your death is to name a guardian in your will."

People can appoint more than one

guardian within their will, but it is wise for both parents to appoint the same person(s) to avoid any conflict following their death.

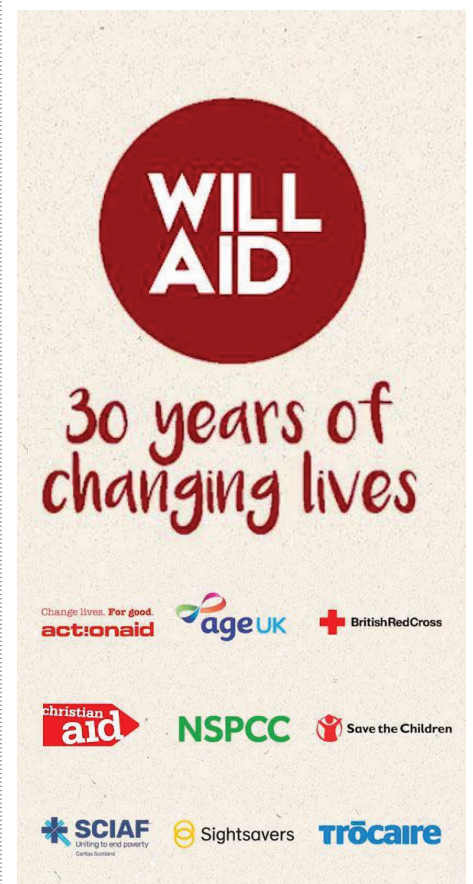
The poll, commissioned by Will Aid, also found 49% of people across the UK still haven't created a will.



Peter de Vena Franks, (pictured above) Campaign Director for Will Aid, said: *"Whether you are leaving finances and property to loved ones or choosing a person to bring up your child, getting a professionally written will is best way to ensure you wishes are respected when you die.*

"Will Aid month provides the perfect opportunity to get this important legal document in place, by providing easy access to participating solicitors across the UK.

"As well as getting your affairs in order,





www.leicesteranimalaid.org.uk • info@leicesteranimalaid.org.uk

LEAVING A LEGACY

LEICESTER ANIMAL AID is a dog and cat rescue and rehoming centre based in Huncote, Leicestershire.

Every year, we care for around 400 dogs and cats who are lost, abandoned, neglected, unwanted or relinquished because their owners can no longer look after them. Our vision is happy pets in loving, responsible homes.

A large part of our charitable income each year is from those who have kindly given gifts in their Wills, and those who have made donations in memory of loved human and animal companions.

We provide animals who have nowhere else to go with good food, warm beds, veterinary treatment and plenty of love and attention. We can only continue our work helping those who can't help themselves with the support of our local community.

Leicester Animal Aid exists because of the vision and kindness of our founder, Dorothea Farndon. You can help to secure the future of our work and our Centre by leaving a legacy.

Tel: 01455 888257

Leicester & Leicestershire Animal Aid Association, Elmwood Farm, Forest Rd, Huncote, Leicestershire, LE9 3LE



By becoming a Friend of the Actors' Benevolent Fund you will be supporting those in the profession that have fallen on hard times

Founded in 1882 by the great actor manager Sir Henry Irving, the **Actors' Benevolent Fund** supports actors, actresses and stage managers experiencing hardship because of injury, illness or old age.

Our vital work is only made possible thanks to the generosity of our supporters.

As a Friend of the Actors' Benevolent Fund you will receive an annual newsletter from the President, invitations to exclusive events, a discount on our Christmas cards, and an invitation to an annual open day at which the treasures of the ABF's archives will be on display.

You can become a friend with a donation of £10 per month, or £100 per year. For more information, please call us or visit our website.

020 7836 6378
actorsbenevolentfund.co.uk

Registered charity number 206524



Redgate Farm Animal Sanctuary



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

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

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

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

20-20 VOICE CANCER

Well folks, we got a Christmas after all, despite all the doom 'n' gloom from government sources who simply wanted to keep the people under the 'fear banner'! Now what is the 'fear banner' you may ask? The fear banner is this dreaded Covid that has cut down great swathes of our people nationwide, so much so that bodies are piled high in all of our mortuaries – nationwide!

The actual truth is that this 'fear mongering' Covid bug is very similar to our seasonal flu, excepting that it does have a severe impact on the respiratory systems of certain people. Often these unfortunate souls do succumb to the Flu/Covid and do end up in the mortuary. However, government decreed that autopsies are suspended as every death is to be recorded as 'due to Covid', which in actual fact isn't true. The elderly gentleman, out one fine day on his front lawn, dropped dead on the spot as his heart simply gave out (his urgent, triple ??? heart surgery had been cancelled due to covid) so he was recorded as 'due to Covid' – which, bizzarely, he was because it was Covid that caused his surgical suspension!

