

Leeds & Yorkshire Lawyer

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Leeds
Law Society

June 2020

Issue 164



Life after lockdown

The legal profession reacts to an unprecedented crisis and looks ahead at what's to come

Focus

The impact of the pandemic on the court system, plus working from home and conveyancing

News

Leeds Law Society welcomes its new president, and all the latest from Yorkshire

Society

All events are going virtual this year, including Diversity and Inclusion Week in September

Last Word

Jeremy Brooke on lockdown life, the future of the court system and Sheffield's steel

Comment

Patrick Walker emerges from lockdown with a fresh fish and a new appreciation of friendship



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Nicholas Emmerson
is a partner at
Gateley Legal and
president of Leeds
Law Society

Here to help you

In 2018, I flew on the inaugural direct flight from Heathrow to Wuhan as part of a UK trade delegation. The largest city in Central China had all the usual accoutrements of modern Chinese urbanisation: an enormous new airport, brand new highways and towering skyscrapers. These sat alongside the shabby backstreets that will not be there in five years' time and the faded magnificence of banks, mansions and country clubs built by Western companies that profited there throughout the 19th and early 20th centuries before war and Mao saw them off.

The direct flight was the first to be stopped when Covid-19 hit Wuhan. I never expected the virus would find its way to us in Leeds from such a faraway place, but it did. The impact on our profession and everyday life has left us all wondering what is next.

As a member of the board of the national Law Society and as the Law Society Council member representing Leeds, I have been heavily involved in formulating the support and advice that our national representative body has put together. Great work has been produced but the future is uncertain.

Some law firms are predicting radical change and that we may never regularly work from an office again. I am reminded of Lord Palmerston's famous quote: "Change, change, change: aren't things bad enough already?"

In the short term, Leeds Law Society had no choice but to do things differently. Our office is physically closed but remains virtually open and the board is meeting via Zoom. While this was initially a challenge and is under constant review, our attention has turned to how we can best serve our members in the medium and long term.

Leeds Law Society traditionally supports the various constituencies that make up our profession: BAME, Women in Law and LGBTQ to name three. The society also promotes Leeds as a centre of legal excellence. However, we now have new post-Covid-19 constituencies to support:

those struggling with the physical and mental challenges of working from home or in a socially distanced office, job insecurity and contemplating life after the law, to name three.

Leeds Law Society is dedicated to serving its members; both firms and individuals. It distinguishes itself from the national Law Society as it, more than ever before, is the main conduit for bringing together the profession locally in Leeds. This is so important when many offices are empty and Leeds-based solicitors are scattered around and beyond Leeds working in isolation at home.

All of our events in 2020 will be on a virtual platform with the ability to add a physical platform as and when it is safe to do so. Our Diversity and Inclusion Week will virtually go ahead as planned in September. We will be giving our website a facelift.

Our board is generating some fantastic ideas for future virtual events and welcomes any ideas that you may have. Remember, this is your society.

We have decided that any member (whether under the umbrella of a corporate membership or not) who is made redundant can remain a member of the society for free for a year. We are here to help you.

I am proud of how the staff and volunteers that run Leeds Law Society have responded to the coronavirus challenges and how they are dedicated to seeing the society not just survive but thrive in these extraordinary times and beyond. I am often asked why I "waste my time" with Leeds Law Society. I do so because Leeds Law Society is the only organisation entirely dedicated to promoting a strong and vibrant legal community in Leeds. It supports our Leeds firms and individual solicitors and puts Leeds forward as the genuine alternative to a career in London. That benefits us all. Please join us.

We will meet again (hopefully at the Annual Dinner in 2021!). Stay safe.

Nicholas Emmerson becomes president of Leeds Law Society

Gateley Legal corporate partner Nicholas Emmerson has begun his year-long term as the new president of Leeds Law Society.

Emmerson, who has practiced in Leeds, Hong Kong, Shanghai and London, takes over from Ridley & Hall managing director Emma Pearmaine at a time when Leeds Law Society is operating virtually.

The society is conducting its board meetings via Zoom and its full-time staff are active and working from home.

Emmerson said that all of the society's 2020 events will be held on a virtual platform, with the ability to add a

physical event as and when it is safe to do so. Its Diversity and Inclusion Week will go ahead virtually as planned in September. The society's website will also be upgraded.

Leeds Law Society has decided that any member—whether under the umbrella of a corporate membership or not—who has been made redundant during the coronavirus (Covid-19) pandemic can remain a member of the society for free for a year.

Contact the Leeds Law Society team via info@leedslawsociety.org.uk if you have any questions about your membership or upcoming events.

Anexo postpones Leeds plans for Bond Turner

Listed credit hire and legal services provider Anexo Group, owner of claimant law firm Bond Turner, has postponed plans to open a new office in Leeds.

Anexo took the decision in response to the ongoing coronavirus (Covid-19) pandemic.

The group announced in January that Bond Turner would get a Leeds base, with senior staff initially relocating from its Bolton office before a recruitment drive was launched to bolster the law firm's capabilities in Yorkshire.

But the pandemic has forced Anexo to shelve those plans, at least temporarily. No lease commitments have been made in Leeds.

Anexo is also deferring due dividend payments and certain performance-related cash bonuses for senior executive directors until later in the year.

Bond Turner has moved most of its staff to remote

working and continues to be fully operational, with the progression and settlement of cases aided by moves from the Ministry of Justice to allow the remote operation of courts through online and telephone hearings.

The law firm is currently representing a number of individuals who have registered their intention to pursue a claim against Volkswagen over the emissions scandal that rocked the car manufacturer in 2015.

The High Court of Justice ruled on 6 April that Volkswagen "subverted" key air pollution tests by using special software to reduce emissions of nitrous oxides under test conditions, according to Anexo. The ruling applies to vehicles containing EA189 engines.

Bond Turner is representing approximately 8,000 claimants in the class action against Volkswagen and expects this number to grow.

Metamorph moves into Yorkshire with acquisition of Beaumont Legal from US tech firm LegalZoom

Expanding legal services group Metamorph has moved into Yorkshire with the acquisition of Wakefield's Beaumont Legal from LegalZoom.

Beaumont Legal, set up and trading as an alternative business structure, provides residential conveyancing and mortgage services, and does some wills and probate work.

Metamorph acquired Beaumont Legal for an undisclosed sum from US-based tech firm LegalZoom, which bought the conveyancing specialist in 2015 ahead of a planned UK launch. The acquisition strengthens Metamorph's national coverage and takes the group's underlying revenue to in excess of £30m per annum. Beaumont Legal's 129 members of staff will boost the total number of staff in the group to more than 550.

The Metamorph group now consists of eight law firms across England, with BPL Solicitors already providing conveyancing services nationwide and SLC Solicitors providing debt collection and legal services to the property market. Multi-practice law firms Linder Myers in the northwest, Terry Jones in the Midlands, and Verisona Law, Donnelly & Elliott and Parrott & Coales in the south, offer regional focuses.

