



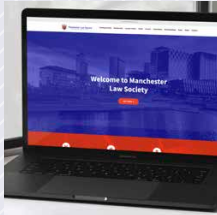
January 2024

the Messenger

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Pet of the
Month



Welcome to our new President

Manchester Law Society is a vibrant and hard working local institution, rooted in the community and promoting the interests of the city's lawyers on the national and international stage.



David Anderson

We also know how to arrange a great event, with the Manchester Legal Awards being the best attended legal awards in the country. It was those characteristics that drew me to join the MLS Council and subsequently run for President of the Society, much like Manchester drew me here almost 16 years ago when I joined the St John's Buildings barrister's chambers' team.

The Society has benefitted from exceptional Presidents in recent years. Most recently, Nick Johnson, who, amongst his many achievements, helped organise a pro:bono committee for Manchester lawyers, aiding

Continued on page 3

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President's Charity of the Year



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Manchester Law Society
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From the President

David Anderson, President

Continued from the front cover

in joining up the great work many of us do every day for the benefit of the local community. Nick leaves his post with our gratitude and I am fortunate to be able to call upon him in my year of presidency.

We are a diverse society, with lawyers of all backgrounds and areas of expertise and experience contributing to our shared success. The new Vice-President is Fiona Ledden, the City Solicitor, the deputy Vice-President, Ian McConkey, is a partner at DAC Beachcroft and Council has expertise from a range of Manchester's finest law firms and chambers. We are fortunate that the diversity of our leadership and Council replicates the diversity of our profession. This sense of collaboration and shared drive is something I have become accustomed to since relocating to Manchester in 2008 and it is the reason I have embraced the opportunity to lead the Society as President.



Nick Johnson and David Anderson on the three peaks challenge for We Love MCR Charity

“

We are fortunate that the diversity of our leadership and Council replicates the diversity of our profession

My background is somewhat unusual for a Manchester Law Society President. I'm not originally from Manchester and I'm not a practising lawyer! In fact, I am the first to hold the post while not actually being a practising lawyer. I studied law and completed the LPC back in 2000, but never took my qualification any further, choosing to pursue athletics rather than a training contract. I subsequently fell into a job working for the then Chairman of the Bar and now Master of the Rolls, Sir Geoffrey Vos, as his Executive Assistant. That was my first real insight into how hard lawyers work and how exceptional they can be. It gave me a desire to work more closely with practitioners and to help them drive forward in the post Legal Services Act era. From there it was to Manchester as Chief Operating Officer of St John's Buildings. Chambers has taught me so much about the importance of collaboration and the benefits that come from having a diverse profession.

It is with this background that I bring a focus on collaboration to my year as President, but also on driving further success for Manchester lawyers.

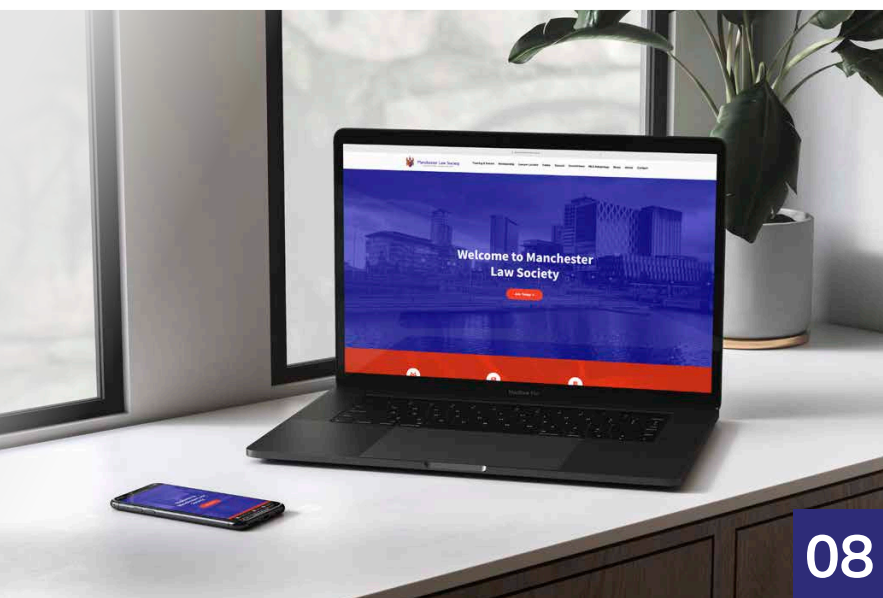
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the Messenger

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Manchester Law Society

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www.manchesterlawsociety.org.uk

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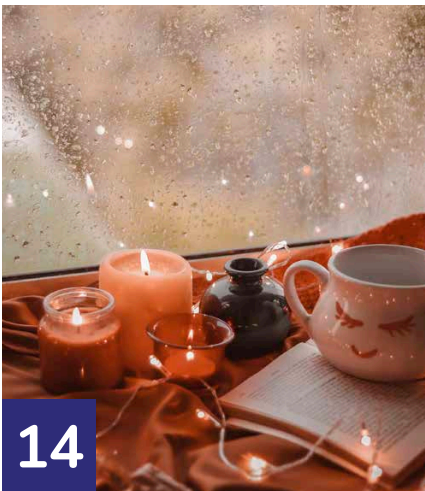
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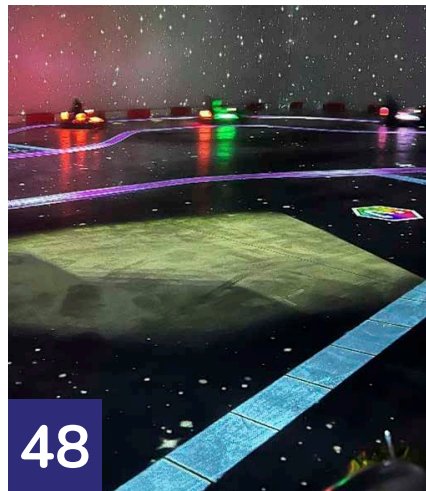




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Communications Committee

- Fran Eccles-Bech**
Manchester Law Society
- Carla Jones**
Manchester Law Society
- Chandre May**
Manchester Law Society
- David Anderson**
St John's Buildings
- Martyn Best**
Document Direct
- Lucy Cresswell**
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The Society welcomes articles and letters from members on any topic and items should be sent to messenger@manchesterlawsociety.org.uk

The views and opinions expressed in The Messenger are those of the individual contributors and not of the Manchester Law Society



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Upcoming Events for 2024

9 January

MLS Council Meeting

19 January

Messenger Deadline

23 January

MLS Officers Meeting

6 February

MLS Council Meeting

7 February

Net Zero and Climate Action Seminar

15 February

Manchester Professionals Networking Club: Lunch with the Leader

16 February

Messenger Deadline

27 February

MLS Officers Meeting

8 March

AI Conference

12 March

Employment Law Conference

12 March

MLS Council Meeting

19 March

MLS Officers Meeting

22 March

Messenger Deadline

16 April

MLS Council Meeting

17 April

Property Law Conference

19 April

Messenger Deadline

30 April

MLS Officers Meeting

14 May

MLS Council Meeting

21 May

MLS Officers Meeting

24 May

Messenger Deadline

4 June

MLS Council Meeting

6 June

Manchester Legal Awards Ceremony

18 June

MLS Officers Meeting

21 June

Messenger Deadline

26 June

Regulatory Conference

2 July

MLS Council Meeting

16 July

MLS Officers Meeting

19 July

Messenger Deadline

20 August

MLS Officers Meeting

23 August

Messenger Deadline

10 September

MLS Council Meeting

20 September

Messenger Deadline

1 October

MLS Council Meeting

15 October

MLS Officers Meeting

18 October

Messenger Deadline

24 October

MLS Officers Meeting

5 November

MLS Council Meeting

19 November

MLS Officers Meeting

22 November

Messenger Deadline

3 December

MLS Council Meeting & AGM

13 December

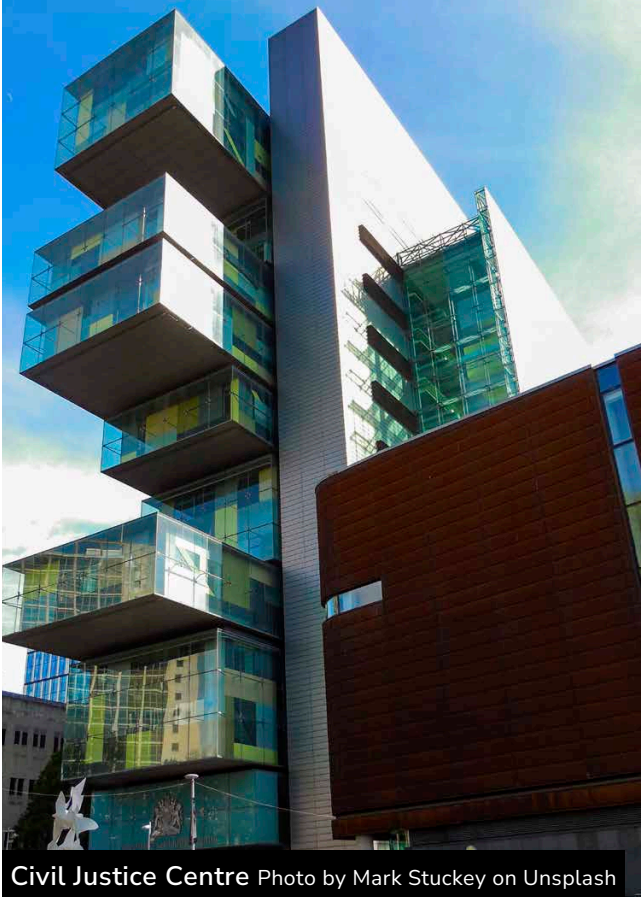
Messenger Deadline

17 December

MLS Officers Meeting



Continued from page 3



Civil Justice Centre Photo by Mark Stuckey on Unsplash

We are known as the second legal city and yet so much of what we do ends up heading down the M6 or the West Coast train line to London. This is despite having some of the country's leading lawyers (solicitors, barristers and legal executives) on our doorstep.

There remains an expectation that, for the trickiest cases, you go to London. Having worked in London for several years before coming to Manchester I fundamentally disagree with that assessment. This view was enhanced by my own experience of relying on Manchester legal expertise after a serious accident I suffered several years ago and my more recent experience of the Supreme Court sitting in Manchester earlier in 2023.

We have the expertise and the facilities to draw major legal work to Manchester and we have the entrepreneurial spirit to stay ahead of any changes in delivery of those legal services, whether that be through the

“

We have the expertise and the facilities to draw major legal work to Manchester and we have the entrepreneurial spirit to stay ahead of any changes in delivery of those legal services

online courts, a drive for more cases to resolve through mediation or the impact of the introduction of A.I. We should always have the confidence to put Manchester first and to rely on Manchester having the expertise needed to deliver great outcomes for clients and that is what I hope to promote throughout my year as President.

Manchester Law Society is working towards that vision. In the coming months we will launch our Future Stars programme, supporting those from a disadvantaged background in coming to the profession, we will launch a new website and App' to aid communication and we will start working toward the goals in our 2024 business plan. In order to achieve that vision we have called on each member firm to provide an ambassador, with whom we hope to engage more directly to assist the Society in delivering its objectives and clearly understand what its members want from the Society. If your firm has not yet identified an ambassador, please do.

In order to deliver those goals I have to particularly thank Fran Eccles-Bech and Carla Jones, two of the hardest working members of any Law Society team in the country. With their support, I hope to play a small part in the continued success of the Society and of the Manchester Legal Community.

Announcing a new website for MLS!

After a lot of hard work from the MLS team, our partners at Legmark, developers from Royal Wares and our CRM provider Eudonet we are delighted to tell you we have a lovely new [website!](#)

The updated site offers a much more user-friendly and up to date way to see what is happening at MLS. All the things you would expect are there – news, events, information on membership, our Council and Committees, and details of our MLS Advantage partners.

You can check out the latest edition of *The Messenger* and the archive of old editions too. There will also be a space for our *Court Reports Magazine*.

The Lawyer Locator has been refreshed now listing all our current corporate members and their areas of practice. We have endeavored to make sure all the details are correct but if you notice any errors on here let us know and we will get it corrected.

We are really pleased that the site now reflects how active and dynamic the Society is. We are looking forward to developing it further to be a brilliant shop window for all the activities of the Society and our members.

If you have any questions about the site or suggestions, please email me at CarlaJones@manchesterlawsociety.org.uk

“

The updated site offers a much more user-friendly and up to date way to see what is happening at MLS



Court Reports Magazine Issue 16
14/12/2023

Check out the sixteenth edition of the MLS Journal Court Reports Magazine Published by Legal RSS. Read it here or download it here. Reports in this edition include:

[Read More →](#)

SEARCHFLOW

Upfront data in property transactions: Is it finally becoming a reality?