Strangely too, this great swathe of deaths has not turned our Funeral Directors into millionaires either, for they are not reporting any significant increase in mortalities! How strange given the governments fervor for their Covid glorification. Strange too that Doctor's surgeries have been like Fort Knox as they now cower behind a telephone and simply prescribe more anti-biotics in place of the hospital request (to them [Doctors]) to check my heart & lungs prior to being sent an appointment for an Eco-cardiograph – seems they are now quite able to determine such things just by listening to the patient's voice! Still, onto far better things my friends...

We donated £17,256.00 to our Glenfield Hospital a few weeks ago as they needed a brand new, top of the range Thoracic Ultrasound Machine (TUM's). On Wednesday, 6th Oct, I was invited up to Glenfield Hospital for the 'official opening of the 'Beast', now know as "The Philistine". Now I say beast in a most affectionate way because this is exactly what is needed in our drive for ED (Early Diagnosis). Without any doubt whatsoever, 'ED' is the answer to getting to grips with cancer – no point shoveling £millions at trying to find a

cure, they already have one but Big Pharma won't entertain the idea of CBD, Hemp Oils or whatever – and remember this folks – if a cure for cancer is suddenly found there will be no need for such as CRUK so an awful lot of people will suddenly be unemployed. just think of all those poor people on 6 figure wages suddenly having to make do on benefits – oh the ignominy of it all!

We, 20-20 Voice Cancer, are triers. We are not greedy by any means but we would appreciate a couple of local Legal firms coming onboard if only to help us out with Will Writing – I think we can quickly come to a mutually beneficial agreement – and there may be other legal matters that can be put their way, you never know your luck in a big city folks! We also need a couple of Legal firms who would be willing to back us over a short 3yr period and help raise vital funds for our Laryngectomees – you never know when you might become a 'lary' yourself!

We wish you a Flu/Covid free 2022!

Phil J
Chairman

2020 Voice Cancer

...the cancer no-one talks about

20-20 VOICE CANCER

www: <http://www.2020voicecancer.org/>
e: admin@2020voicecancer.org

Charity No: 1156733

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Substance misuse has a devastating impact on our lives generally, but of particular concern is the devastation that it brings to children's lives. It puts the lives of children of all ages at risk, even before they are born and if they survive the traumas, their lives are often damaged irreparably.

Many legal and social work professionals have a very poor grasp of the complex science behind forensic testing for substance misuse. On many occasions, these professionals are being misled by the evidence produced from Hair Strand Testing because the quality of that evidence is very limited due in part to the limited nature of the instruction process.

Traditionally, a restricted drug or alcohol screening test is instructed by courts and the output from this testing is a 'Positive', concluding substance abuse, or 'Negative', no substance abuse. This process is useful for commercial, clinical and epidemiological screening but is not appropriate and in our opinion, should not be used in child care cases before the court.

Within the context of Family Court proceedings, Laboratories have a duty to report all findings, irrespective of the levels of substances in the samples. The requirement for this approach is exemplified in the judgment of Justice Jackson – *Re H (A child – Hair Strand Testing)* [2017] EWFC 641. This was also re-affirmed in a paper presented at The International Association of Forensic Toxicologists (TIAFT) by Professor Alexander Forrest; 'Presentation of Hair Strand Analysis Evidence in Court'.

Many professionals are unaware of the flaws in the present process, where something as simple as a person's hair colour leads to misleading evidence and discrimination against

someone based on their hair colour, just one of many examples.

There is a false confidence in the evidence provided from the present screening undertaken and given the overdependence on the results to make decisions, this can lead to the wrongful removal of children or children left at risk of significant harm. Experience has shown that the current testing regime is not fit for purpose, cannot reach the appropriate standard of proof for use in these cases and is in desperate need of reform.

At FTS we now have the knowledge, experience and capability to drive much needed reform that will improve the safety of children affected by substance abuse. FTS have developed a process specifically designed for the family court, which was recognised by the Parliamentary Review Committee in 2019 as a Model of Best Practice. FTS do not rely upon cut offs, which were introduced for other sectors over 25 years ago when technology was more limited and very little was known about hair testing.

A crucial part of the FTS process is to establish what questions need to be answered in each case, so the investigation and testing profile can then be optimised. A detailed forensic investigation is carried out to establish all factors in each case that influences the findings from hair analysis. This incorporates a comprehensive 30 to 45-minute client questionnaire, collecting crucial context, chain of evidence and HD Photography at each stage of the process. All results, data and evidence then undergo a detailed examination by at least 3 experts to form an opinion on what the findings are more likely than not to represent.