Commenting on the acquisition of Beaumont Legal,

Metamorph Group executive chairman Tony Stockdale said: "The acquisition of Beaumont Legal adds further depth and quality to our client service offering. Such a long established firm with over 200 years of history compliments our current portfolio of brands and geographical coverage perfectly."

"The deal is another exciting step forward in our objective to become one of the leading law firms in England focused on private client and SME work."

Metamorph's last acquisition was of Parrott & Coales in September. That addition expanded Metamorph's geographical reach to the Home Counties and bolstered its expertise in both residential and commercial property work, wills and probate, family and notarial matters.

In February this year, Metamorph also acquired Hampshire legal practice Verisona Law, which has offices in Portsmouth, Waterlooville and Gosport, with the latter trading as Donnelly & Elliott.

That acquisition strengthened and enhanced Metamorph's existing south coast offering by bringing additional expertise in commercial matters, a strong commercial property practice bolstered by Verisona Law's recent acquisition of Donnelly & Elliott, and well-regarded, community-focused teams in several key practice areas.

Morrish Solicitors secures protective award for employees of Brass Agency



Leeds-based Morrish Solicitors has secured a protective award for the employees of now-closed PR and marketing firm Brass Agency.

Employees contacted Morrish on 8 December 2019 after the PR and marketing firm went into administration and more than 50 members of staff were left without a job.

When employees have been made redundant without appropriate information or consultation, and there are 20 or more employees based at one establishment, they can make a claim to an employment tribunal for a protective award.

If this succeeds, an employment tribunal can make an award of up to 90 days' pay per affected employee. If the employer is insolvent, up to eight weeks of this can be claimed from the government's Redundancy Payments Service, currently capped at £538.00 per week and subject to deductions.

With just a few weeks left before Christmas, Brass employees were told they'd lost their jobs when the administrators arrived at their workplace.

An employer with 20 or more employees has a responsibility to inform and consult when it is proposing to make redundancies. After looking at the administrator's report, Morrish could see that this had not happened and the company had in fact been struggling for some time.

Morrish's protective award claim was accepted by the employment tribunal and a judgment was made in the employees' favour, making a protective award of 90 days' pay for each claimant.

The administrators decided not to defend the legal claim, effectively admitting liability, as it was clear that the employees had been given no information or consultation and were unaware of Brass Agency's financial difficulties.

David Sorensen, employment partner at Morrish, commented: "I'm delighted that we managed to achieve a quick victory for our clients and compensation was received by the affected employees within four months of us beginning to represent them."

Blacks Solicitors celebrates success of corporate and commercial team



Leeds-based Blacks Solicitors is marking a record year for its corporate and commercial team with a 27% increase in turnover year on year and a fourth year of consecutive growth.

The 15-strong corporate and commercial team successfully completed 70 deals from January 2019 to 2020 in a range of sectors, including live events, entertainment, leisure and hospitality, food and drink, healthcare, holiday and home parks, and technology.

A key factor in the team's growth has been the recruitment and retention of talent. A partner, senior associate and two solicitors were recruited, including Saby Sambhi, who has been reappointed as a senior associate after leaving Blacks in 2019 to join a national firm. Sambhi will strengthen the team's expertise in acting for private equity houses.

The Blacks corporate and commercial team has also seen

two promotions of an associate to partner and a trainee solicitor becoming newly qualified.

The team's expansion and reputation attracted 130 new clients, while the team's emphasis on exceptional service allowed it to continue nurturing relationships with existing clients.

In total, the team supported and advised more than 300 clients, including Production Park, Harrogate Spring Water, Fazenda, Roxy Leisure, Brightbridge Solutions, Technology Group, Vida Healthcare and Catalyst IT Solutions.

Dave Paterson, partner in the corporate and commercial team at Blacks, is extremely proud of the growth and success that the team has experienced over the past year.

He commented: "The past year has seen us complete a significant number of deals and deliver exceptional advice to our clients, and the team has been fantastic in making sure we continue to fulfil our promise of outstanding service."

"We've seen transactional work slow as a result of the coronavirus, which is a reflection of the merger and acquisition market generally. We are seeing an increase in advisory work as clients adjust to the effects of the government's coronavirus policies on their businesses, and we're supporting business owners who are bringing forward longer term strategic projects and decisions. We are continuing to support clients through this difficult period and ensure they have all the legal support and expertise they need."

"Our growth and new client wins have significantly contributed to our successful recruitment policy and in turn strengthened our ability to attract new clients and win work. We are expecting to be very busy assisting and advising businesses on opportunities in the post-coronavirus economy."

Schofield Sweeney oversees multimillion pound refinance of wedding venue



Schofield Sweeney recently acted for the owner and Barclays Bank on a multimillion pound refinance of Wharfedale Grange.

The luxury venue, whose funding was provided by Barclays Bank, operates as a high-end wedding and function space—complete with a detached grade two listed 18th century farmhouse, a wedding barn and a range of outbuildings.

Known for its prominent location between Leeds and Harrogate, the venue has a unique proposition with a substantial ceremony space and banqueting hall. The development remains sympathetic to the original buildings yet is represented in a contemporary style.

Working through a period of national uncertainty, the transaction was completed within six weeks from instruction and involved detailed due diligence. The development also

marks significant financial growth and strengthens future plans in the sector.

Manjit Virdee, partner at Schofield Sweeney, said: “We are extremely pleased to have helped Claire [Thomas, director of Wharfedale Grange Limited] in the next phase of her incredible project which despite what is going on in the world, continues to thrive and bookings continue to be made. I am extremely pleased the team at Schofield Sweeney were able to turn this around in the time scale provided by the client.”

Thomas said: “I’m absolutely delighted to announce that Wharfedale Grange has entered into an arrangement with Barclays and thankful that we can continue to build our business with their confidence and backing. In these uncertain times it’s truly a testament to the incredible proposition that we have created in such a beautiful part of the world. A huge thank you to Manjit and his team at Schofield Sweeney for seeing this through so speedily.”

Nicola MacGregor of Barclays Bank added: “It has been a pleasure to work with Claire and watch the transformation of Wharfedale Grange into a truly stunning venue. Claire and her team have worked incredibly hard to develop the proposition and I’m delighted that we have been able to build the relationship over the past few years and provide financial support. It has also been great working with Manjit, as he has turned things around incredibly quickly, in what has become a challenging time for everyone.”

Hudgell and Frenkel Topping to offer ‘life after settlement’ independent financial advice



Hudgell Solicitors has joined forces with Frenkel Topping to offer independent financial advice to recipients of significant monetary settlements.