14/12/2023

The last 12 months has seen a revival in the conversation surrounding upfront information (UFI). Of course, the idea of upfront data is nothing new. How many of you remember Home Information Packs (HIPs)? The original idea, conceived in Labour's manifesto back in 1997, proposed to address the problem of gazumping. HIPs were officially launched

[Read More →](#)



THE MONTHLY PUBLICATION OF THE MANCHESTER LAW SOCIETY

the Messenger

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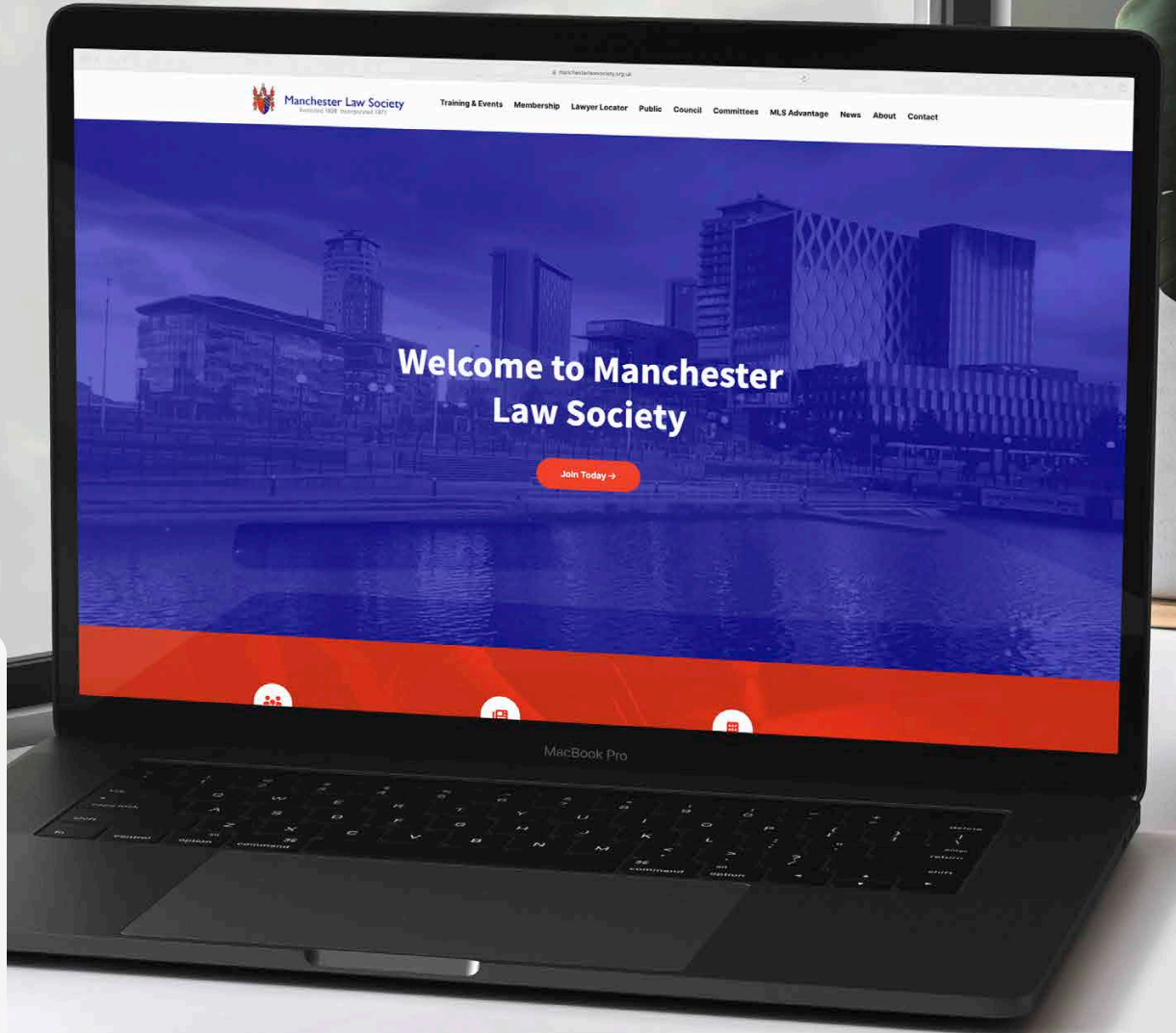
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Latest News

- Court Reports Magazine Issue 16
- Front data in property transactions: Is it finally becoming reality?
- New Officers for 2024
- December Messenger is here!
- Where to go for mental health crisis support this Winter
- Court Report Magazine Issue 15

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AI Revolution in UK Law: Opportunities, Challenges, and the Path Forward

Artificial intelligence has arrived in law, and its potential is astounding. Pioneering technologies are transcending basic legal tasks to exhibit deeper insights unattainable by singular human effort. Algorithms can now analyse oceans of precedents to reveal optimal strategies. Innovations in real-time translation and transcription are overcoming language barriers that long prevented inclusive access.

As innovators shape AI to solve emerging legal and ethical dilemmas, technology stands ready to propel law beyond innate

human limitations into uncharted territory. The question now is not whether AI can uplift law to unprecedented heights, but how rapidly this transformation will unfold and who will lead the charge.

However, this technological leap is not without its pitfalls. A recent audit exposed biases in AI assessments used for recidivism and sentencing predictions. This finding is alarming, as biased AI can perpetuate injustice rather than uphold fairness. Blind reliance on AI recommendations can erode the transparency and accountability integral to the legal system.



“

AI in legal practice is not about replacing lawyers but augmenting their capabilities

In the realm of routine tasks, AI's role is already showing improvements in productivity, but it cannot match human creativity, strategic insight, and empathy. The integration of AI in legal practice is not about replacing lawyers but augmenting their capabilities. New roles are emerging, focusing on managing AI tools, challenging their advice, and ensuring their proper application.

Regulatory oversight is urgently needed as AI innovation outpaces existing legal frameworks. Regulatory oversight of AI in the legal domain is imperative as the EU AI Act sets a precedent. The Act establishes a legal framework for AI, categorizing systems by risk and mandating specific controls. High-risk AI, affecting fundamental rights or safety, will undergo stringent assessments and continuous checks. Generative AI must adhere to transparency about its AI-generated nature and its training data. Limited-risk AI requires user awareness of AI interaction. The Act also bans AI posing unacceptable risks, such as invasive social scoring or real-time biometric identification, barring few exceptions under strict conditions. Non-compliance carries heavy penalties, underscoring the EU's commitment to safeguarding rights and promoting ethical AI deployment.

Law firms must establish best practices for AI application, including:

- Policies emphasizing ethical AI usage aligned with professional obligations.



James Akrigg

- Training on the effective and ethical use of AI, covering its capabilities and limitations.
- Augmenting lawyer work with AI while maintaining human oversight.
- Vigilant review of AI-generated content to prevent misleading or fraudulent information.
- Transparent communication with clients regarding AI usage to build trust.

Lawyers who disregard AI's potential may find themselves at a disadvantage compared to their more tech-savvy peers. Conversely, those who lead the harnessing of AI to enhance legal services will pave the way for a balanced and ethical future in law.

James Akrigg
Cloudy Software

Interested in how AI is going to impact the law and lawyers? Why not join us at our AI Conference on 8th March. *Find out more details and book your place here.*



Artificial Intelligence (AI) – Judicial Guidance

University of Salford Business School's **Craig Smith**, Lecturer in Law and Irwin Mitchell's **Graham Thomson**, Partner and Chief Information Security Officer comments:

Recently the UK Judiciary published official [judicial guidance](#) on Artificial Intelligence (AI) demonstrating the significance of AI, not only in society and the legal sector, but within the court and tribunal system itself.

For many this guidance reads as an 'Acceptable Use Policy' for generative AI (genAI) in court proceedings. The guidance offers a level of clarity in an area that continues to evolve rapidly and while judicial office holders should be aware of the potential risks associated with AI, this guidance document provides a

clear position from the judiciary and a critical observation that some AI tools are inherently open source and publicly accessible.

The guidance extends its approval for the utilisation of genAI tools, both publicly accessible and subscription-based, with clearly defined rules around confidentiality, cybersecurity, and usage limitations. These guidelines are pivotal in ensuring responsible and ethical deployment of AI in court proceedings. Where employed, genAI tools have the potential to significantly



Craig Smith



Graham Thomson



The capabilities of genAI range from document analysis to language processing, offering valuable support to legal professionals in their workflows

enhance the speed and efficiency of text-based tasks, such as document summarisation and content generation. The capabilities of genAI range from document analysis to language processing, offering valuable support to legal professionals in their workflows, and the introduction of guidance is timely with just over a year since the launch of OpenAI's ChatGPT and the recent launch of Google Gemini.

Nevertheless, amidst the potential benefits, it is essential to prioritise cybersecurity, safeguard privacy, and uphold compliance standards. After all, [cybersecurity](#) is a critical aspect of responsible business operation and develops trust from stakeholders. The judiciary guidance seeks to achieve all this and specifically emphasises the need for caution in handling sensitive and confidential information, prohibiting such information from being entered into public genAI technologies.

In line with these principles, we strongly advocate for the adoption of private and secure genAI tools across all business applications. This not only aligns with best practices in data protection but also reinforces a commitment to maintaining the confidentiality of legal information. Interestingly, the guidance document from the judiciary hints at the prospect of a private genAI tool specifically tailored for court applications, suggesting a potential evolution in the landscape of

legal technology. These developments imply an era of intriguing possibilities and provide an example of the intersection of AI and the legal sector. Indeed, these are interesting times, as the legal community explores innovative avenues to leverage AI tools, with many law firms now investing in genAI it suggests a future where customised AI solutions become integral to the intricacies of both legal and court proceedings.

It poses the question; do you have an Acceptable Use Policy for the use of generative AI in your business? [Microsoft](#) offers a starting point, considering responsible use of AI, defining six principles of AI development, and advancing policy for AI from experts. [Microsoft's Copilot](#), previously known as Bing Chat Enterprise, is a commendable option for any business. It comes free with a Microsoft 365 E3/5 subscription, or as a standalone product for a modest monthly fee. Alternatives include [OpenAI Enterprise and Google Vertex AI](#), both renowned for their robust security measures. This new tech is demonstrably useful and is certainly here to stay. Yet there is no need to compromise on cybersecurity. Secure and private genAI tools are easy to buy and set up and worth time to investigate for any business and even the judiciary it seems.

The full judicial guidance is outlined in the [official document](#).

Let the light in

So many of us, in the depths of winter, get most of our light artificially from screens and desk-lamps. The shorter days and dismal weather drain us of energy, and you may not feel like leaving your house other than to go to work. If you're working from home, it can be even harder to get motivated to get out. For some people, the lack of natural light means they suffer from seasonal lethargy, Seasonal Affective Disorder (SAD) and depression.

Over the next few months, it's more important than ever to let the light in and get outside as much as possible. Bright morning light can advance our circadian rhythms and suppresses melatonin – having an antidepressant effect. Being outside has a therapeutic effect, sunlight helps the body produce the immune-boosting vitamin D, and helps us to breathe more deeply, get more oxygen into our lungs and chase away the stress hormones of adrenaline and cortisol. We may wake up a bit grumpy, feeling the winter blues but as the day progresses we can begin to feel happier, especially if we have been outside.

Humans have always known the importance of light to wellbeing. The light we get from

the sun is crucial to survival. Celtic people believed they came out of darkness into light. Florence Nightingale instinctively knew that her patients needed light, air and a view - science now confirms that patients get better quicker if these are available to them. In 2013 a bookkeeper Oscar Kittilsen came up with the idea of erecting large, rotatable mirrors on the northern side of the valley in Gaustatoppen (Norway) what are called "solspeilet", sun mirrors. Until then the residents spent half the year in the dark.

We spend so much time indoors these days, especially during the winter months, so here are our tips to help you get out as much as you can.





Top tips for letting the light in

1. Make sure you have appropriate outdoor clothes – if you're warm and waterproof you're ready for any weather!
2. Take a lunch break and get into the light whatever the weather. It doesn't have to be an hour, or even at lunchtime if that doesn't suit your working pattern but try to get out in daylight hours wherever possible. You will always feel better for going outside.
3. Open your curtains and window in the morning even for just a few minutes to let a blast of cold air in.
4. Try and work near a window if you can.
5. If you have a garden or balcony go outside a few times a day for a few deep breaths of fresh air.
6. Take work calls/meetings outside where possible if there's no reason you can't be walking and talking.
7. Make a plan to get out every weekend. This could be a trip out to the beach, or something much closer to home.
8. Get a SAD light which replicates daylight and can boost your mood.
9. Put fairy lights up, light candles, practice the Danish tradition of hygge at home to get through the long winter months. When darkness is illuminated by a few little flickering lights it seems more bearable.



If you are finding things difficult LawCare is here to listen. We provide emotional support to anyone working in the legal sector. You can call our confidential helpline on 0800 279 6888, email us at support@lawcare.org.uk or access our live webchat and lots of information on our website: www.lawcare.org.uk



Mind the Gap

PotentialUnearthed
Personal Development

Michelle managed 15 people within the Clinical Negligence team. Michelle's management style could be described as a little controlling. Everyone knew what was expected, everyone knew what they were doing. In many ways it was a slick operation.

Behind the scenes though, all was not well. Her team felt like just a number. They felt like they had no freedom and no voice. They simply came in, did their job and went home. Michelle controlled everything. She never asked for anyone's thoughts or opinions and even if anyone did speak up, she would nod politely and carry on implementing her own ideas.

Michelle was unaware of the feelings within her team. She was getting results and she assumed everyone was happy. Essentially the gap between Michelle and the team was huge. It was very much a transactional relationship.

Here's my thoughts:

As a manager you have to focus on many things, but the three main responsibilities are:

1. The tasks that need completing.
The objectives and goals
2. The Team
3. The individuals who sit with the team

Michelle is falling into the trap of focusing too heavily on the task. As a consequence, she is forgetting about her team and individuals. She assumes they are happy and motivated.

This can work the other way around. If she was the type of manager to focus heavily on the team and individuals, she might not pay enough attention to the tasks and the


department wouldn't hit its targets.

It's about getting a fine balance between all three.

Here's a few tips to help Michelle close the gap:

- Use team meetings as an opportunity to ask the team for their thoughts, opinions and ideas. You don't have to be the font of all knowledge!
- Initially use something like a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) to get the team to assess how they work together and to identify improvements.
- Open up 1:1s by genuinely asking about them and how they are feeling. Ask them what their biggest challenges currently are and how you can help ease some of the pressure.
- Empower your team and delegate as much as you can. This helps to foster trust across the team.
- Don't shy away from giving feedback whether it's positive or negative. Be honest, authentic and transparent.
- And finally, you don't have to wear a suit of armour. Let them see the real you. Share what challenges you are facing. Vulnerability is not a weakness it's a strength.