FTS have also revolutionised the testing

process, ensuring that much of the drug and alcohol abuse that presently goes undetected is reported in all cases using a novel and highly cost-effective approach.

FTS have one of the most sophisticated laboratories in Europe, based in West Yorkshire, UKAS accredited, Home Office licensed and hold certification from the Society of Hair Testing and Society of Toxicological and Forensic Chemistry. We have a significant commitment to research, working closely with major Universities in the UK and Europe on pioneering development work to address the ever-changing patterns of drug and/or alcohol use and culture. FTS presently offer the most comprehensive range of analytical services in toxicology and bio-analysis for this sector.

The FTS best practice model provides stronger and more reliable evidence and is designed to reduce the significant misuse of public funding that's associated with using the present flawed process. The service even offers evidence-based advice to target the use and level of spend in each case. This ensures that the funding allocated to each case can be fully supported as a 'reasonable and necessary cost', because the likelihood of success for each investigation can be objectively assessed.

Our comprehensive investigations offer expert opinions that are value for money and fit for purpose. Helping the courts and social services with evidence to identify when children might be at risk of harm is at the forefront of everything we do.

Further information can be found at our website www.forensic-testing.co.uk or contact us by telephone on 0845 5196472.



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GEODESYS **DRAINAGE AND WATER** **REPORT** FOR NEW BUILD HOMES



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



Built for New Builds

Get all the focused data you need from New Build DW



The award-winning New Build DW from Geodesys delivers the same quality drainage and water information as our Law Society-approved CON29DW but designed for New Builds – a streamlined, compact report that’s simpler and faster to analyse.

The report also includes tips and advice for buyers, meaning built-in customer satisfaction and making New Build DW the number one option for this specialist market.

Geodesys. All you need to know.



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PROTECTING TRANSACTION FUNDS

There is no doubt, we are set to live with ongoing impact of COVID 19 for years to come. For the legal industry, the consequences of the pandemic have already reshaped the working environment. Law firms have wisely reevaluated processes and are employing new technologies to digitize workflows and manage remote communication. However, these changes have offered new opportunities for cyber criminals with altered working practices introducing potential vulnerabilities and therefore an increased risk of fraudulent activity.

Criminals have gone online and have become more sophisticated and experienced than ever before, deliberately, and increasingly targeting conveyancing firms due to the regular large sums of money transferred on the completion of property purchases.

As a result, since the start of the pandemic, there has been a rapid rise in scam alerts and fraud attempts. For example: in the past year, according to SRA data there has been a 27% increase overall, in scam alerts when comparing 2021 to 2020. In 2021, 91% of all scam alerts relate to some sort of impersonation. Email is a growing risk with 48% of all 2021 alerts related to fraudulent email activity compared with 21% in 2020.

The repercussions of cyber fraud can be devastating for the client and law firm, so Lawyer Checker's goal is to help organisations embed risk and compliance culture within their own practices. We believe firms need to adopt an ethos of awareness across the firm to mitigate the risk of fraud. Staff need to understand the risks and have an insight into what can go wrong, so every day processes can be updated in line with the dramatically increasing threat.

We know that one of the main risks is criminals impersonating other law firms to obtain monies sent between purchasing and vendor parties. They can easily intercept phone calls, redirect and replace posted communication and hack into emails, with the objective of attempting to divert funds into their own accounts. It's easy to miss the slight alteration of a single digit in a sender's email address and suddenly a conveyancer



has been supplied with a fraudster's bank account details instead of the law firm they believed they were working with.

Although nothing is 100% guaranteed, defense strategies can be put in place to safeguard every transaction. Lawyer Checker was set up 11 years ago and now employs 28 staff who are experts in cybercrime prevention.

Lawyer Checker's service validates the destination details of the recipient bank account of the solicitor receiving funds for every property transaction quickly and easily. Lawyer Checker is a web-based solution and can be accessed from any location 24/7 at the click of a mouse, supplying an audit trail for law firms as well as ensuring due diligence by adhering to the SRA Code of Conduct for Solicitors (SCCS) 4.2 - to safeguard client money and assets.

Lawyer Checker's unique algorithm checks details against ten different databases in real time. It integrates with SRA scam alerts and safeguards transactions against human error and typos while also providing the most up to date information. All frequent and infrequent results are processed through the latest NatWest tracker to check bank account details. We have verified over 4000 accounts and reported back on incorrect details.