Frenkel Topping, a specialist financial advisory firm to recipients of clinical negligence and personal injury awards, will provide a free, no obligation ‘life after settlement’ consultation through the newly created Hudgells Financial Management Services arm.

As a part of the consultation, clients with awards of £50,000 or more will receive help with financial planning, budgeting and cash flow modelling.

The possible impact on any future benefits payments for clients as a result of their damages award will also be reviewed, and the option of establishing a personal injury trust, which can protect such entitlements, can be discussed and considered.

Advice will also be provided on the management of trusts on behalf of children and those without mental capacity to manage their finances.

Amanda Stevens, chief executive of Hudgell Solicitors, which has offices in Leeds, Hull, Manchester and London, is delighted to be working closely with Frenkel Topping and providing a service that will help ensure money secured for clients does exactly as it is intended, supporting them for their loss, especially in cases of long-term, life-changing injury.

She said: “Our work is all about ensuring we secure appropriate compensation settlements which provide our clients, many of whom have lifelong and life-changing injuries, with the funds needed to support them, and their families, long term.”

Mark Holt, managing director of Frenkel Topping, added: “We are excited to be supporting Hudgell Solicitors in offering what is a key service to its clients.”

“We regard ourselves as ‘financial social workers’ as we are there to support people through what is a huge change in their financial position, at a difficult time in their lives.”

“It is important that clients of Hudgell Solicitors are given the best possible support not only after injury and throughout their legal case as damages awards are considered, calculated and agreed, but crucially after that payment is made.”

Moving on up

A round-up of the latest appointments and promotions in Leeds and Yorkshire



Sheffield-based **Wake Smith Solicitors** has boosted its family law department with the appointment of Deborah Marsh as an associate and collaborative lawyer.

Marsh specialises in all areas of family practice, including divorce/dissolution of civil partnerships, separation, finances, private children matters, cohabitee disputes, domestic abuse, and pre- and post-nuptial agreements, with a particular emphasis on complex and

high-net-worth cases.

She also qualified as a Resolution-accredited collaborative lawyer in 2011, offering an effective approach to dispute resolution by dealing with cases in a constructive and non-confrontational manner.

Marsh has previously worked across South and West Yorkshire as a family and matrimonial solicitor at firms in Leeds, Chesterfield, Barnsley and Sheffield.

Commenting on her move to Wake Smith, Marsh said: "The chance to come back to Sheffield and work within such a well-known company as Wake Smith was too good to miss. I join a strong team recognised as providing considered, professional and friendly advice."

"The current unprecedented time may have meant an unconventional start to my time at Wake Smith, but it is very much business as usual here through our online and digital systems and I am delighted to be joining such a highly regarded company."

Marsh's experience also covers financial cases involving complex company/business structures, pensions, trusts, investments, tax schemes and overseas assets.

Lindsey Canning, head of family law at Wake Smith, said: "I have known Deborah for a number of years and she is highly experienced, tenacious and professional. She makes a fantastic addition to our team."

Dispute resolution firm **Stewarts** has added two new solicitors to its divorce and family team in Leeds.

Ellie Hampson-Jones and Hannah McCrindle joined the now nine-strong team as associates to focus exclusively on acting in high value and complex matters for local, national and international high-net-worth individuals.

McCrindle trained in Dubai with Expatriate Law where she gained experience in dealing with cases involving international assets and complex jurisdictional issues. She has a particular interest in cases with a United Arab Emirates/ Sharia law dimension from her time working in Dubai.



Her recruitment follows hot on the heels of Ellie Hampson-Jones's arrival from Pennington Manches Cooper.

Hampson-Jones has a particular interest in cases with an Anglo-US dimension from her experience working for a prestigious family law firm in Los Angeles.

Adrian Clossick, head of divorce and family at Stewarts in Leeds, commented: "We are pleased to welcome Hannah and Ellie to the Leeds divorce and family team at Stewarts."

"We act exclusively for high-net-worth individuals and their spouses, and the recruitment of individuals of Hannah and Ellie's calibre shows not only the strong demand for our services, but also the attraction of Leeds to practitioners with international standing. We are excited to have them on board as we continue to grow the team."



Trainee patent attorney George McCanney and executive assistant Grace Holliday have joined intellectual property firm **Secerna**.

McCanney earned a degree in bioscience from the University of Liverpool before undertaking a PhD in neuroscience at the University of Glasgow.

His PhD project focused on the repair of the central nervous system, particularly working on drugs that may

be able to help MS sufferers. At Secerna, he will apply his expertise to help biotechnology companies protect their intellectual property.

A highly experienced and a fully trained legal secretary, Holliday worked in conveyancing for Leeds law firms before

spending two years living and working in Australia.

On moving into intellectual property law at Secerna, McCanney said: "Whilst I enjoyed my time in academia, I always felt that my future lay elsewhere once I had completed my PhD. Working in IP law appealed as no two cases are the same, you're constantly learning about new technology and facing different challenges."

Holliday said of her move to Secerna: "When I returned to the UK, I was looking for a new challenge in a new area of law. As soon as I sat down with Jason [Boakes] and Charlotte [Watkins], I knew that intellectual property law was where I wanted to be. There has been lots to learn and take in but working with a tremendous team has helped that process."

Secerna partner Charlotte Watkins said: "Despite challenging times, the firm is experiencing continued growth, and we are committed to providing clear development paths for talented young science and technology graduates who, like George, are looking for an alternative to a career in academia."

"We are very happy to welcome two new starters to the team of George and Grace's calibre. Both bring a wealth of knowledge to their roles and are already proving incredibly valuable to our work with clients across the UK and beyond."



Niche firm **Jones Myers** has promoted experienced family lawyer Elizabeth Bell to partner.

Joining Jones Myers as a solicitor in 2015, Bell's expertise spans 13 years with a strong track record in complicated, high-value cases involving company structures and trusts.

Representing clients across the UK and internationally, she is also experienced in advising on relationship matters such as cohabitation

agreements and disputes.

The promotion follows a series of new roles for the firm, which has offices in Leeds, Harrogate and York.

Jones Myers director Richard Peaker said: "Elizabeth's promotion is well deserved—she is highly respected and her reputation and expertise speak volumes."

"Our experienced family lawyers are receiving increased commissions from new and existing clients in Yorkshire, the UK and overseas as we continue to work at full strength throughout the Covid-19 crisis."

Bell, who is praised for her sensible and pragmatic approach to cases, said: "I'm proud and delighted to have been promoted to partner. I have thoroughly enjoyed being part of the Jones Myers team over the last few years and they are truly specialists in their field. I look forward to playing my part in the future success of the firm in my new role."

Yorkshire firm **Ramsdens Solicitors** has appointed wills, trusts and estate disputes specialist Nazia Nawaz as a partner in its contentious probate team.