By following these steps, Michelle would reduce the 'hierarchy' gap and in turn she would have a happier and more productive team.

If you want a chat about how Potential Unearthed can help your management/ leadership skills, contact Mike on mike@potentialunearthed.co.uk 
Tel 07825301660

[CLICK FOR MORE INFO](#)



Manchester Law Society

Instituted 1838 Incorporated 1871

AI CONFERENCE

WITH KEYNOTE SPEAKER
THE MASTER OF THE ROLLS

8 MARCH 2024

Join us for a full day conference exploring how AI will impact the legal sector and the effects it is already having.



James Akrigg

Conference Chair

[Click here for more information](#)

18 Regulation Update & News

By **Andrea Cohen**, Compli, Weightmans



Happy New Year! As in previous years, as we start 2024, we've done a bit of crystal ball gazing, which is always a worthwhile risk management task to help firms plan, prepare and budget for the year ahead (and reviewed how well our predictions were for 2023!), and also provide our usual overview of what has been happening in the last month in the world of risk and compliance, and some recent disciplinary decisions.

AML, Sanctions and Economic Crime

As last year, this area remains top of the list, and we don't believe it's going to lose its top-ranking position any time soon. Last year we predicted an increased number of SRA AML visits, guidance on proliferation financing, concerns with financial stability and fraud, and increased cyber-attacks, and we have seen all of those 'in action', particularly recently with Axiom Ince and CTS. We do not predict that those events will be any the less prevalent in 2024.

• Changes to MLR

The Money Laundering and Terrorist Financing (Amendment) Regulations 2023, which come into force on 10 January 2024 amend the MLRs so that EDD on domestic PEPs is be lower than foreign PEPs, as they are seen to be a lower level of risk, unless there are other high risk factors present. Domestic PEPs refer to people with public functions in the UK, so would not apply e.g. to PEPs in Crown Dependencies.

• Changes to money laundering and terrorist financing controls in high-risk third countries

HM Treasury has published [an advisory notice](#) on money laundering and terrorist

financing controls in high-risk third countries. As at 5 December, Bulgaria, Cameroon, Croatia, Nigeria, South Africa and Vietnam have been added to the list, and Albania, Cayman Islands, Jordan and Panama have been removed.

As a reminder, enhanced client due diligence and enhanced ongoing monitoring is required in any business relationship with a person established in a high-risk third country or in relation to any relevant transaction where either of the parties to the transaction is established in a high-risk third country. This change therefore provides a good opportunity for firms to review their CDD policies to check they meet regulatory obligations, and to consider the risk levels of different client and matter types.

It is expected that changes to the high-risk third countries list will continue to be a trend in 2024, so it is worth keeping an eye out for updates.

• Changes to the UK sanctions list

Between the start of December and the time of writing this update, more than 250 new designations have been added to the UK sanctions list. These include 173 transfers from the Iran (Human Rights) regime to the Iran sanctions regime, 45 new designations



under the Russia sanctions regime, 18 under the Belarus sanctions regime and 16 under the Global Human Rights sanctions regime.

Designations were also added under the Syria sanctions regime, the Iran (Human Rights) sanctions regime, the Counter-Terrorism (International) sanctions regime, the Haiti sanctions regime, and the Cyber sanctions regime.

You can expect more changes in the months ahead.

- **Economic Crime and Corporate Transparency Act 2023 (ECCTA 2023)**

As we reported last month, ECCTA 2023 received Royal Assent on 26 October and introduced a number of changes, some of which have come into force, with the majority expected over the next few months, but (as at the date of writing) there is no current date set for the other changes to come into force and the majority will be implemented through secondary legislation. The Companies House changes will need increased resources and operations, but it is anticipated that some changes e.g. the power to query or reject information filed with it; revisions to the company names regime, and the requirement for companies to provide the registrar with an email address will come into force in the next few months.

The failure to prevent fraud offence will require guidance on the adequate procedures defence. We were correct with our 2023 predictions and the SRA now has

unlimited fining powers under the ECCTA for economic crime offences, and this will be on the agenda for the SRA.

- **Addendum to the 2023 Legal Sector Affinity Group (LSAG) guidance**

The LSAG has updated its AML guidance to account for recent developments by [publishing an addendum to the 2023 edition of the guidance](#). It includes guidance relating to: the Economic Crime Levy, which is payable if your annual turnover exceeds £10.2 million; discrepancy reporting under regulation 30A of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017; the requirement to register overseas entities wishing to buy, sell or transfer property or land in the UK with Companies House; changes in company due diligence introduced by ECCTA 2023, and; source of funds information and client due diligence.

In relation to the continuing challenges posed by AML, sanctions and economic crime, we suggest the following practical steps are taken:

- Review your policies and training in relation to preventing fraud and AML. Can you/should you update an existing policy/should you create a new, separate policy/should you have an overarching economic/financial crime policy under which all policies such as AML, Anti-bribery, Criminal Finance act, Modern Slavery, fraud would sit.

Continued on page 20



- Review your FWRA and all policies, controls and procedures (PCPs). Have you got a FWRA that is in line with R18 requirements? Are your PCPs up to date: do they refer to the correct MLR, SRA sectoral risk assessment, latest publications/links, LSAG guidance etc.? If not, that is a giveaway that they have not been reviewed for some time. Are they relevant to the firm, or just template copies? Do they comply with the MLR requirements? Do you have processes in place? Are you carrying out CDD /EDD when required, source of funds/source of wealth checks etc., and documenting the findings?
- We have seen an increased number of SRA AML visits, and increasing fines being imposed for MLR breaches, so now is the time to carry out an independent audit/ arrange your next independent AML audit.
- If the work you undertake is outside the scope of MLR, ensure you have processes in place so that you are not in breach of PoCA and the sanctions regime, by carrying out sufficient CDD checks on clients, including checking sanctions lists.

Legal Ombudsman (LeO)

2023 saw significant changes to LeO's scheme rules, including reduction in time limits for bringing complaints to it and the discretion to dismiss a complaint in certain circumstances which required changes to Terms of Business/client engagement letters/final complaint response/website and those will require a further update on 22 January 2024 when LeO's address changes to Legal Ombudsman, PO Box 6167, Slough, SL1 0EH.

LeO has published the third edition of An Ombudsman's View of Good Costs Service

“

The SRA has published a Risk Outlook report on the use of artificial intelligence in the legal market

which outlines LeO's position on what constitutes good costs service, and it also contains a range of worked examples which provide insight into how the LeO resolves complaints in this area.

The risks of using 'AI' in the legal sector

The SRA has published a [Risk Outlook report](#) on the use of artificial intelligence in the legal market. The report shows the growing trend of AI use in law firms: at the end of last year, three quarters of the largest solicitors' firms were using AI, nearly twice the number from just three years ago.

In light of the more frequent use of this technology, the SRA warns of its risks. For instance, AI can have biases, which could harm efforts to increase diversity in recruitment processes, and bias in criminal litigation could lead to miscarriages of justice. There is also the risk of errors: language models such as the ever-popular ChatGPT have been known to draft legal arguments which have included non-existent. *It has also recently been highlighted that there is a real risk of litigants in person unwittingly using these false cases*. There are also privacy risks, for example if law firm employees input confidential information into an online AI.

Whilst machine learning and other such systems pose advantages in terms of costs

Continued on page 22

[CLICK FOR MORE INFO](#)



Manchester Law Society

Instituted 1838 Incorporated 1871

Employment Law Conference

Tuesday 12 March 2024

09:00 - 14:00

Cost to attend:

MLS Members £75.00 + VAT (£90.00)

Non-members £100.00 + VAT (£120.00)

We are delighted to be welcoming back the Employment Law Conference for 2024. The full programme will be announced soon but we are delighted to announce that the keynote address will be given by Regional Employment Judge Franey.

Also joining the event for this year will be Stefan Brochwicz-Lewinski from Nine St John Street taking a look at restrictive covenants and Rosie Kight from Kings Chambers with a case update.

James Akrigg from Cloudy Software will give an overview of what is happening in AI then we will close the conference with a panel on the impact of AI on employment law.

It is sure to be a really valuable event so please secure your place!

[Click here for more
information](#)

and speed, law firms using this technology need to be on their guard to check for errors and compensate for any potential biases. The SRA recommends ensuring all staff understand how such tools operate and that firms can explain their use to clients. Remember that – as with other IT systems – firms remain responsible and accountable for the outputs from any AI they use.



Remember that – as with other IT systems – firms remain responsible and accountable for the outputs from any AI they use

Changes to STaRs

There have been a number of amendments to [STaRs](#), including changes to pro-bono work outside a firm, administering oath outside employment, cessation of owner approval, and deeming approval of solicitors. Expected changes to the Accounts Rules, including how money on account of costs should be dealt with, have been put on hold as a result of Axiom Ince, with the SRA saying it was necessary to review consumer protection arrangements, including risks to client money, so we expect to see changes, and possibly more major changes than anticipated, being introduced in 2024.

New practice notes and guidance

Law Society practice notes

The Law Society has published two new practice notes since our last update:

- [Rejecting un-remunerative publicly funded criminal work](#)
- [Fiduciary roles and retirement or departure from practice by a private client practitioner](#)

You don't need a crystal ball to know that we can expect to see further Law Society practice notes and SRA guidance over the next 12 months!

Whilst it is impossible to anticipate and cover everything that firms will have to face in relation to risk and compliance challenges in 2024, we can safely predict that, as always, we will be kept very busy indeed!

Disciplinary and regulatory decisions:

There have been further fines issued for breaches of AML regulations and the SRA Transparency Rules.

Firms fined for AML compliance failures

A firm has been fined £7,900 as it did not have in place a compliant firm-wide risk assessment (FWRA) nor compliant policies, controls and procedures between 26 June 2017 and March 2023, and another fined £3120 for using a general risk assessment rather than a FWRA, which was not bespoke to the firm and did not address key AML risk factors and policies and procedures were not compliant. In neither case was there evidence of harm to clients or third parties, no financial benefit and low risk of repetition. Both firms rectified the documents and co-operated with the SRA.

Two firms fined for breaches of the SRA Transparency Rules

Two firms have each been fined £750 and ordered to pay costs of £150 for failure to



publish the information required by the SRA Transparency Rules. The firms in question had failed to remedy their breaches after being given notice and reasonable time in which to do so.

Senior client development manager given section 43 order for sexual harassment.

A former law firm employee has been banned from being employed at a law firm without SRA approval after admitting to sexually harassing a female colleague at a work event which involved an overnight stay at a hotel. He was also ordered to pay costs of £600.

Solicitor fined over £9,000 for acting where there was a client conflict.

A solicitor has been fined for acting where there was a client conflict and for failing to provide adequate advice to one of the clients in respect of entering into a bare

trust in relation to investment in land. The client lost £150,000 on the failed developments, which led to a finding that the solicitor's actions had caused harm. The client might have reconsidered investing had she received proper advice.

Solicitor fined over £1,500 for drunk driving

A solicitor struck a stationary police car and gave a breath sample to the police which showed her to be more than three times over the legal limit. On top of her criminal conviction, the SRA fined her £1,547.85, a reduced amount in light of her financial hardship. She also agreed to pay costs of £300.

How Compli can help...

The Compli Solicitor Regulatory and Professional Discipline Team can provide expertise and advice in with risk and compliance, AML, disciplinary assistance etc. If we can help in any way, please get in touch at compli@weightmans.com.



Talking Heads

“What do you think will be new for the profession, society or you in 2024?”

Matt Flanagan-Roberts
Associate
Squire Patton Boggs

In 2024, AI is poised to continue to transform the legal profession in various ways. Legal research, traditionally time-consuming, will benefit from advanced AI algorithms, streamlining the process and providing more accurate results. Contract review and analysis will become



more efficient through natural language processing. Predictive analytics will gain prominence, offering insights into case outcomes and helping lawyers make informed decisions.

AI-driven tools for document automation and management will enhance productivity, allowing legal practitioners to focus on more complex aspects of their work. Virtual

legal assistants may become more sophisticated, handling routine tasks and enabling lawyers to allocate their time strategically. However, ethical considerations and the need for human expertise in nuanced legal matters will continue to be essential, necessitating a balanced integration of AI tools into the legal framework. Embracing these advancements responsibly will be crucial for legal professionals navigating the evolving landscape in 2024.

Helen Chalk
Deputy Head
Manchester Law School

At Manchester Law School we are constantly looking to the future and evolving our legal education provision to equip students with the skills they need to succeed in their careers. In 2024, we will be placing increasing emphasis on understanding how AI is impacting the legal profession and how innovative technologies are already being deployed. An

adaptive skillset is required of students entering the profession as technology develops and lawyers' roles change. Our academics, working with Law School practitioner connections, will ensure our students have a good grasp of technology and have developed skills to prepare them for practice. Alongside technical abilities and skills, students will also be versed in the ethical,



legal and social implications of AI's development and the underpinning political, regulatory and societal debates. The transformative impact of AI and technology is clear, and we want our students to be reassured that they understand the risks and are confident to exploit the opportunities.



Arwa Graf
Legal Officer
Manchester City Council

I believe the profession going to see a significant increase in the use of AI or at the very least, preparations are going to be made by firms into maximising the use of AI whilst simultaneously ensuring that they still offer a high-quality service

to their clients. AI software like ChatGPT has gained a lot of traction this past year and I think it's only going to increase. From a practical perspective, larger commercial firms would most likely be on the forefront of development, so I'll be keeping an eye out on what they'll be coming up with in 2024 (no pressure at



all). Personally, I'm looking forward to seeing how our profession tackles this and hope that we'll be able to implement its use, particularly, into finding ways to make time recording and billing easier and quicker (I would readily embrace any ideas on how to automate this!).