Reports are low cost and can be attributed as a disbursement. Included are two searches: one which is usually completed at the start of the conveyancing process,

plus a further check just before the funds are transferred. Lawyer Checker's unique algorithm ensures there have been no new alerts during the interim. This is key with transaction times now taking longer and ensures the search is fully updated, making it easy and cost effective to mitigate risk of fraud during the transaction.

The majority of our search results are returned within five minutes. For those that require further research (because of an infrequent or unknown result), we work to an SLA of four working hours, but these are often returned much faster, generally within the hour. PDF reports can easily be saved to the case file, removing the stress for conveyancers to demonstrate due diligence for auditing purposes.

We also offer Consumer Bank Account Checker which, as its name suggests, validates the destination of funds for the sale of a property for customers. Covering most UK bank accounts and powered by Experian, this cost-effective check is another part of law firm's armour against cyber criminals.

Over the last 18 months we've seen a steady uplift, and 15 of the top 20 conveyancers are now using us. The question is: can your firm afford *not* to?

www.lawyerchecker.co.uk

Emily Haskey,

Operations Manager, Lawyer Checker,
A Dye & Durham Solution



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Are your money transfers safe?

Cyber criminals have conveyancers in their sights, owing to the high value of money involved.

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FAMILY TREE VERIFICATION – **DON'T RELY ON WHAT THE FAMILY TELLS YOU**



In the UK, the probate genealogy industry is not held in the same respect as it is by our European neighbours in France and Germany, where the verification of estates by professional genealogists when someone has died intestate is considered vital.



While the UK industry is unregulated, this need not deter solicitors from working with those who specialize in combing census records and online archives to piece together irrefutable evidence. Whilst reputation makes an excellent starting point, we always stress that anyone who requires the services of a probate genealogy company should first ensure that they are dealing with a professional company.

At Finders International, we follow voluntary codes of conduct and regulatory regimes that can provide reassurance together with multiple ISO certifications and industry awards.

It is vital to check whether the company is a member of a voluntary self-regulatory body such as the IAPPR www.iappr.org, a unique international body representing elite professional firms across the globe. Furthermore, the firm's list of Credentials and Accreditations should give reassurance.

Family testimony – not usually fail safe

Another issue I see in the UK probate research industry is the reliance by the

solicitor, administrator or executor on family testimony, without independent verification. Some solicitors accept the word of family members as to who is related to the deceased and by what degree of kinship. This can lead to incorrect estate distribution and huge risk for the firm distributing the Estate.

I once carried out research on a £400k intestacy, where the solicitor wanted verification that their client was the sole heir to the estate. The client was an elderly lady who claimed to be her late brother's sole surviving next of kin.

However, we discovered she'd disowned her nephew many years earlier and didn't recognise him as part of her family. His 'crime' was to grow a beard to his waist and to apparently exhibit anti-social behaviour. We identified and located him, and half of the estate rightly passed to him.

Overlooked siblings and children

It is best practice for a solicitor to interview their client before engaging a probate research firm, to ensure all relatives are accounted for. Families lose touch, large families forget how many relatives they have, children are born out of wedlock and, since 1927, adoptive families can legally inherit.

Contingency fees most popular

Freedom of choice is imperative to cover a variety of situations. There are four fee models available from most professional probate research firms.

We find that often Contingency fees are the most popular option. They are seen as fairer in many circumstances--payable only on a successful distribution of an estate, and where the fee is agreed directly with a beneficiary or the executor and expressed as a percentage of the sum they receive. However, an agreed budget or a fixed fee at the expense of the estate may be more appropriate, depending on the circumstances of the case.

Be wary of low initial quotes

Budget or fixed fees paid by the general estate diminish the whole estate value, something which any already known next of kin often see as unfair.

If the probate research firm works to a

contingency fee and fails to find any further entitled heirs, it usually receives nothing at all for its work, but the report can secure the vital indemnity insurance policy needed to safeguard the administrator.

There are dangers of being 'hooked' into using a firm based on a very low initial quote. Cheap does not necessarily mean better. It is often true that you get what you pay for, and this is not an area where it pays to cut corners.

Insurance – don't skip this vital protection

Missing or unknown beneficiary insurance is crucial. Sometimes, administrators seem certain they have identified all next of kin and consider taking out insurance cover against any future claims a waste of money. However, there are an increasing number of claims where no traditional documentation such as birth certificates exists, and DNA evidence is also being used more than ever before.

If there is no formal birth or adoption certificate, it's more likely that a probate research firm will be unable to find 'undocumented' claimants. Insurers demand proper evidence, and they seek evidence from recognised professional firms of probate researchers.