Based in Huddersfield, Nawaz brings with her to Ramsdens a wealth of litigation and dispute resolution experience of more than 20 years.

She specialises in all types of inheritance disputes and contentious probate matters, as well as land and farming disputes, including will validity claims, removal of executors and trustees and financial abuse claims.

Nawaz has joined the Yorkshire firm after leading the wills, trusts and estate disputes team in the Manchester office of a national top 25 law firm.

She has also spent most of the past six years working at a highly reputable Northwest law firm where she developed its contentious probate offering.

Commenting on her move to Yorkshire, Nawaz: "I have always admired Ramsdens as one of the most reputable and leading law firms in Yorkshire and am honoured to be joining the firm. I look forward to being part of and contributing to Ramsdens's continued journey and success story."

Paul Joyce, managing partner at Ramsdens, added: "We are delighted to welcome Nazia to Ramsdens. She has a wealth of experience that will boost our contentious probate practice. We're always looking for opportunities to strengthen our offering and support to our clients, to ensure that we evolve with their needs."



Leeds-based **Legal Studio Solicitors** has added two experienced lawyers to its team.

Construction specialist Chris Hutchinson and experienced litigator Stacey Pocock have joined Legal Studio as consultant solicitors.

Hutchinson started out as a quantity surveyor at companies such as Morrison Construction and Tarmac before moving into law.

A solicitor since 2010, Hutchinson continues to specialise in construction, having worked at a number of national construction claim consultancies before moving to Hewlett

Group as group legal adviser. He has particular experience of statutory adjudication.

Commenting on his appointment as a consultant solicitor at Legal Studio, Hutchinson said: "Legal Studio has given me an exciting opportunity to work in a hierarchy free environment that provides me with a genuine autonomy over how I work and how best to service my clients' needs."

Pocock is an experienced litigator whose legal career began in 1999. She has worked for a national law firm, in-house with FTSE-listed companies and most recently with a niche commercial law firm.

She deals with a range of business disputes, including management and ownership, landlord and tenant (commercial and residential), debt recovery, contract, property and construction.

As well as County and High Court matters, Pocock has also dealt with arbitrations and matters in the Technology & Construction Court, first-tier and upper tribunals, and mediations.

Pocock commented: "I was drawn to Legal Studio by the transparent and flexible approach to legal practice which sits effortlessly alongside the high professional standards of the business. I am delighted to become part of this team and feel that this is an excellent step for me and my clients."

Welcoming Hutchinson and Pocock to Legal Studio, chief executive officer Ian McCann said: "Legal Studio exists to help lawyers enjoy their work, so it's a real pleasure to add two talented, experienced lawyers in Stacey and Chris who share our values. We're looking forward to helping them help their clients, whilst providing them with the freedom and flexibility that comes from being a consultant solicitor."

Leeds-based law firm **Bevan Brittan** has expanded its property team with the recruitment of Ashley Mallett, Tracey Lynam and Ben Tasker

Mallett joined Bevan Brittan as a property solicitor from Ison Harrison, while licenced conveyancer Lynam and solicitor apprentice Tasker arrived from Blacks Solicitors.

They have joined a property team at Bevan Brittan that advises a range of businesses and organisations around Yorkshire and nationwide on property acquisitions and disposals, landlord and tenant and estates management matters, planning and development, secured lending, litigation and disputes.

Lyndon Campbell, commercial property partner at Bevan Brittan in Leeds, said: "We are delighted to welcome Ashley, Tracey and Ben to our team. We have a busy pipeline of work that has not slowed down due to Covid-19."

"Indeed, in some areas we are busier than ever—particularly in advising clients on issues arising as a result Covid-19. Bringing our three new joiners on board is a welcome addition to the strength in depth of our offering."

Michael Boyd, office senior partner at Bevan Brittan in Leeds, added: "I am very pleased that we're in a position to continue to grow our team here in Leeds. This shows the level of confidence we have in the future, and in our ability to emerge strongly from the current environment. We are committed to investing in our teams and providing clients with the service and support they need."



Yorkshire-based **Hudgell** and **Langleys** have each appointed a new chief executive to lead the respective legal businesses.

Rachel Di Clemente has joined Hull- and Leeds-based Hudgell Solicitors from Minster Law, to take over as chief executive from Amanda Stevens and run the firm's core business activities.

Di Clemente, who has also taken on the role of compliance officer for legal practice, is charged with building on Hudgell's current reputation for excellent client care.

Chief executive since 2017, Stevens has moved to London to focus on developing Hudgell's position in the south, where she has recruited a team of respected lawyers over the past three years.

Under her leadership, Hudgell has successfully expanded into new specialist work areas including travel and abuse, and has been fast developing a reputation as one of the leading legal service providers for civil liberties and inquest representation.

Commenting on her appointment as the firm's new chief executive, Di Clemente said: "I'm honoured to have been given this opportunity to take on the role of chief executive at Hudgell Solicitors and lead its direction at such a pivotal time."

"To join a firm that shares my vision of how its legal services need to evolve to continue to be the best for its clients, and to have the opportunity to help translate that vision into a reality, is an absolute privilege."

"Hudgell has already taken some important steps to future proof its business, including diversification of services and the implementation of progressive workplace solutions. I believe that the days of 'bigger is better' have passed us by and there is an exciting future for unblinkered firms who are able to predict bespoke products that address what its clients really need creating new innovative ways to service them."

Langleys Solicitors, meanwhile, has appointed Des Mannion as its first chief executive officer.

Mannion will work alongside new managing partner Tim Cross, who took on the role at the beginning of March, with responsibility for the overall direction and management of the law firm, which has offices in York and Lincoln.

The new Langleys chief executive officer plans to continue the work carried out by the firm's leadership to build an

increasingly profitable and sustainable business with people at its heart.

Mannion, who was previously chief executive at Wilkin Chapman, "has a great reputation for leadership and has achieved brilliant things in his career to date," according to Cross.

He said: "We're pleased to have brought someone new into the fold, with a different skill set that can bolster the existing leadership team."

"Langleys is an ambitious firm with big aspirations and appointing Des is another step towards achieving those objectives."



Kennedys has hired partner Tom Armstrong to lead a new healthcare team based in the firm's Sheffield office.

Armstrong joined from Browne Jacobson to lead a team in Sheffield able to defend clinical negligence claims against GPs, NHS trusts and private healthcare providers. He will work closely with Kennedys's healthcare lawyers in Birmingham, Cambridge and London.

The move marks a return to Kennedys for Armstrong, who joined the firm in 2002 and was appointed a partner in 2007 before leaving for Browne Jacobson in 2014.

He has a strong reputation in clinical negligence defendant work and his appointment will significantly strengthen the UK healthcare practice at Kennedys.

The new Sheffield practice follows the growth of the Birmingham healthcare offering that opened in 2016 and has since grown to a team of 20 lawyers.