Phil Wedgwood
CEO, Engage
Solutions

In 2024, the legal profession and your society are poised to witness the emergence of a groundbreaking development: a thriving community app tailored specifically for legal



professionals, partners, suppliers, and everyone involved in the legal space in the North West.

This innovative platform will connect community members and will foster a dynamic legal community, encouraging collaboration, mentorship,

knowledge sharing, career development, social interaction. compliance, and much much more. The app will keep users at the forefront of legal advancements, enhancing interaction. Innovation and efficiency - making the Manchester legal world more inclusive, accessible, and fun.

Sam Borrett
Director Legmark

The use of data and AI/ automation to support digital marketing activity **should** be a focus for all law firms. Those that aren't investing in this area will get left behind.

We're helping, with the official launch of our digital dashboard and LegRank database of over 3,200 law

firm websites. This software lets you track competitor performance as well as providing guidance and monthly action plans on how you can improve your website to generate more traffic and leads.

The traditional digital marketing agency model is breaking, and you should be able to save money on



agencies like us by using tools like ours to enable you to do a lot of the work more cheaply in-house.

A move from traditional marketing communications roles, to digital marketing and more technical marketing staff, should be on the agenda in 2024 as well.

Talking Heads continues on page 39



Employees from Axiom Ince Limited instruct Pearson Solicitors to commence legal proceedings

National Law firm Axiom Ince Limited ceased trading on 3 October 2023 following an intervention by the Solicitors Regulation Authority (SRA), resulting in its subsequent closure.

Axiom Ince Limited, which has 14 offices with sites in Birmingham, Bristol, Leeds, London, and Manchester have been investigated by the SRA and the Police after allegations that around £66m in client money was found to be missing from its accounts.

Intervention agents have been appointed by the SRA who will act solely for clients and former clients of Axiom while [Pearson Solicitors and Financial Advisers](#) have been instructed by 153 employees who have been made redundant to help them pursue a protective award claim.

Protective Award Claim specialists Pearson are also representing clients following the collapse of the failed Metamorph Group.

[Alan Lewis](#), Partner at Pearson and a specialist Employment Solicitor, said: “[My team](#) have commenced the ACAS early conciliation process on behalf of our clients and will be lodging a claim at the Employment Tribunal this week. This is likely to be the largest protective award claim ever brought against a firm of solicitors.”

Alan explains: “These are challenging times for the former employees of Axiom, and we will do all we can to help them pursue a protective award claim, a legal award that not many employees are aware of or believe they are entitled to. Compensation awards typically comprise up to 90 days’ gross pay. This is in addition to and does not affect, any claims for statutory redundancy, arrears of pay, notice pay and holiday pay. The government guarantees payment of a proportion of such compensation, provided claims are successful in the employment tribunal.

“If employers do not consult with appropriate representatives of the workforce about redundancies, then any employees made redundant may potentially make a claim. If you lose your job through administration, it’s important to seek what you are entitled to.” said Alan, who specialises in [Protective Award Claims](#) and works with employees nationwide regardless of industry.

“Whether you work for a food manufacturer, an engineering company or indeed another law firm, our employment department can act on your behalf, and we are currently supporting hundreds of employees who have been made redundant or are at risk of



Alan Lewis, Employment Solicitor and Partner at Pearson Solicitors and Financial Advisers

redundancy from other companies following administration.

Sadly, we are seeing companies across all sectors struggling and unfortunately, some have to close their businesses. This significantly impacts the workforce and if employees are told they are losing their jobs with immediate effect they can make a claim. Provided 20 or more employees are made redundant at the same establishment (usually a head office, warehouse, or

individual store), all affected employees can pursue a claim for a protective award, regardless of how long they have been employed by the business," added Alan.

If your employer cannot pay your award, then the Government steps in and guarantees eight weeks' pay, capped at £643 per week less any arrears of pay you may have received from the Redundancy Payments Office, so employees really have nothing to lose in pursuing a claim."

Myerson Solicitors Supports the Development of New Retirement Living Communities across England

Myerson Solicitors [✉](#) is proud to support Adlington Retirement Living in developing new retirement communities across England. Adlington has secured a landmark £75m development facility from NatWest Group and Homes England. This funding will allow for the development of 700 new homes across England over the next three years, addressing the growing demand for specialist accommodation for our ageing population.

Adlington Retirement Living designs, builds and operates award-winning retirement communities across England, empowering the older generation to live a happy, healthy life, surrounded by an active community of retirees. Adlington retirement homes provide everything needed to maintain an independent way of life, with the safety net of tailored personal care packages available if they are needed in the future.



Myerson Solicitors are proud to have worked with Adlington on a full refinancing, allowing them to maximise the benefit of their development funds, bringing their integrated retirement communities to more people in need of a safe, secure and enjoyable place to retire.

Ryan Fletcher (below), Senior Associate and lead Solicitor for Adlington said: "We are thrilled to have been able to support Adlington in their refinancing after receiving landmark funding from NatWest and Homes England. We at Myerson look forward to seeing the continued development of such valuable retirement communities during this exciting period of growth for Adlington. It has been a pleasure to assist Adlington on this work."

Adlington Retirement Living are geared up to begin work on their new developments imminently, with land purchased in Timperley (Greater Manchester) Ampthill, (Bedfordshire) and Exeter.



Hugh James unveils the brand in Manchester following acquisition



Hugh James [↗](#), has unveiled a new-look Manchester office with the firm's name and logo, 13 months after it completed an acquisition of Potter Rees Dolan (PRD). The two firms [joined forces in October 2022](#) [↗](#), strengthening Hugh James' serious injury and clinical negligence practice, and expanding the firm's presence in the Northwest.

The collaboration has seen strong growth in its first year; with three new partners and the total number of colleagues growing from 65 to 75. The Hugh James logo replaces "PRD – A Hugh James Business" just one week after [the firm scooped the awards for "Catastrophic Injury Lawyer of the Year" and "Outstanding Achievement"](#) [↗](#) at Manchester's Personal Injury Awards, showcasing their shared values and expertise.

Their combined strength was recently recognised by the legal directories. Hugh James is now ranked Band 1 for the Northwest in Chambers and Partners,

“

With the switch, clients can expect the highest standards of professionalism and excellent client service

building on the strong reputation law firm PRD has built in the region. In total, the firm is ranked across 29 departments, and 61 individually named lawyers, in the main directory and High Net Worth edition.

With the switch, clients can expect the highest standards of professionalism and excellent client service that both brands are known for – the only thing that will change, is the name.

Hugh James' head of individual client services Stephen Webber said: "It's been a strong year for everyone involved. We've strengthened our expertise through internal promotions and lateral hires and celebrated much-deserved awards and top industry rankings for our talented and dedicated legal teams. We're in no doubt we are stronger as one. As we unite under the Hugh James brand, our collective commitment to delivering outstanding service to our clients and communities remains stronger than ever."

The expansion mirrors the full-service firm's growth across the UK, with more than 700 employees across its London, Manchester, Southampton and Plymouth offices, and Cardiff headquarters. Also, this year, [Hugh James further strengthened its London office](#) [↗](#) with a move to larger City premises.

Law firms go head-to-head in festive charity competition

Two leading law firms went head-to-head in a Christmas jumper competition to raise funds for charity.

The team of family lawyers at both firms donned their most outrageous Christmas attire to support Save the Children, a charity close to their hearts, while an independent judge carefully assessed the festive ensemble. The winner, which was judged by the 2023 President of Manchester Law Society Nick Johnson, was [MSB Solicitors](#).

Emma Palmer, Partner at MSB Solicitors, echoed this sentiment, stating, "At MSB Solicitors, we believe that every child deserves a chance to thrive and be happy. Our commitment towards ensuring the well-being of children stems from our fundamental belief in justice and equality. It was an honour to participate in the Christmas jumper competition and come together to support Save the Children in

their mission to create a better world for children everywhere."

Cara Nuttall, Partner in the family team at [Brabners](#), said: "As a firm dedicated to making the difference to the communities we work in, supporting the welfare of children is something that resonates deeply with all of us at Brabners. We were thrilled to square off with MSB Solicitors in this fun and friendly competition, knowing that together, we can make a real difference to the lives of vulnerable children across the globe."

The annual Christmas jumper competition is not just a fun-filled event but also a beacon of hope for children in need. Through their commitment and donations, MSB Solicitors and Brabners aim to make a lasting impact on the lives of children, ensuring they have access to education, healthcare, and protection – vital pillars for a brighter future.





Stephensons named the North's Family Law Firm of the Year

Stephensons [✓](#) has been named Family Law Firm of the Year in the North at the prestigious Family Law Awards in London.

Stephensons, which has offices in Wigan, Manchester and across the North West, scooped the award in a very tough category reflecting the breadth and depth of legal talent in the North of England.

The Family Law Awards bring the family law community together for its biggest night of the year, celebrating excellence in the profession. Now in its twelfth year, the Family Law Awards were launched in 2011 to recognise the important work of family lawyers and celebrate their successes and achievements.

Winners were chosen by a judging panel made up of the heads of the Family Law

Bar Association, Resolution, the Association of Lawyers for Children and the Chartered Institute of Legal Executives, along with Family Law editors and publishing professionals.

Commenting on the award, Victoria Gethin, partner and head of family law at Stephensons said: "As you might imagine, we are all absolutely thrilled to have won this prestigious award. To be recognised as the best family law firm in the North of England, against such stiff competition, is a huge honour and one we are incredibly proud of.

"The award is testament to the dedication, expertise and care our team demonstrate every day, supporting and guiding clients through what can be incredibly challenging and stressful moments in their life."



L-R: (Jon Culshaw (Event host), Victoria Gethin, Gwyneth John, Rachel Bennett, Jackie Price, Emma Roberts (all Stephensons) and Moji Greenwell

Centrefield celebrates 8-year anniversary by launching graduate recruitment programme

December 2023 saw [Centrefield LLP](#) celebrate its 8-year anniversary and the launch of the firm's first graduate recruitment programme.

The specialist and industry leading sport and media law firm has been based in Manchester on Constance Street by Deansgate train station since its formation in December 2015, and the introduction of its graduate recruitment programme is the latest step in the firm's development and growth.



Centrefield hopes to supplement its continued growth by providing an opportunity for aspiring solicitors to join the firm and gain exposure to a range of practice areas, including player/athlete contracts and transfers, dispute resolution, commercial, regulatory and governance, disciplinary and integrity, employment, and immigration. The programme will offer flexibility in terms of the specific role, route to qualification and potential start date.

2023 was also a significant year for Centrefield in terms of more senior

recruitment, with the firm adding seven new faces to its team. The number of fee-earners at the firm has doubled since its inception in 2015 to 20 (with a team of 22 overall), with specialist lawyers offering a variety of legal services and expertise in commercial, employment, image rights, regulatory & governance matters, corporate and immigration amongst other areas.

“

It's an incredibly exciting time at Centrefield and 2023 was huge in terms of the firm's growth

Ranked as a Band 1 firm in both Chambers and Partners and The Legal 500 and recognised in The Times' Best Law Firms, the firm's continued growth is an indicator of its longstanding and worldwide client relationships and market leading expertise.

Centrefield Partner David Bentham said, "It's an incredibly exciting time at Centrefield and 2023 was huge in terms of the firm's growth. The next step in our evolution is to implement our graduate recruitment programme and start developing talent internally, so we can continue to provide the highest level of service to clients in the sport and media sectors."

Details of Centrefield's graduate opportunities can be found at centrefield.law/careers



We Love MCR Charity Review of 2023

As we look back on 2023, we reflect on what has undoubtedly been a huge year for We Love MCR Charity! We've continued to improve the lives and life-chances of Mancunians, put on exciting fundraising events for our supporters and make new connections, whilst growing existing ones, to make an even greater difference in the city we call home. Here's our wrap-up of 2023...

This year saw our core funding programmes change lives and improve communities for thousands of Mancunians, building on the work we've put in over the last few years to ensure we succeed in our role as the only grant-giving Charity dedicated to the city of Manchester.

Both our Manchester's Rising Stars Fund and Stronger Communities Fund hit major milestones this year:

Manchester's Rising Stars Fund

Our Manchester's Rising Stars Fund (MRSF) has come into its own in its 3rd year – we're delighted to announce that the Fund made more awards to more young people in a single year since we officially launched in 2021! We made an astonishing 77 awards

to 74 inspirational young people, with ambitions ranging across a vast range of industries and disciplines, totalling over £108,000.

Our vital funding allowed these Rising Stars to take steps to success in academic, vocational, sports, performing arts and entrepreneurial ambitions. A particular highlight are the 5 aspiring legal minds who we've supported, breaking barriers in the sector, as a result of our partnership with [Brabner's and the Maurice Watkins Bursary](#) .



However, the most well-represented field is Health – with an impressive 15 Rising Stars having ambitions in the industry, ranging from radiographers, medicine, pharmacists and nurses. We're delighted that the MRSF is in any way supporting the growing demands on the NHS on a local level.

One story we want to spotlight is that of Sam Makonam; an up-and-coming fashion designer from North Manchester with a gift for tailoring. With funding from the MRSF, we were able to provide Sam with specialist tools, including a new sewing machine of his

**20 MANCHESTER'S
23 RISING STARS
23 FUND**

We gave **77** grants to **74** ambitious young Mancunians, changing lives in every area, totalling over **£108,000**

The most Rising Stars our Fund has supported in a single year to date!





own, to give him every chance to make the most of his talents.

We're proud to say that Sam designed two dresses for our Heart and Hope Charity Dinner in October, including one worn by the Lord Mayor of Manchester herself! Sam is now flourishing, and just needed that support and belief from We Love MCR to get him on the way.

Stronger Communities Fund

particularly key to building the value of our communities and keeping them strong.

One of our favourite groups we funded with that in mind in 2023 was community empowerment charity The Beginning Group, who we funded to offer over 50's digital literacy workshops in Longsight. The weekly sessions saw 30 people attend over months, learning essentials on basic digital skills such as internet and email usage, and online banking.