Danny Curran

*If you would like to out more about Finders International's family tree verification service, please visit the **website** www.findersinternational.co.uk or contact Finders via email: contact@findersinternational.co.uk or telephone: **+44 (0) 20 7490 4935/ freephone: 0800 085 8796.***



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HOW CAN LAW FIRMS REDUCE THEIR CARBON FOOTPRINT?

Climate Change is the long-term shift in average global weather patterns, and the sixth Assessment Report by the Intergovernmental Panel of Climate Change (IPCC) has found it is certainly a result of human activity.

In this article, we summarise the key findings from the IPCC's Assessment Report and consider how law firms can play their part in reducing their carbon footprint.

1. We are set to pass 1.5C warming by 2040

The average global temperature has risen by more than 1°C since the 1850s, with the hottest years recorded in 2015, 2016, 2017, 2018, 2019 and 2020. The 1.5°C is the target limit set out in the Paris Agreement in 2015, which aims to strengthen the global response to the threat of climate change by limiting global temperature rise to 2°C above pre-industrial levels, while pursuing efforts to curb it further to an increase of 1.5°C.

If we don't act now on achieving net zero by 2050, it looks as though this target is not achievable.

2. Human activity is driving extreme weather

There have been significant improvements in the data used to model climate change since the 5th Assessment Report (AR5) was published. As a result, the new climate model simulations, new analyses and methods have led to a greater understanding of human influence on the climate.

3. Climate change is affecting all regions

The IPCC report states that "*Climate change is already affecting every inhabited region across the globe with human influence contributing to many observed changes in weather and climate extremes.*"

Models have become more advanced and it is now possible to assess how regions will differ with increase in temperature. It is clear that the Arctic temperatures are increasing faster (potentially 2 times faster than the level of global warming) than other regions, while for some mid-latitude and semi-arid regions, and the South American Monsoon region, they are expected to see the highest increase in temperatures of the hottest days, at about 1.5 to 2 times the rate of global warming.

4. Irreversible tipping points are getting closer

These increases in temperature have, in some instances, made traversable changes such as sea level, which will continue to rise

and will not be recoverable for hundreds, even thousands of years' time.

The surge of forest fires have caused concerns that tipping points are getting closer. The changing climate in parts of the world are causing severe droughts and the loss of forests will result in higher temperatures and a lower humidity, which, in turn, worsens wildfire conditions.

Furthermore, as the intensity and scale of forest fires increases, CO₂ which would normally be reabsorbed during forest regrowth are now not able to so. It's an unfortunate cycle which leads to increased warming.

What is required to prevent further warming?

World leaders met for the UN Climate Change Conference (COP26), which was a pivotal moment for nations to reflect on what we have done so far in reducing our greenhouse gases and what is required to meet the pledge to limit global average temperatures and achieve net-zero by 2050.

What can law firms do to help?

1. Measure and analyse Greenhouse Gas emissions

In order to know how to improve in reducing emissions, you will first need to measure what emissions you are emitting. This can be done by using private companies that can help and also provide solutions to reduce your impact as a company.

2. Reduce your energy consumption

Simple things such as turning off the lights in the office in the evening or taking devices off plugs when not in use will make a difference. Also, reduce the heating or use of air conditioning, encouraging colleagues to dress accordingly. If its hot outside, try to lower the indoor air-conditioned temperature by 2°C.

3. Use renewable energy

There are many renewable energy companies out there, or green tariffs you can opt for – do your utilities homework.

4. Reduce waste

Reduce the amount of waste produced; law firms typically print on paper and often these records are required to be shredded and disposed of by specialist contractors. This could potentially be reduced by storing information digitally.

5. Increase employees use of greener transport during the commute

The lockdown has seen that we can work from home and as such is the usual commute still required? And if so, can we do this by using public transport?

6. Support clients with ESG assessment and management

ESG is relevant to clients who want to be a step ahead in devising their own ESG programme to demonstrate responsible business conduct. Law firms are well placed to assist with ESG due diligence processes and offer legal counsel on ESG advancement. We recommend working with data providers that adhere to SASB standards for effective and accurate ESG assessment and risk management.

For more information visit <https://www.landmark.co.uk/legal-conveyancing/esg-management/>

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1 in 6

properties in the UK are
affected by flooding.

Not all flood reports are created equal.

The Law Society Flood Practice Note 2020 identifies that 'The market for flood searches is not regulated. There are different types of searches available with marked variations in the cost, quality, range, analysis and interpretation of data.'

So it's reassuring to know that every single Landmark Flood Risk report that identifies a high risk, is assessed by a consultant leading to more first time passes.

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