Christopher Malla, head of healthcare at Kennedys, said: "We are seeing demand from clients for a truly national offering managing healthcare claims. Tom has a leading reputation in the field and his appointment, coupled with the creation of a new healthcare team based in Sheffield, is an important strategic step in the growth of our national healthcare capability, bringing in expertise from our offices in Birmingham, Cambridge and London."

Armstrong added: "I spent the majority of my career at Kennedys, so I am looking forward to coming back to the firm and to working with colleagues who I already know well but also working with new colleagues, as the firm has expanded and grown a great deal over the last few years. The firm has an excellent reputation in the healthcare field and this is an exciting opportunity to set up and grow the Sheffield practice and the firm's national healthcare offering."

Kennedys opened its Sheffield office in 2010 with the appointment of a 60-strong team from Halliwell's. Armstrong's appointment takes that figure to 137, with Sheffield now home to nine partners and 102 fee earners.

Sheffield is also the base of managing partner Suzanne Liversidge, who was appointed to the role last year.

Partner Helen Snowball, who leads the Kennedys

Sheffield office, commented: "We are thrilled to welcome Tom to the Sheffield office and add healthcare capabilities to our office's other focus areas of insurance, commercial and real estate work."

"The [Sheffield] office itself has more than doubled in size since it opened in 2010 and I look forward to continued growth through our exciting new healthcare practice in Sheffield."

Harrogate Family Law has strengthened its leadership team with the promotion of two of its solicitors to partner level. Laura Mounsey and Emma Doughty will support managing director and founder Andrew Meehan and partner Carol Jessop as the firm prepares to develop its services and expand its team.

Doughty joined the firm in 2016 and has particular experience in dealing with challenging behaviour in relationships, including coercive control.

Mounsey is a former BPP Law School Cohen scholar who has worked her way up through the firm from trainee solicitor to partner.

Commenting on their promotions at Harrogate Family Law, Meehan said: "We are very pleased to have been able to nurture Emma and Laura's careers and create opportunities for bright emerging talent in the legal sector. Emma and Laura encapsulate the Harrogate Family Law ethos of empathy and approachability combined with technical excellence and they will be a huge asset to our senior team."

Meehan added that the firm was now poised for growth as it prepares to mark its tenth anniversary this year.

He said: "Since launching in the autumn of 2010 we have worked hard to establish ourselves as Harrogate's leading family law firm, with a reputation for compassion and consistently high rankings in Chambers UK and Legal 500, year on year."

"Emma and Laura's success puts us in an excellent position to build on these achievements."



Covid-19 lockdown hits Yorkshire and the Humber economy hard

The value of goods and services produced in Yorkshire and the Humber is falling by £170 million per day during the lockdown, making the region one of the hardest hit by measures introduced to counteract the coronavirus (Covid-19) pandemic.

That's according to UK Powerhouse, a report by Irwin Mitchell and the Centre for Economic and Business Research, which estimates a daily drop of 37% in the value of goods and services produced in Yorkshire and the Humber, where manufacturing is a bedrock of the regional economy.

Irwin Mitchell said that manufacturing contributes an estimated 14.3% of the local economy, in comparison to 9.2% for the UK as a whole, and it has experienced significant challenges during the lockdown.

A fall in consumer spending has meant that manufactured goods are being demanded less as final products, while many industries that manufacturers sell into, such as wholesale, retail and food services, have been shut down due to the Covid-19 lockdown restrictions.

Professional service industries, which are generally less affected due to remote working capabilities, are less prominent in Yorkshire and the Humber. This has further increased the losses associated with the lockdown.

Irwin Mitchell said that the number of people working from

home in the region has increased by 1.8% since 2014, taking the total figure to 4.8%—the highest proportion in the north of England.

Paddy Sturman, partner and head of business legal services at Irwin Mitchell in Leeds, said: "In absolute terms, the Yorkshire and Humber region does not fare as badly as some other regions but in relative terms, it is one of the regions with the greatest daily GVA (gross value added, or value of goods and services produced) falls. As we all move to a 'new normal' post-lockdown, different regions are going to come out of this at their own pace and tailored support in key areas could prove vital to economic recovery."

Sturman continued: "The last election saw talk of 'levelling up' the economy and a challenging task has undoubtedly become harder given the impact of coronavirus.

Construction and manufacturing are key areas but the crisis has also highlighted the importance of remote working to business viability."

"The shutdown to halt the spread of Covid-19 is having a dramatic effect on the whole of the UK economy and certain regions are expected to weather the storm better than others. The report offers an insight into what form regional support might need to look like in Yorkshire once we start down the road to economic recovery."

Exchange Chambers launches independent adjudication service for personal injury claims

Exchange Chambers in Leeds has launched an independent adjudication service for personal injury claims, in response to the Covid-19 crisis.

The new initiative will effectively act as an alternative to the court service at a time when claims cannot be processed through the traditional court system as quickly as before. It enables claimants and defendants to opt out of the court system and to seek a resolution via a quicker and potentially less expensive alternative.

Leeds-based barristers championing the initiative include Paul Kirtley, Pankaj Madan (pictured) and Simon Ross.

The launch of the new service follows on from Exchange Chambers running a similar service pre-Covid-19 when the set's personal injury barristers acted as assessors in private determinations on stage 3-style assessments of damages and determinations of costs.

Exchange Chambers also has a number of barristers who hold part-time judicial positions, making it well-placed to provide an independent and cost-effective service, facilitating swift resolution for all parties.

The service operates through virtual face-to-face technology, including Zoom, Microsoft Teams and Skype for Business. It covers small claims and fast-track trials, disposal hearings, stage 3 hearings, applications and procedural disputes, multi-track trials, appeals and costs disputes.

Madan was involved in last month's successful conclusion to a joint settlement meeting using virtual face-to-face technology, drawing to a close the case of a young man who had suffered a severe brain injury in a road traffic accident that was complicated by the introduction of lockdown measures.



Womble Bond Dickinson supports local charities in Covid-19 relief effort

The Leeds office of law firm Womble Bond Dickinson is joining the Covid-19 emergency response and has pledged thousands of pounds to support the local community.

Womble Bond Dickinson made a significant donation to Henshaws, a northern charity supporting people living with sight loss and a range of other disabilities, helping to reduce social isolation and increase independence through empowering disabled people to go beyond expectations and achieve their ambitions.

Funds have also been made available to support to IDAS, a Yorkshire charity supporting anyone experiencing or affected by domestic abuse or sexual violence. The donation came at a time when there was a huge surge in domestic abuse calls during the Covid-19 pandemic.

Womble Bond Dickinson also donated to the Leeds North and West Foodbank, which is part of The Trussell Trust's network of 428 food banks across the nation, working to tackle food poverty and hunger in local communities.