TBG tell us that the impact of these workshops with our funding has led to increased digital literacy, their independence growing hugely, and making connections with new friends and even long-lost old ones through their new internet skills! We intend to continue supporting many more initiatives just like this in 2024.

Continued on page 34

**20 STRONGER
COMMUNITIES
23 FUND**

We awarded a record 56 grants to community groups & projects across Manchester, totalling £189,000

- more than one each week!



Our Stronger Communities Fund (SCF) continues to thrive as our longest running programme, with over a decade in operation. And again, we're delighted to announce that the Fund made more awards to grassroots community groups and local projects in 2023 than in any year prior.

We made a record 56 grant awards, totalling over £189,000! The projects and groups that our SCF funded were in every single neighbourhood in Manchester, having a positive impact on 1000's of Mancunians and their communities throughout the course of 2023.

All SCF awards we make are for projects addressing one of our four key themes, which are the cornerstone of strengthening our communities. These comprise of 'help in the early years', 'improving our open spaces', 'positive youth activities' and 'combating social exclusion'. The last one is





Fundraising

Our fundraising events and challenges are well known, and in the last year we saw our supporters take on freezing temperatures with our Valentine's Dip, the Great Manchester Run, and a timed trek through the beautiful Peak District with our '3 Peaks of The Peaks' challenge.

2023 saw more people fundraise in We Love MCR events than ever before, with 280 wonderful fundraisers joining us in these three events and raising a total of over £82,000! This was bolstered by our largest fundraising team ever, with 128 runners flying the flag for We Love MCR in this year's Great Manchester Run. Lets make next year's We Love MCR wave even bigger!

MLS members in particular have jumped headfirst into We Love MCR events in just the first year of partnership – thank you all so much! The next event MLS feature in is January's rescheduled Firewalk, and the team is smashing it! Still places left [if you dare... ↗](#)

Additional Projects

There are many additional projects we work on outside of our two main Funds, and 2023 has seen this expand greatly. The latest one in the pipeline is [a project in Wythenshawe](#)

manchesterlawsociety.org.uk

[Park ↗](#), supported by Cheadle-based firm Together, where we're changing the landscape for accessible child's play provision in the Park whilst working alongside our partners at Manchester City Council to achieve this. The long-term benefits for families in the area will be huge.

This August we saw the 5th instalment of our [Ghyll Head family breaks ↗](#), where we fund Mancunian families struggling with complex issues to have short stays in the Lake District. These stays, and the wrap-around support delivered by Barnardo's, have made life-changing differences to these families, so we're extremely happy to have provided funding for another 10 families to experience that in Summer.



Also, this year we have supported Manchester City Council with the Our Year Legacy Fund. Through this, £25,000 has been awarded to local youth and community groups for activities that enrich young people's lives – including residentials, theatre trips and much more.

We worked with NGO Action for Humanity in developing a project to support incoming refugees into Manchester who found



difficulties engaging in the jobs market. These people often come highly skilled and experienced, but their displacement and language barriers cause problems. We were incredibly pleased to [fund a position at Refugees & Mentors CIC](#) to address this issue, and even more pleased to say that 7 refugees have been supported as a result with one being employed as an industrial carpenter at a Manchester firm.



In the latter part of 2023, we strengthened our partnership with Manchester Youth Zone by awarding them £20,000 to create the Nebula project, which supports young people aged 11 - 14 to explore and sample different career avenues in health, creative expression and sport. We can't wait to see our next generation of Rising Stars come from this cohort!

Finally, the relationship we have with [Manchester Young Lives](#) is one of our longest-running projects, where our funding expands their bespoke employability programme for 16-19-year-olds at risk of social exclusion. MYL have supported hundreds of young people in the 4 years since we've been funding them and, in one quarter of 2023 alone, over 50 young people in Ardwick and Wythenshawe accessed the



provision. We can't wait to hear more success stories from this programme as it enters its 5th year in 2024.

And that's our end-of-year review! Thank you for staying with us in 2023, without your support we would not be able to undertake the breadth of work that our team does. Whether it's by fundraising for us in events, following us on social media and sharing our stories, or if you've helped someone access our Funds - we want to say a huge Manc thank you and we hope to see you with us in 2024!

Happy New Year from the We Love MCR Charity Team.

Simon Wright, Head of Charity
Marie O'Neill-Steinegger, Grants Manager
Nick Clarke, Communications and Fundraising Officer
[We Love MCR Website + Social Media](#)

Hall Brown eyes further growth as it strengthens senior team

[Hall Brown Family Law](#) has entered a “new and exciting” growth phase following a key addition to its senior ranks.

The firm has recruited Will Taylor as Chief Financial and Operations Officer, a move which it has boasted that it will allow it to add to its roster of outstanding legal talent.

Co-founder and Managing Partner James Brown has described the appointment as a significant step forward in Hall Brown’s evolution, reinforcing the rigorous high standards which have seen it become one of the country’s very best family law firms.

Within the last 12 months, Hall Brown has seen a double-digit increase in turnover, won a clutch of awards and completed yet another clean sweep of the UK’s leading legal rankings.

In another indication of the firm’s reputation, Mr Brown was also appointed to an influential Law Society advisory group.

“Will’s arrival is great news for our firm, our colleagues and - most importantly of all - our clients.

“He is an immensely experienced and capable individual who will add even more professionalism to the central support function which has been such a vital part of our overall success so far.

“It is a sign of our desire to put long-term plans in place to ensure that we sustain the momentum which has taken us far and fast in the relatively short time since we launched.



Will Taylor (left) and James Brown (right)

“We recognise that is not only best achieved by continuing our track record in attracting the very best family lawyers around but doing even more to retain those individuals who join us.

“Putting in place a structure which creates the ideal conditions for that to happen has another very personal benefit.

“As we have grown our client, staff and office numbers, both Sam Hall and myself have had to deal with a variety of managerial tasks out of necessity.

“By handing over some of that work to Will and his team, we will be able to work even more directly with clients - and that, after all, is why we wanted to be lawyers and open our own firm.”

Having qualified with BDO in Manchester in 2007, Mr Taylor’s career has seen him take up a series of financial leadership roles in consumer-facing and investment management businesses.

Most recently, they included his role as CFO and COO at Network Digital Marketing, a consumer membership business backed by one of Europe’s largest private equity houses.

Mr Taylor said he was “thrilled” to be joining. “Hall Brown has developed a reputation for first class service.

“I look forward to doing what I can to build on that strong performance and further enhance the firm’s ability to continue to deliver the sort of excellence for which it is renowned.”



Senior Associate promotion at Alderstone Solicitors

Alderstone Solicitors [↗](#) has promoted **Mervin Smith** to the position of Senior Associate Solicitor.

Mervin takes up the promotion within the firm's serious and catastrophic injury department.

Mervin has more than 18 years' worth of experience as a solicitor and specialises in serious injury, clinical negligence and industrial disease.

The promotion recognises his commitment and hard work to help severely injured people and their families through life-changing difficulties.

Mervin says: "I'm delighted to become a Senior Associate and to be working within such a fantastic team. They are all dedicated, experienced and approachable with a desire to help clients through awful circumstances."

Quentin Underhill, Partner, Director and Head of Serious and Catastrophic Injury at Alderstone Solicitors, says: "Mervin is a leader and mentor within our specialist team and thoroughly deserve his promotion. He is a skilled, experienced and committed solicitor, but what sets him apart is his warmth, empathy and connection with our clients. They genuinely respect him as a legal expert and as a person.

"Our latest promotions are part of the growth and development of our firm of solicitors. We're looking for more good people, like Mervin, to join us and we are committed to supporting their legal careers with us."

Alderstone Solicitors is a specialist firm focused on life-changing personal injury, clinical negligence, industrial disease, and asbestos-related diseases. The firm has offices in Manchester and Chester and supports more than 500 clients across England and Wales.

Mervin Smith





Fieldfisher bolsters Restructuring & Insolvency practice with hire of insolvency litigation partner Chris Keane

Fieldfisher  is pleased to announce the appointment of Chris Keane as an insolvency litigation partner in its Manchester office, fortifying the firm's national practice and position in the North of England market.

With a wealth of experience in contentious personal and corporate insolvency, Chris is a seasoned advisor to banks, financiers, insolvency practitioners, directors, and stakeholders. His skillset and network in the North of England region will give Fieldfisher a highly desirable edge in the industry.

Chris specialises in contentious insolvency matters, including complex antecedent transactions and procedural applications under the Insolvency Act 1986. His expertise extends to handling substantial and highly technical claims brought by insolvency practitioners, often involving fraud and complex multi-jurisdictional recovery options.

Notably, Chris has been involved in several high-profile reported cases, including advising liquidators of a company involved in a large multi-jurisdictional tax fraud, assisting a trustee in bankruptcy in obtaining freezing injunctions in India, and providing counsel to a London-based property entrepreneur facing creditor claims in excess of £300 million.

Chris will also be joined by Solicitor Keir Merrick.

Chris's addition will boost Fieldfisher's current restructuring and insolvency offering which consists of partners Stewart



Chris Keane

Perry, Kit Jarvis, Robin Spender and Carly Schiff in London and Michelle Shean in Manchester.

Manchester serves as a pivotal strategic location for the firm, exemplified by the recent appointments of real estate transactional expert Claire Hamilton, construction specialist Jahanara Hussein and Beth Thompson, a health & safety and regulatory lawyer.

Dispute resolution is the largest offering at Fieldfisher across the UK network and Chris's appointment follows a string of investments in this area, which includes the recent hires of an eight-strong competition litigation team in July 2023 and arbitration specialist Ania Farren at the beginning of 2023.

Commenting on his appointment, Restructuring & Insolvency Partner at Fieldfisher and chair of the R3 General Technical Committee, Stewart Perry, said

"Chris joins the firm at a time where the rise in the levels of insolvency is reminiscent of

the global financial crisis. With the market expecting an increased need for people with his skill set, his reputation, wealth of knowledge and calm yet strategic approach to litigation will be valued by clients.”

Head of Dispute Resolution Manchester, James Lappin, added “Manchester and the wider Northwest region are a key strategic hub for disputes work. Chris’s appointment reflects our commitment to expanding our capabilities in Manchester and we’re pleased to be able to provide this offering to clients. Chris will be a great fit in our

diverse team in Manchester and I very much look forward to collaborating with him.”

In response to his appointment, Chris Keane stated “Fieldfisher has an excellent reputation across the UK and Europe. This is a really exciting opportunity to further develop my practice and work with leading experts in insolvency and other sectors. I look forward to leveraging the firm’s platform to enhance the services I offer to clients and contributing to the continued success of Fieldfisher’s restructuring and insolvency practice.”

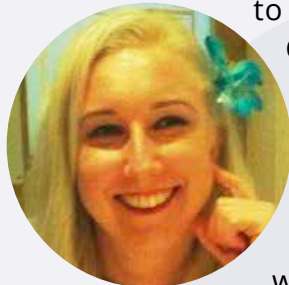
Talking Heads

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“What do you think will be new for the profession, society or you in 2024?”

Natalie Barbosa
Senior Associate, for
Anthony Collins Solicitors
LLP

I’ll give you one fear and one hope - keep those scales nicely balanced. Fear first: artificial intelligence. Strictly speaking this isn’t a new development for the profession, but I think 2024 will be the year we see AI establish itself as a routine



companion for lawyers. Whilst some colleagues may be delighted, I shall continue to proselytise about ChatGPT’s utter humiliation of two lawyers by creating six wholly fictitious case citations, which they then proceeded to enter as their formal submissions to court. Their firm bewailed: “We made a good faith mistake in failing to believe

that a piece of technology could be making up cases out of whole cloth,”.

And my hope: corporate and commercial lawyers will start incorporating clauses, as I have been for several years, to help address the climate and biodiversity crisis in their output, as a matter of course. If we can change the precedent, we can change the world!



Looking back at 2023

Welcome back, after what I hope has been a peaceful Christmas period. Can you believe it's 2024 already? As the year starts, I have had an opportunity to reflect upon 2023 and the amazing contributions of the ED&I Committee to promote inclusivity, educate on and champion for equality and celebrate diversity. Thanks to our dedicated and passionate committee members we had an active year to say the least.

By way of re-cap, in January, we highlighted our successful celebration of 100 Years of Women in Law panel event that had been hosted in December 2022 and we also launched our Social Mobility podcast. This podcast was our second in a series which aims to shine a spotlight on the various strands of diversity in the legal profession, engaging with panellists with lived experiences, providing advice and presenting a realistic picture of where we are and where we would like to be. In February we celebrated LGBT+ History month and explored the role trans women of colour have played in promoting LGBT+ rights and how the fight for equality is still ongoing bringing visibility to the community, their achievements and struggles.

In March, we celebrated International Women's Day and the theme of embracing equality which saw us recognise those that have inspired, supported and empowered others. April had us celebrating three major religious festivals: Passover, Easter and Eid Ul-Fitr and we featured an educational piece on Passover and its origins. May was focused on Mental Health Awareness Week in a conscious effort to break the stigma and openly discuss and raise awareness of

Mental Health, an important reminder as we move into a new year that mental health matters. We need to continue to reduce the stigma associated with mental illness and to promote practical and emotional support for ourselves, our colleagues and community, a key theme that will run through 2024.

In June, we brought visibility to social mobility, inclusion and access to justice by promoting Social Mobility Awareness Day. Social mobility is a phrase which has become more prevalent in recent discussions around equality, diversity and inclusion and this committee will continue to bring focus to this topic. In August, we celebrated Manchester Pride



Shane Smith



In 2024, this committee will continue to ensure that equality, diversity and inclusion is pursued with passion, energy and sheer determination to make a difference

in style. We hosted, for the second year running, our very own Manchester Pride Brunch. This partnership event, in aid of Out Together/Friends of Dorothy, was made possible thanks to the iconic Midland Hotel Manchester, By Parallel Events and Manchester Law Society and was once again sponsored by Brabners LLP, winners of the Equality, Diversity and Inclusion Award at the 2023 Manchester Legal Awards. Watch this space for 2024! We also brought focus to why Pride events are important and a reminder that as much as Pride is a celebration, it is a reminder of how far the community have come and that there is still a way to go.