The donations in Leeds are part of a firm-wide Covid-19 emergency response fund set up by Womble Bond Dickinson to support the organisations that need it the most across the

UK. The firm is heavily involved in a comprehensive responsible business programme, supporting a number of charities across its eight UK offices.

Claire Wilkinson, partner and head of responsible business in Womble Bond Dickinson's Leeds office, commented: "We pride ourselves on being a good neighbour and care deeply about the impact of our actions on our people, our local community and the environment. These are difficult and challenging times for everyone and it was important for us to step up and help the organisations and charities who are all doing a phenomenal job in the Covid-19 response."

"We are humbled by the fantastic support organisations across Yorkshire are providing to ensure the most vulnerable are looked after and that families struggling to make ends meet can continue to put food on the table."

Gemma Young, major donor and corporate fundraising manager at Henshaws, added: "We're extremely grateful for Womble Bond Dickinson's support. The firm's generous donation will help us continue to provide essential care and support to those who may be less resilient to a crisis like this, or those who will find it harder to access everything they need."

Walker Morris partners with Calls9 and Armstrong Watson on Covid-19 business advice platform

Leeds law firm Walker Morris has teamed up with digital and financial specialists to launch a platform offering free expert advice to businesses on how to survive and thrive during the Covid-19 crisis.

The website, called 'TheNextNormal', pulls together expert advice from digital agency Calls9, accountancy firm Armstrong Watson and Walker Morris.

The information covers key business critical areas, such as finance, people, premises and infrastructure, products and services, customers and suppliers and staying compliant, all in a Q&A format to enable businesses to readily access the answers they need quickly.

Adam Roney, founder and chief executive officer of Calls9 commented: "We recognised that the immediate crisis created a need to bring a range of business critical information

together in an easily digestible format."

"At a time when decision makers' email inboxes are overflowing, they don't have time to research several different firms' websites to find the information they need. By pulling the material together and keeping it regularly updated, businesses can quickly access the information they need from one place."

He continued: "As we look forward to the time when some of the current restrictions are lifted, we will be providing advice on what 'the next normal' looks like in terms of economic, social and cultural changes and what that means for the business community. What are the changes in the way we work, the economic environment we're operating in, our supply chains, the technology we use and how all that impacts the business decisions we make?"

Big bounce bank in property cases for Taylor&Emmet



The residential conveyancing team at Sheffield's Taylor&Emmet has seen a dramatic upswing in activity since the property sector was released from lockdown.

In the last two weeks of May, the department completed in excess of 120 property sales and purchases for clients who had waited patiently for

restrictions to ease.

During the same period, 59 web enquiries regarding new transactions were received, compared to 33 in the whole month of May last year, an increase of 78% in half the time.

Neil Riley, head of conveyancing at Taylor&Emmet, said: "Our department was working incredibly hard during lockdown to progress ongoing property transactions as far as possible, so we had many clients ready to move when the government gave us the green light. In the days since restrictions eased, we have seen increasing numbers of existing and new clients contacting us, eager to resume or begin their house moving journey."

Riley added: "It is a little early to say it is 'business as usual', as everyone involved in the house buying and selling process needs to make their part of the transaction Covid-secure. For now, our offices remain closed to visitors, but we are fully operational and equipped to work from home, progressing and dealing with transactions, right up to completion."

A human touch in these virtual times

Nicholas Emmerson, partner at Gateley Legal and the new president of Leeds Law Society, on Leeds under lockdown, lessons to learn, legal tech and the profession's heroes

Congratulations on becoming president of Leeds Law Society, although regretfully, at such a difficult time. What are your thoughts on how the legal profession in Leeds and Yorkshire responded when the country entered lockdown in March?

When the coronavirus tsunami hit, it hit hard and fast. Offices were deserted as we sought refuge at home. Central Leeds became a ghost town overnight. Some firms and their people were better prepared than others depending on whether working from home was previously a regular feature of working life. However, most soon caught up and people who had not worked remotely before found precious space at home to work from.

Are there any lessons that the legal profession in Leeds and Yorkshire needs to learn, in case something like this happens again?

Remote working is here to stay but needs to be scaled significantly if we are to fully realise its advantages to the legal profession, its solicitors and clients. That is not to say that we will never go back into the office. We are social creatures who need to interact with colleagues and clients other than on Teams or Zoom or their more sophisticated successors. If it happens again, we need to be able to react quickly and seamlessly operate from home as if we were sitting at our desk. I expect future house hunters will now put a home office and good WiFi at the top of their wish list, alongside a garden.

How do you think legal tech can help to bridge service gaps going forward?

Covid-19 has made us all think about embracing legal tech as we adapt to an agile working environment. Teams was previously an odd icon on my desktop but quickly became my lifeline in lockdown. I now even wear a headset!

Even the courts are adapting. It is important that we look to the future of full-service online court systems to improve access to justice and greater use of digital methods of communication to administer and settle cases.

Leeds Law Society is working with Leeds City Council, Whitecap Consulting, the University of Law Leeds and many firms on an exercise mapping legal tech and innovation in the region. We are excited to see the outcome of that later in the year.

Despite significant challenges, the profession is doing its utmost to provide the services that clients so sorely need. Where is the profession seeing the most demand and why?

Our profession is client-led and our mission is to provide a top-class service to our clients. This includes the many businesses that are bracing for the pandemic's long-term economic impacts, which could boost demand for some legal services while depressing the market for others.

However, while the commercial firms and their solicitors often grab the headlines with their high-profile clients, cases and deals, none of them (and this includes me) are considered key workers in this crisis. Our profession's key workers are those on the front line of the criminal, probate and family worlds as the impact of Covid-19 pandemic on real-world individual lives hits. They are our heroes and I would like to thank them.

Is there anything you would advise firms big and small to be doing to ensure that clients are getting the service and care that they need?

Firms know their clients and will be keeping in touch with them. The personal touch above a bombardment of coronavirus-related emails and webinar invites. A human touch in these virtual times.





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SME law firms: embracing new working practices under a pandemic

Through acknowledging the challenges that law firms currently face in the Covid-19 crisis, this article discusses how leaders of SME law firms can maintain productivity, use the downturn to improve their business, embrace digital change and recognise new opportunities as we emerge into the new normal.

Stage 1—Initial outbreak: mobilise and adjust

This crisis has brutally exposed the different paradigms in which law firms operate. There are law firms that have invested in technology to mobilise and digitise, making the adjustment to home working and virtualising their businesses seamless. Meanwhile, office-rooted law firms have been unable to make such a successful transition.

Law firms with limited mobile capacity have struggled. Predominantly paper-based practices initially continued to work from their offices with risk to their teams, and then when working remotely had to transport their paper files to their homes, bringing the risk of breaching legal privilege and client confidentiality.