The momentum continued strongly into October as we reflected on and proudly celebrated the achievements and contributions of Black Women in Law during Black History Month and in keeping with the 2023 theme of 'Celebrating our Sisters'. In November, we considered the legal profession's role in promoting kindness as we celebrated World Kindness Day, a global initiative aimed at spreading kindness and promoting goodwill among all people of all walks of life and considering the unique role our industry has in fostering a more compassionate and just society. To end the year, December was a busy month as we observed International Migrants Day through the lived experience of a migrant solicitor with the key message of honouring the past and helping to shape a just and compassionate future for all. We also promoted International Day of People with Disabilities with the aim of asking everyone

to work together to make the world better and fairer for people with disability and a call to arms asking readers to think about the impact they can have on diversity and disability equality.

I hope you will agree that great strides were made in 2023 by the E,D&I committee to educate, empower and celebrate our colleagues; to bring focus and visibility to key issues and to recognise the importance of equality, diversity and inclusion for everyone. In 2024, this committee will continue to ensure that equality, diversity and inclusion is pursued with passion, energy and sheer determination to make a difference.

I could not start the year without recognising the enormous contributions of Steven Appleton who has stepped down as this Committee's founding Chair. On behalf of the committee, I want to thank Steven for his years of leadership, wisdom, guidance and passion. I have incredibly big shoes to fill as Chair of this committee but I am very fortunate to have a dedicated and diverse committee, of which Steven will remain a key and active member. I am thoroughly looking forward to what 2024 holds.

Finally, on behalf of the ED&I Committee, we wish you a very happy, healthy and prosperous 2024.

Shane Smith
Chair of ED&I Committee
Associate Solicitor
Slater and Gordon Lawyers

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arrival. The Chamber also has a suite of 16 meetings rooms at Elliot House from conference facilities, boardrooms through to gallery rooms – and members of the Chamber get 20% off.

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MYSG to embrace the Chaos (Karts) and more in 2024

As the curtains draw down on another busy and exciting year on the MYSG social calendar, we take this chance to thank all of our committed members and loyal sponsors for continuing to support our events, and making them a fantastic place to meet new people and take on new challenges.

From testing our physical and mental skills when we took on The Cube (courtesy of MJN Legal), and our culinary expertise at the brilliant Food Sorcery (Think Legal Recruitment), to testing our bank balance at Haydock Racecourse (MJN Legal), and nerves on the 18th green at Withington Golf Club (Saccomann Legal), 2023 has been another year to remember.

2024 already brings plenty of promise and excitement as we kick off our first event on Thursday 18 January at Chaos Karts (thanks to CapeClarke Legal), where our driving skills and ability to dodge a virtual banana skin will be put to the ultimate test. An ideal event for anyone doing Dry January given

the activity, but there will still be plenty of food and refreshments on offer.

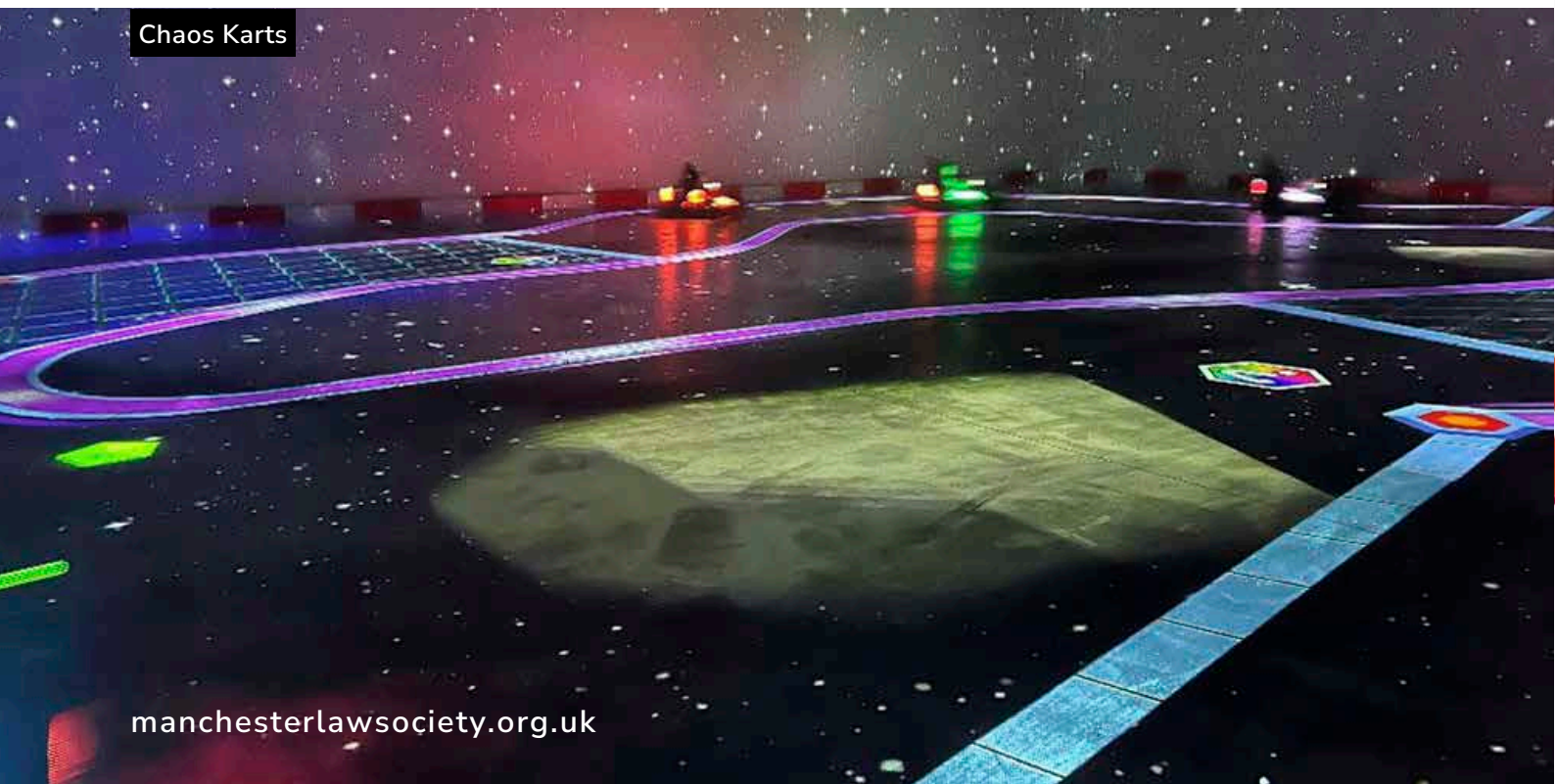
A mere 6 days later, on Wednesday 24 January, another physical challenge awaits at F45 where members will be given the chance to burn off those Christmas leftovers.

February brings more fun as we host our annual Charity Quiz on Thursday 15 February at Revolution, Oxford Road, to raise more money for Manchester's own Wood Street Mission, and kindly sponsored again by BCL Legal.

Tuesday 20 February then takes us to the fantastic Donna Smith, and her insightful seminar of "Break The Cycle of Burnout", kindly hosted once again by Dean's Court Chambers.

Plenty more events will follow in March and April, this is simply a taster of what 2024 has on offer, and we look forward to seeing all members, old and new, over the next 12 months.

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Management Matters

By **Bill Kirby**, director of Professional Choice Consultancy



This Month

- **Some essential management actions and methodologies that need to be in place for the New Year**

If we think the last few years have been challenging. I am afraid that most of it has not gone away and as management teams within law firms there is an amazing list of things that require for many an update in policy and action.

There is a checklist below that I think all firms should be clear that it is covered within the current management process.

There are added value products, systems and services around. Many can be found in [my articles over the last 12 months](#) or request some referrals.

New Year Actions and Resolutions 2024

Owner and Manager Stocktake

A fundamental basic that needs to be considered at least annually or when individual or business circumstances change. How much longer do key managers want to stay in post? Do they want management or skill roles and are their motivational desires being met. Have they the skill levels now required by the business – do they need augmenting? Is there the necessary personal development plan or replacement programme.

3 Year Strategy Review

Again, another annual essential and January is as good a time to undertake this. Where does the business exactly sit in terms of performance and where do we want it to go and what needs to be done to get there. This will include ownership, geography and work-types. Have we the skills and infrastructure to get there and what are our challenges going to be – what are we going to do and when? Year one usually becomes the budget.

Process in for proactive monthly management

We have to have a process in place that enables the firm every month to look at performance, to fully understand the trends for every department and look at exploitation of good things and recovery of bad things.

Active management needs to include a forecast every month looking at the market, resourcing and actions – so a forecasting methodology for a budget year becomes 1+11, 2+10, 3+9 – without this we cannot consider the impacts of the economy and lock downs – social changes impacting commerce, private client and conveyancing – let alone the success or otherwise of our own business development, on boarding and client relationships. Profitability the right GP through efficiency and cash flow management the end result.

BI & MI & KPI

Often taken for granted with little proactivity but looking at critical numbers in



the right way at the right time is essential. Maybe daily time and billing, monthly reviews of WIP, comparable performance of individuals, source of the right skilled resource, system use and efficiencies. Not just data from our PMS and CMS system but also other statistics that we may have from HR, CRM, responsiveness to clients.

Staff communications

Growing in criticality with something like 65% of junior staff in firms looking to potentially move because of communication methods and lack of data on a regular basis for performance. Dependent on age group, getting this right is critical

Staff management

Trying to recruit people at the moment for many is very difficult. Resourcing a major challenge initially by fully understanding the skill levels needed for the job roles and too often job descriptions are left at that. Recruitment must not however just be based in performance but also the personality needs of the individuals wanted – communication skill, intellectual skills, management skill (people and projects/files) and motivational factors – what is there in a job role that is going to turn someone on – satisfaction or big performance rewards.

During every year with appraisals and regular communication by management performance is a consideration but so becomes the other personality aspects and improvement, training and development systems need to be in place

“

Recent surveys have come back saying that 42% of clients with live matters are not happy with law firm communication and actions.

Client communications and empathy

Recent surveys have come back saying that 42% of clients with live matters are not happy with law firm communication and actions. They of course tell others.

The client base also needs to understand that the firm is leading in areas where challenges are faced – so a profile via web sites and social media will not go amiss. The database also proactive marketing – for example Will updates (20% benchmark if a success rate) and LPAs. Clients also need to be aware of the other services that are on offer from the firm – cross selling methodology needs to be in place – media and networking.

On boarding management

A critical operation that some firms achieve c20% conversion of enquiries but if done properly it can be 60 – 65%. It means for a small/medium firm with 500 enquiries a month's either 100 new files or 325 per months.

Continued on page 52



Needs positive empathetic response to phone calls, e-mail and web site enquiries that a fully measured through the whole process plus the right training and culture for all members of the firm's team that has such a contact.

Firm's image - brand

For too long many firms have prided themselves on when the firm was founded and/or the skills of the leading lawyers. It is a little ego centric. These days clients and prospects need to feel confident about the level of services and experience and empathy available from the firm plus the real benefits available to them working with the firm.

Business Development

The firm and each and every work-type within it needs a business development plan that covers the identification of new clients, the retention of existing clients and the development and cross selling

This has to start with the Product Marketing Plan that confirms the services available to clients, the benefits that they bring to the clients, the target market and the best route to that segmented market.

It is something that needs completing well before commitments to activity in order to consider priorities, the lowest hanging fruit and consequently a return on investment of time and money.

The plan and commitments need to be in place on a monthly basis covering direct marketing, social media activity, networking and cross department referrals.

Along with the on boarding disciplines and desires an inevitable ROI is available.

“

For too long many firms have prided themselves on when the firm was founded and/or the skills of the leading lawyers

Social conscience and community awareness

Clients and staff seek this increasingly and it is not just for local charities and care – firms need to demonstrate their social awareness by making contributions locally and nationally

It will be so relevant to businesses including law firms in terms of attracting and retaining clients, ensuring an important image for the business which doesn't only impact on clients but also on staff members who not only want good management and communication but also the firm having the right social conscience – it will not do clients or staff members any harm either if firms ensure that their suppliers are also meeting the criteria.

One live example is ESG – The “E” focuses on environmental considerations, such as a company's carbon footprint and resource use, the “S” pertains to social factors, including labour practices, diversity and inclusion, and community engagement. Finally, the “G” addresses governance issues such as board diversity, executive compensation, and transparency.

Another is the key advantages of B Corp certification in that it provides a third-party

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Manchester Professionals Netowrking Club Lunch with the Leader



15 FEBRUARY 2024



11:30 - 14:00



Manchester Hall, 36 Bridge
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£40.00 + VAT (£48.00)

includes a welcome drink and lunch

We are delighted to announce that the Leader of Manchester City Council, Councillor Bev Craig will be joining us for our next Manchester Professionals Networking Club lunch.

Bev will tell us about the latest developments and challenges in the city. She will share her vision and priorities for the future of Manchester, as well as the opportunities and risks that the city faces in the post-pandemic and post-Brexit era, the challenges and opportunities of climate change and sustainability for the city, and how the council is pursuing its ambitious goal of becoming carbon neutral by 2038.

Guests will have the opportunity to ask Bev any pressing questions during our Q&A.

A captivating speaker with a real passion for Manchester, this is one not to be missed.

[MORE INFO](#)





verification of a company's commitment to sustainable and ethical business practices.

These certifications go beyond just a marketing tool; it is a tangible demonstration of a company's dedication to being a force for good. In summary, embracing ESG principles and actively pursuing a B Corp certification are pivotal steps in the positive transformation of business practices. As sustainability takes centre stage in the evolving business landscape, incorporating ESG and B Corp principles isn't merely an option – it's a strategic imperative for ensuring the enduring success and resilience of organisations. Currently very few law firms have started to action this.

IT Infrastructure

There have been some terrible incidents in the reliability of available IT infrastructures with security break downs and failings of the infrastructure, possibly because of investment shortfalls, from a capacity and performance perspective. Systems now need to cope with in office working, working from home and mobile working

- Firms need to consider the availability options whether it be On-site, hosted or within the cloud. Coupled with this are essential SLAs reflecting performance and consequences and contracts that enable change with changing commercial circumstances

Security is essential and this has to be a combination of the strength of the technology and security along with staff education and training

The firm needs to be fully aware of the owners of the technology companies and their commitments. The last few years has seen significant ownership changes.

PMS/CMS

Obviously, everyone in the firm making effective use of existing PMS/CMS systems is essential this means education and commitment at all levels and all going out of their way to see the benefits and operational methodologies available. So, the right relationship with suppliers is essential from that perspective

Secondly and a priority issue is that the market place for suppliers has changed significantly with mergers and acquisitions and a heightened presence of venture capitalists and for many a change being forced in commercial relationship.

It is essential that there is interface with the new merged suppliers making sure that the future options for existing products is clear so that the right sort of planning can be put in place – including whether to go for added value third party essentials for performance.

These suppliers should also be making firms aware of future product developments and enhancements and timeframes. Including whether it is going to be cloud based or hosted or still on premise.

The management must get aware of options on their way and meet the suppliers at the right level to ascertain this. The current market state (confusion and exploitation) needs individual and collaborative action by firms including collaboration with other users of the products – not necessarily through the supplier organised user groups. There are a number of such groups in action at the moment. Also, regional Law Societies in some cases are prepared to step up a support their members

Continued on page 56

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Net Zero and Climate Action Seminar

**Clyde & Co LLP, 2 New Bailey
Square, Stanley Street, M3 5GS**



7 February 2024



This event is free to attend



16:00 - 17:00



Following our popular webinar on Getting the best environmental position in property transactions on 4th December we are delighted to announce Keith Davidson will be delivering an in person seminar on Net Zero and Climate Action on 7th February.

The event will cover:

- Why Net Zero matters
- Climate change science and legislation
- The rise of mandatory Climate and ESG reporting obligations
- Law society guidance on climate change
- Climate action by lawyers

[Click here for more information and to book your FREE place](#)





With the changes commercially and from a technology point of view there are new suppliers entering the market. Due diligence essential

Regulation and Compliance

Another major issue that is affecting a firm's reputation (SRA action), its profitability and cash flow and its ability to get sensibly priced Professional Indemnity Insurance.

Firms need to fully study and ensure that procedures are in place to make things happen. A major challenge at the moment is AML where everyone has to get a check but on receipt it needs to be fully understood and signed off as appropriate. This needs to be covered in CMS workflow

Another example is failure to automatically register property sales and purchases with the Land Registry

Early reviews with Pii Brokers and Insurers are strongly recommended.

Resourcing

The above list is a massive challenge for law firms and it cannot be ignored. Irrespective of the size of the firm and the level of resources all of the challenges still apply. Firms need to have a dynamic approach to ensuring the right and best resourcing levels.

The term Outsourcing has to be considered by all

- With the unpredictability of the volumes of work that may be around in six months' time setting a permanent budgeted staff level is very difficult and this applies to qualified lawyers and legal support staff just as much.

- Recruitment is proving difficult for many because of changes in working practices by many lawyers, plus the cost of the activity and the role without guaranteed returns – so outsourced, part-time lawyers need to be an option. There is also an increasing growth in outsourced businesses offering to complete all or part of the process
- There is a big growth in support services such as outsourced cashiering/ accounting as well as document production and transcription (24x7) – both potentially saving money but also enhancing the delivery capabilities and timing. Mainly integrated with the PMS/ CMS systems.
- Even accountancy practices are beginning to offer part time added value support – finance directors, cash flow management, M & A advice, development of reporting packages.
- Similar external resources are also growing to aid IT decision making and security, business development, client support and client development.

Bill Kirby is a director of www.professionalchoiceconsultancy.com [↗](#) offering advice to firms on business issue from strategy, planning, business development, the effective use of IT applications and IT hosting for compliance, business continuity and DR. He can be contacted at billkirby@professionalchoiceconsultancy.com [↗](#) and [LinkedIn](#) [↗](#)

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58 Legal Ombudsman Update



By **Jason Chapman**, Ombudsman, LeO

Our approach to dealing with matters arising from the administration of an estate

When we changed our Scheme Rules in April, one change that we made was to make it clear that we accept complaints from executors and beneficiaries of an estate. In this month's blog, I want to set out our approach to dealing with these complaints, as it is relevant both to service providers dealing with estate administration, and conveying the sale of an estate property.

As a complaint is brought to us on behalf of the estate, when considering a suitable remedy, our first step is always to consider what remedy is due to the estate. Only after that do we consider whether an executor or a beneficiary of the estate is due any remedy.

Financial loss remedies

An example of financial loss is a delay in the service provider paying Stamp Duty owing on the sale of an estate property, leading to a late payment penalty from HMRC.

If we upheld the complaint, we would determine that the estate had suffered a financial loss here. And it is easy for us to work out what the remedy should be to put the estate back into the position it should be: we just need to know how much the penalty and interest was. The remedy would be the same both if the complainant was an executor of the estate or a beneficiary.

Costs based remedies

In general, if we find unnecessary charges have been made by a service provider, if

they provided poor costs information, or charged excessively, we can direct a costs-based remedy. These include a reduction by a certain amount, reduction to a certain point or a reduction of a certain percentage. We may also direct a costs-based remedy if the service provider's service devalued the service as a whole.

But does it differ in circumstances in which the complainant isn't an executor of the estate, but a residuary beneficiary? The Law Society Guidance titled '[How much detail must I give beneficiaries of an estate about costs?](#)' [↗](#) states "It's good practice for solicitors to provide residuary beneficiaries with relevant client care information at the outset, together with costs estimates and any later revisions. If unexpected expenses arise, the best possible information about them should be provided at the earliest opportunity."

This means if the complainant was a residuary beneficiary rather than an executor, we would still find unreasonable service – as the firm had a responsibility to provide them with costs estimates and updates – and would likely direct the same remedy mentioned above.

But what would we do if the complainant was a legatee, receiving a specific legacy under the will, rather than being a residuary beneficiary? Can they even raise a complaint about costs?



Yes, they can – they are able to raise a complaint on behalf of the estate as beneficiaries of the estate. Our Scheme Rules make no distinction between residuary beneficiaries and other types of beneficiaries such as specific legatees. For someone to bring a complaint to us on behalf of an estate about a service the estate received, they simply need to be an executor or a beneficiary of the estate.

How would we approach a remedy in this situation?

Although the legatees are able to complain about a service provider's costs, it is important to note that they are not going to benefit from a remedy awarded to the estate, as their legacy will remain the same. In these circumstances, we would speak to the complainant and ask them to check whether the residuary beneficiaries, but not other beneficiaries, have been given details of the cost of the administration.

Non-financial remedies

We can also direct that a service provider does something that should already have been done, or which needs to be done to correct a mistake.

This includes remedies such as directing a service provider to send the estate accounts to the complainants within a specified time or complete work relating to the estate, to give the beneficiaries some comfort and confidence that the administration will be finalised soon. If the service provider fails to do the work, the remedy will be enforceable to compel them to complete it.

Compensation for non-financial loss

We all know that service failures can cause a complainant distress and inconvenience – and in cases involving an estate, this is likely to come on top of the personal distress of losing a loved one. A payment as compensation of non-financial loss is a tangible recognition of the impact of unreasonable service.

It is important to note is that the estate itself cannot suffer from any of these things, but an executor or a beneficiary of an estate can.

I have explained when the remedy should go to the estate, but there are occasions where an executor or a beneficiary has suffered preventable upset. And in these situations we can direct an impact payment to them directly as an individual under our Scheme Rules.

For example, if the complainant was a beneficiary of the estate, and complained that the service provider acting as executor had delayed matters, as a beneficiary of the estate they may have suffered detriment and an impact payment may be due to them. We use the same approach as we would in any other case when deciding what a fair amount should be.

As ever, we are happy to provide further advice in relation to this or any other matter, please contact us at Technical.Advice@legalombudsman.org.uk [↗](#). You can also find all our learning resources online at [legalombudsman.org.uk/information-centre/learning-resources](https://www.legalombudsman.org.uk/information-centre/learning-resources) [↗](#)

Legal Costs Update



By **Nick McDonnell** (pictured on the left) and **Colin Campbell** (right)

Here, in **Kain Knight Costs Lawyers'** regular monthly legal costs update, we focus on those cases which we believe are likely to have a practical relevance for its members. We welcome feedback and if there is an area, topic or case you would like us to address, please let us know.

The talk of the town this month is the decision of the Court of Appeal in **Churchill v Merthyr Tydfil CBC** [2023] EWCA Civ 1416. Although the judgment may initially only affect costs disputes indirectly, its implications for the greater use of Alternative Dispute Resolution are wide. The court held that proceedings can be lawfully stayed, or an order made for parties to engage in a non-court-based dispute resolution process, provided that the claimant's right to proceed to a judicial hearing is not impaired and is proportionate to achieving the legitimate aim of settling the dispute fairly, quickly and at reasonable cost. It follows that in detailed assessment proceedings, it will be within the discretion of the costs judge to direct that the parties engage in ADR such as mediation or early neutral evaluation, before either side can have their day in court.

Next in a long running dispute about costs, in **Boodia v Richard Slade & Co** [2023] 2963 (KB), Freedman J considered whether a clear contractual term in the retainer between a solicitor and client reserving the right deliver an interim statutory bill, needed to spell out the legal consequences. He held that it did not. The bills could be final statutory bills without the need for "informed consent", and the Court ought

to give effect to the contractually agreed retainer and to the entitlement of the solicitors to have negotiated such terms.

For an important case emphasising the difficulty in obtaining relief from sanctions, see **Tan v Idlibi** [2023] EWHC 2840 (KB). Ritchie J dismissed the Claimant's application on appeal for relief from sanctions in relation to a late delivered costs budget which had left the effects of CPR r.3.14 in place, thereby preventing the recovery of future costs of £18,500. The budget had needed to be served by 1st December 2022 (a Thursday). The attempt at service on the following Monday, had used the wrong method of service, namely email. Ritchie J held that the court below had followed the sanctions set out clearly in the Rules for failing to serve a costs budget on time. Accordingly, he dismissed the appeal.

Next the Guideline Hourly Expense Rates (GHR). The Master of the Rolls has announced that following his acceptance of the Civil Justice Council recommendations last May, these will be raised from 1st January 2024 in accordance with the Services Producer Price Index. In practice, that means a rise of about 6% across the board.

Still with hourly rates, in **HLIP Oriental** [2023] EWHC 3151 (Ch), the court rejected an argument when deciding the issue on the papers, that “home working” should have a bearing on the figure to allow. GHR were awarded, whilst in **H v GH** [2023] EWFC 235, the court considered whether the guideline rates apply in family proceedings. He held that whilst, strictly, the rates might not apply, there were good reasons for using them.

Next costs budgets. In **Hope Capital Ltd & Anor v Alexander Reece Thomson LLP** [2023] EWHC 3157 (KB) [↗](#), Constable J rejected an ingenious argument that the successful defendant’s standard costs after winning the case, and having beaten its own Part 36 offer, should be assessed disregarding the firm’s costs budget, as would be the case had indemnity basis costs been awarded. In the judge’s view, that would be a “back door” to seeking an indemnity basis order, and only the costs judge could decide whether there should be a departure from the last approved or agreed budget under CPR 3.18.

Finally, a reminder that solicitors who claim more costs from an opponent than the figure which their client has agreed to pay them, do so at their own peril. Under the

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A reminder that solicitors who claim more costs from an opponent than the figure which their client has agreed to pay them, do so at their own peril...

indemnity principle, as solicitors should know, the losing paying opponent’s liability is capped at the figure which the receiving winner is liable to pay his own solicitors. In **Commissioner of Police of the Metropolis v Malik** [2023] EWHC 3213 (Admin), the solicitors appeared not to know this, in having claimed £32,161.92 in their costs schedule, although they had made an express agreement to limit their charges to less than 25% of that sum. Fortunately the Court of Appeal took a lenient view when making no order as to costs on the Commissioner’s appeal, having accepted the solicitors “unreserved apology” and deciding that no further action was needed, since “... all concerned now understand the indemnity principle and its implications”.

As always, these are a selection of the principal recent cases which are likely to be of use to practitioners and if any further information is required, please contact either Nick McDonnell or Colin Campbell at Nick.McDonnell@kain-knight.co.uk [↗](#) or Colin.Campbell@kain-knight.co.uk [↗](#)



Enhancing Productivity and Reducing Inflation through Employee Share Schemes

David Craddock is a recognised authority in the UK and worldwide on employee share schemes and cash profit-sharing schemes and is the author of *Tolley's Guide to Employee Share Schemes*. In this article, David offers a prescription for UK companies and the British Government on how to address the challenge to improve the nation's industrial productivity through the application of employee share ownership economics.

The National Productivity Challenge

The current media focus in the UK is on combating inflation and understanding the trade-off between, on the one hand, reducing inflation by subduing economic activity and, on the other hand, generating prosperity through introducing measures that improve economic growth. This preoccupation in the debate, important as it is to the economic matrix, has the propensity to act as a distracting force from addressing the underlying challenge within the British economy, which is that, compared with the performance of other leading industrial nations, the British economy has a relatively low level of industrial productivity.