Law firms have had to address the following priorities to ensure basic business fluidity:

- Ensuring work is an activity and not a place by providing all employees with the right technology to maximise productivity (web camera, high specification laptops, dual screens). Effective solutions to collaboration should also be entertained.
- The accurate and continued recording of time. With staff working from home it is vital that a practice continues to capture time effectively, ensuring that work is being carried out and staff activity remains transparent.
- Maintaining two-way communication is essential. Wherever possible, the experience of visiting your practice should be replicated with face-to-face communication via the likes of FaceTime or Zoom. This time spent also needs to be captured accurately within your firm's practice management system.
- 'Right-size' your practice and ensure that you are operating lean, not incurring expensive overheads with obsolete technology or unnecessary support contracts.
- If you have investable capital, ensure that your business has the right technology and platforms to work digitally.
- This is an unprecedented situation. Make strategic decisions. Decisions you make to save money now may not benefit your business in the long-term.

Stage 2—Surviving lockdown: take stock, develop, and improve

The current lockdown and any resulting downturn in the amount of work generated, although not great news, does present you with a good opportunity.

Use this time wisely, take a step back, focus on improving your business and evaluating the future of your practice. This is the time to fine tune processes, assess performance, train staff and research the market to better position your business on the other side.

Key areas you should consider are:

- Refocusing existing resources. Are there better performing areas of law that you practice in that you can switch your resources to? Can you generate enquires for current work types through increased marketing? Wills work has clearly increased significantly, and employment disputes will undoubtedly grow.
- Developing and upskilling staff and paralegals to assist, so that as work volumes recover you can grow without increasing overheads and headcount. Online guidance tools are available from a variety of publishers and you should ask your current software provider if they offer this integration.
- Performing a technology audit, understanding what components you are missing that would provide your client with a complete digital experience.

Stage 3—As restrictions relax: communicate and adapt your firm's identity

Restrictions will have a significant impact over the next 18 months, so being able to work from any location quickly is essential. The volume of work law firms receive is expected to increase as restrictions decrease, and being able to scale and adapt your business quickly will be important. Law firms that have been smart will benefit and those that have not will be significantly weaker. For example, reduced staff numbers may hinder service levels and response times. For law firms that can react and transact quickly, it will be an opportunity to attract new clients.

To be successful you must:

- Have the ability to engage with your client digitally and market your firm on the basis that you have the right tools such as video calls, online digital payments, document sharing and e-signature solutions. Prospective clients will use this as a future criteria for placing business.
- Ensure that mobile working becomes an everyday part of your company culture and not just a temporary fix. It is important that your staff can work from home without it affecting a client's service experience.

Stage 4—The light at the end of the tunnel: secure the competitive advantage

By maintaining efficiencies and embracing change, your law firm will have become lean and agile, able to handle the unexpected and exploit market opportunities as an expected resurgence in enquires takes place. When the pandemic ends, the legal profession will have changed forever. The most adaptable law firms that realise this change by using an innovative approach will succeed. One of our clients, Gideon Cristofoli of Bookers and Bolton Solicitors, told us: "This pandemic is going to revolutionise the workplace and how we work. It's the realisation that you have not been using technology as you could, and now we are, we should be doing this all the time."

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Coronavirus: a challenge too far for the criminal courts?

Law Society of England and Wales council member and Yorkshire representative **Mark Newby**, of QualitySolicitors Jordans, asks whether the chronic underfunding of the criminal justice system has left it ill-equipped to manage the Covid-19 pandemic



When we all celebrated the new year and decade, no one could have predicted the scale of the storm that was about to hit our shores in the form of Covid-19.

Our first response has been an intensely human one; to think of the impact on our fellow citizens and the amazing

work that has been done by the key workers in the NHS.

Yet there is another category of key workers who largely go unrecognised by the public and that is those who work in the criminal justice system. An effective system of justice is part of the fabric of our society and naturally there has been a sense of urgency in trying to keep that operating.

How well prepared were we prepared for the crisis?

A constant feature of our justice system in recent years has been a sustained reduction in resources going in, both in terms of infrastructure and the funding of legal aid provision. The cuts started long before austerity hit but gathered pace during that period and included aggressive public funding and infrastructure reductions, leading to court closures and a fall in the provider base.

Consequently, there was no real investment in the sort of technology that was going to be needed in a post-virus world. Unlike the civil courts, telephone hearings were rare and video link appearances were a novel exception to the norm, often done to assist counsel if they were stuck elsewhere in the country and could not attend a geographically remote court.

Work was underway to develop a common platform for all

those involved in criminal justice to work together on, but it was far from ready for rollout. A major review had been commenced into criminal legal aid, but it was a project that was a considerable way off completion. Finally, as the storm approached, there was already a pattern of significant court backlogs feeding a self-fulfilling cycle of resource failures for the justice system.

What were the consequences?

As the virus hit and the lockdown ensued, the criminal justice system found itself ill-equipped to handle what was to follow. There was no infrastructure in place to facilitate immediate video hearings. The courts first turned to Skype for Business, but it required accounts to be established and rolled out. Other video platforms gained quick popularity, including Zoom, but it did not have the required security safeguards.

In the early days, this did not really address the issue of limiting social contact, as some participants still had to attend court and it became clear that many also had very poor mobile phone reception in cell areas. This left solicitors and counsel having to go into cells and see their clients face-to-face, without any form of adequate personal protective equipment.

Similar problems arose at police stations, which were compounded by the independent structure of police regions leading to differing responses between forces across the country to the question of remote interviews and the protection of those attending police stations. It took several weeks before the Law Society, Criminal Law Solicitors Association and London Criminal Courts Solicitors' Association, together with others, were able to broker a national protocol. Even with the protocol, responses have been patchy and the same infrastructure problems have arisen in terms of phone and video conferencing access.

In the weeks that have followed, the courts and police have muddled their way through with considerable assistance from the legal profession, who have put themselves at risk at times to continue to play their part in delivering criminal justice.

The courts continue to deliver priority one work, which effectively amounts to custody cases together with domestic violence protection order work and other associated hearings. The magistrates courts have also started to work on some priority trials (again custody) with the aspiration to soon return to a greater variety of work as the backlogs have increased. Access to those in custody remains a challenge

with prison lockdowns in place, although some recent changes are resulting in more prisons coming on stream for video link contact.

Crown Court trials

The greatest challenge has proved to be at Crown Court locations around the country, where jury trials came to a shuddering halt because the sheer number of participants in any jury trial meant that these proved to be impossible at the height of the lockdown. In recent weeks, several pilot jury trials have commenced in a very limited number of courts (none in Yorkshire). It is expected, however, that if these are successful, the Courts and Tribunals Service will expand this to more Crown Court locations so that trial centres can start to become operational.