Studies show that American companies are over 20% more productive than UK companies and even compared with the UK's European economic peers: France is around 20% higher than the UK in productivity while Germany is at least 10% higher than the UK. The decisions of the UK banks during the 2008 financial crisis to curtail lending has contributed significantly to this poor UK performance, resulting in lower investment in UK businesses, a factor that since 2008 has never been properly corrected. From 2009 to 2019, output per hour in the UK rose by 0.7% per annum, the second slowest rate in the G7, compared with an output per hour of 1.9% per annum in the period from 1997 to 2007 which represented the second fastest rate in the G7.

Post-2019, the problem has been compounded by the effects of added regulation for trade with Europe arising from Brexit, and the Covid-19 pandemic which has restricted supply on key raw materials and reduced the UK workforce, primarily through voluntary withdrawal of employees seeking a change in lifestyle. Although the UK unemployment rate in October 2022 at 3.5% was the lowest for 50 years, UK businesses face a serious recruitment problem with people leaving the workforce (the precise number is difficult to quantify as some take up self-employed or gig-working), a factor that has resulted in the number of job vacancies exceeding the number of job applicants. Although the UK unemployment rate may indicate



of that position. However, the tragedy of employee relations lies in not recognising that the best approach to strengthening the levels of employee reward both for the betterment of the company and for the appeal to the inner self-enlightened instincts of the human spirit is to link employee reward to rises in productivity.

The genius of the employee share scheme and profit-sharing scheme models for reward is that the share rewards and profit-sharing follow the achievement of the developed value, which is a direct consequence of higher levels of productivity. In other words, the employee reward through shares and profit-sharing follows the achievement rather than the other way round – the analogy being the payment of an invoice only once the work targets have been accomplished.

The introduction of “the emotional motivation” is inextricably bound up with the discovery of personal

identity in the opportunity for creativity and forming relationships. The foremost sister policy to employee share ownership and profit-sharing is training and development. Make no mistake that education is transformational and “close to magic” in its capacity to improve and change lives and reset a life’s course for achievement and fulfilment. When a company offers this, it is helping its employees to find their identity, and when an individual identifies with the company their productivity soars. Witness the results of the Cass Business survey conducted by Lampel et al during 2009 and 2010 in relation to employee shareholding companies. Furthermore, the study conducted by Michie and Oughton in 2003 determined that employee share ownership enables the company to develop “a culture of teamwork and a cooperative company spirit”. The conclusion of this study is that the employee shareholding approach

in a culture of meaningful sister policies encourages collective effort in enhancing the productivity and overall corporate performance.

The creative contribution to productivity is evidenced in the study conducted by Burns in 2006 in which 44% of respondents believed that employee share ownership leads to greater commitment to company success and that innovation happens more effectively and spontaneously. The study conducted by Lampel et al in 2010 identified the ability of employee shareholder companies to recruit and retain talented employees and benefit from their innovation; and the study conducted by Lampel et al in 2012 determined that employee shareholder companies tend to give longer-term focus to their business development through encouraging “pioneering innovations” and “innovative ideas from staff”.



As well as bringing productive individuals into the workforce, once they are employed, the objective must be to keep them in good health with a sense of well-being and reduced absenteeism. The study conducted by Davies in 2011, citing research undertaken by The Napier University Research School, determined that more employees in employee shareholding companies are satisfied in their jobs than employees working in non-employee shareholding companies. The view proffered by Davies in the study is that the sense of employee health and well-being follows from enhanced engagement with company management and involvement in long-term collaborative goals.

On the reduction of absenteeism, the study conducted by Peel and Wilson in 1991 that evaluated data collected from manufacturing employment in the UK concluded the following: (1) companies that operated profit-sharing schemes reduced the average rate of absenteeism by about 8%, (2) rates of absenteeism in companies that operated share option schemes were about 13% lower on average, (3) companies that operated profit-sharing schemes reduced leavers by 1% to 2%, and (4) companies that operated share option schemes reduced leavers by between 2% and 2.5%.

The Productivity Policies that Work with the Market

Indeed, the empirical evidence is in place to support the status of employee share schemes and profit-sharing schemes to facilitate enhanced employee productivity and, therefore, improved company profitability. Furthermore, both employee share schemes and

As well as bringing productive individuals into the workforce, once they are employed, the objective must be to keep them in good health with a sense of well-being and reduced absenteeism

profit-sharing schemes represent market solutions in a form that both rewards employees, based on company market performance, and unites all involved in the development of the company – shareholders, managers, and employees – around the totem of the developing share value. In the 1980s and early 1990s, during my time working with Wedgwood, the famous pottery company, I was able to secure the support of the trade unions by persuading them of the merits of being associated with the internal marketing of the schemes to the workforce. That association diffused any reflex reaction of a class-based opposition to regard employee

share schemes and profit-sharing schemes as only favouring one part of society. In other words, these schemes are truly designed to benefit existing shareholders and new employee shareholders alike.

The empirical evidence indicates that by fostering good and improved industrial relations, productivity improves, employees enter into a deeper understanding of how businesses work through their employee share scheme involvement and, most importantly, they reap personal rewards – “The Wages of Capital” – through dividend payments and capital gains, the cash from which contributes to enabling payment for goods and services at prices that are commensurate with their productivity and pay outcomes.

Margaret Thatcher once stated that “you cannot buck the market”. Based on that premise, and on the assumption that working with the market is the natural and most productive way to organise business economics, the recoupling of employee reward policy with productivity represents a dovetailing of employee relations



with the wider market system in which the company is competing for trade and continually refining its products and services together with its advertising and marketing to win contracts. The market approach to the formulation of employee reward policy is to determine fair pay in line with the market and then to enable employees to benefit from share awards and profit-sharing in line with the company's market performance.

To emphasise the point, let us look as an example at the effects of a policy that does not work with the market, namely the failed prices and incomes policies of the Labour Governments of the 1960s and 1970s. Price controls by suppressing price rises increase demand but, at the same time, reduce supply, ultimately leading to more inflation when they are removed and also creating black markets. In contrast, working with the market rather than against it allows the free-flowing of ideas and energy from the whole of the workforce, as well as the free-flowing of goods and services to the market. The secret for the British Government and UK companies is not to impede the market flow through self-imposed obstacles that have damaging consequences. Focusing on the company productivity issue, the obstacle to avoid is

Inflation is the most aggressive symptom of the deeper underlying malaise of deficiencies in productivity

the decoupling of employee reward from productivity both at the micro-economic level in the decisions of individual companies and at the macro-economic level as governments should seek to develop policies that support incentives that are designed to enhance productivity.

In conclusion, inflation is the most aggressive symptom of the deeper underlying malaise of deficiencies in productivity. The credible and meaningful approach to recovery that is consistent with

how both the market economy and the human spirit work is to combine the following: (1) to lower taxes over a responsible time-period and in a way that for the British Government's financial planning does not compromise a balanced budget, with the effect of increasing private investment and releasing the growth potential in the economy, and (2) to deliver employee reward but only in line with productivity, i.e., share rewards, profit-sharing and pay rises only **after** productivity has been achieved and not before. The summary of the underlying economic thesis is this: (1) once paid, **employee reward** creates the **demand** in the economy while (2) the **productivity** creates the **supply**, and that, properly executed, the matching occurs in a seamless, non-inflationary form.

David Craddock, the Founder and CEO of David Craddock Consultancy Services and David Craddock International, has been advising on employee share schemes and cash profit-sharing arrangements for over 35 years. He advises on every aspect of the implementation process, working personally with every client at each stage, and offering solutions and expertise on all the technical questions that require clarification during the entire consultation. David is also a member of the Steering Committee of The ESOP Centre, the Educational Director and Fellow of The ESOP Institute, and the Technical Secretary and Senior Adviser to the LEADS Valuation Team that meets with HMRC to address the interaction between employee share schemes and share valuation.



David Craddock welcomes an opportunity to discuss your Employee Share Schemes Initiative with you. Please feel free to contact David at:

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Pet of the month

Name: Jonathan Cox

Firm: Anthony Collins

Pet Name: Gruffalo

Pet Nickname: Gruffles

What kind of pet do you have?
Ragamuffin Cat

Is your pet Male/Female: Male

How old is your pet: 7

Favourite Toy: Red ball

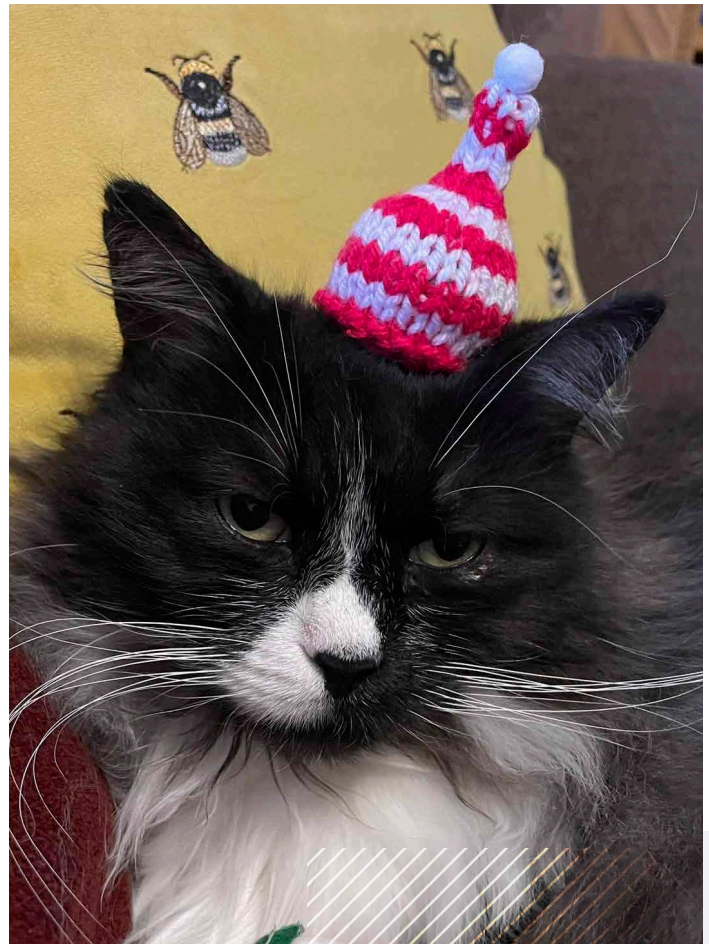
Favourite Activity: Playing chase the red ball down the stairs

Favourite Treat: Chewy Sticks

What would your pet say, if they could speak, to the following -



My perfect day would be... basking in the sunshine, preferably on a newspaper whilst it is being read, on the garden table, followed by an evening watching Strictly!

My favourite thing my parents do... play fetch the ball with me



Is your pet the perfect poser? Whether you have a cute cat, delightful dog, fabulous fish, gorgeous guinea pig, happy horse, brilliant bird, smart spider, luscious lizard – you get the picture – whatever animal you own we want to see and hear about them!

Each month we'll pick a couple of 'Pets of the Month' for the next edition so keep a look out to see if your pet has made it, modelling in *The Messenger* magazine!

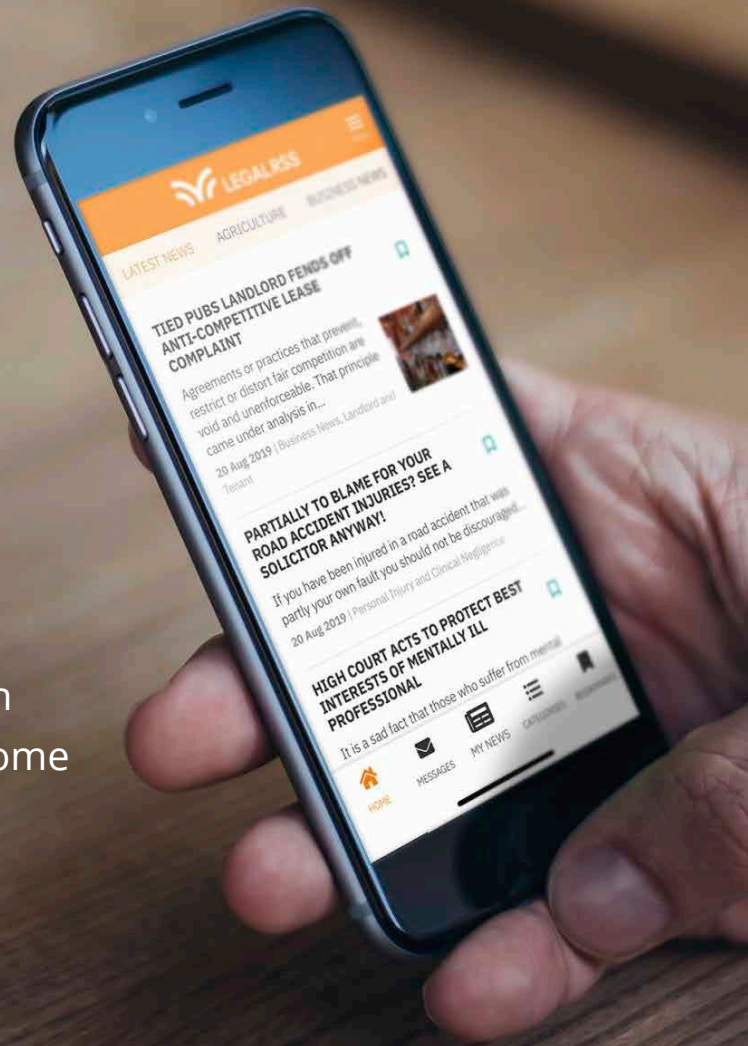
You can download a copy of the questions [here](#)  then send your answers and photo to Messenger@manchesterlawsociety.org.uk 

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