Addressing this is going to prove to be pivotal as the justice system struggles to cope with a reported 40,000 backlog of cases. It is unlikely, however, that the whole court estate can be used until the social distancing rules are relaxed. This is due to the structure of the buildings, which are either unsuitable due to the size of their courtrooms or the public spaces within them.

Other suggestions mooted are 'Nightingale courts', with the idea being that large venues could be secured to run courts, or courts operating outside of normal sitting patterns.

Resource challenges

But the resource pressures are going to be considerable, both in terms of opening courts and providing the facilities for them to operate effectively. This will also require increased judicial sitting days for a judiciary that had also

found itself under strain in recent times.

Finally, there is the issue of solicitors and barristers under considerable financial pressure from the cashflow collapse affecting their firms or chambers. There are reports that this may lead to serious consequences for a significant number of them and any reduction in the provider base will have a direct impact on the ability of the justice system to tackle the current crisis. The Ministry of Justice through the Legal Aid Agency is going to need to significantly crank up its support of providers if it wants to have the kind of provider base capable of tackling the backlog once the pandemic is over.

Whatever happens in the weeks ahead, it is clear we are now entering a 'new normal' and things will never be quite the same again. There is an opportunity to better manage cases using new technology, including a new cloud platform that offers much more adaptability than Skype. There will inevitably be some cost savings, but those savings need to be ploughed back into those working in the system.

We need to invest in the justice system and, if we do, we can come out of this crisis not only intact but with a more modern, adaptable criminal justice system that delivers justice and does so in a way in which all those who make it work are better valued. A system where unnecessary hearings do not take place and where cases can be better managed remotely.

But it will require investment and without it there is no prospect that the criminal justice system can face the challenges of Covid-19. Putting right the systematic underfunding of the justice system over a number of years is no longer an option; it's a necessity.



Conveyancing hit hardest by Covid-19

DPS Software’s survey of 100 individuals from the legal revealed a profession under significant pressure as a result of the pandemic

Common sense might tell you that being in the middle of a pandemic, being restricted to your own home and most businesses being closed would result in a big drop in levels of business for the legal industry.

After all, as of 21 May 2020, 16% of the courts and tribunals in England and Wales have been suspended to protect those involved in trials. The government also advised that anybody moving to a new house delay until after lockdown measures have been lifted, and social distancing measures have made the witnessing requirements for wills difficult to comply with.

The results of our survey, therefore, may surprise you.

Law firms in general see only minor effects

We asked 100 people how various practice areas had been impacted in their practice. They were given the options for company and commercial, conveyancing, crime, employment, family, immigration, personal injury, and wills and probate.

For each practice area, respondents were able to select from five options. These are numbered, which means we can then find a weighted average.

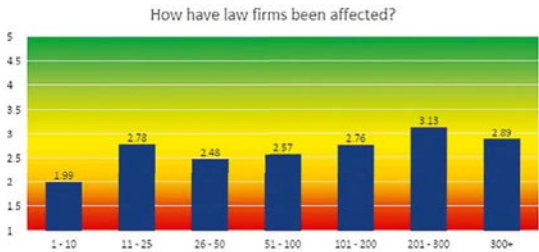


The overall average response across all 100 respondents was 2.66, which shows only a slight reduction in business across the board. This is a positive sign as it shows that law firms have largely seen only a minor impact to business levels.

However, 60% of our respondents have also made use of the Coronavirus Job Retention Scheme (the furlough scheme). This 60% figure is even skewed downwards by the 1 to 10 category of firms, where only 36% of firms have put employees on furlough. Discounting this group, 66% of firms with 11+ employees made use of the furlough scheme.

This conflicts with the idea that law firms have been largely unaffected. To get to the bottom of this, we have to look a little deeper into the figures.

We can see from the results that smaller firms have seen the biggest reduction in business, with an average of 1.99 across

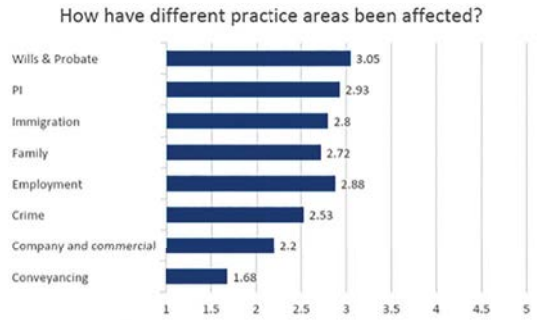


all practice areas, which still, would only represent a little less business.

This perhaps shows the benefit of having a strong brand when a crisis hits as bigger firms, which are more likely to have a stronger brand and more marketing power have fared the best and been affected least.

Conveyancing has taken the biggest hit

When we look at how the different practice areas have been affected by the lockdown, we can see that conveyancing has been hit hardest. Conveyancing has an average score of just 1.68, which would represent a significant reduction in



business, especially compared to other practice areas. This is understandable as the conveyancing industry essentially came to a halt as home movers delayed their plans following government advice. Social distancing measures meant that viewing homes, attending solicitors’ offices for meetings and to sign documents became almost impossible.

The second hardest hit sector was company and commercial. Again, as more companies essentially pause their business, there would be a significant reduction in their legal requirements.

Crime is the only other sector to fall below the average of 2.66, with a score of 2.53. As already discussed, as courts have been suspended to aid with the safeguarding of juries, judiciary, counsel, defendants and court staff, court cases have been reduced to a minimum, with only those being classed as essential taking place.

Wills and probate appears to be faring best, with a score of 3.05, which would show that there has been no change to business levels despite the difficulty in creating a will in the circumstances. This is likely due to the nature of the media during the pandemic. With a daily death toll being on every TV screen, people are naturally worried, and their thoughts turn to what would happen should they fall victim to Covid-19.

Personal injury, immigration, family and employment show a negligible decrease in business levels, to the point where you can say there has been little if any change in business levels.

To see the full survey results and find out how firms have made use of the furlough scheme, how many redundancies have been made and how the industry will change post-Covid-19, see our full report at <https://www.dpssoftware.co.uk/blog/how-has-covid-19-affected-the-legal-business>.

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Patrick Walker emerges from lockdown with a fresh fish and a new appreciation of friendship

The phone at the side of the hospital bed rang. "I'm your doctor, I'm afraid I have some bad news for you. We've done the tests and I'm afraid you have Covid-19. And sorry, but there's more bad news, you also have HIV, hepatitis and Ebola. So what we are going to do is put you on a pizza diet." "Pizza diet?! Will that cure me?" was the alarmed response. "No, but it's the only thing we can fit under the door."

So did you smile, or reject it as insensitive to sufferers not only of Covid-19 but of other life-threatening diseases? Or maybe you just groaned because it is one of a million attempts to lighten the mood that have been shared on social media during a period of unprecedented free time. Whether that free time amounts to relaxation, achievement of new goals or just boredom will vary, but all of us are having to make some big adjustments. For me, embracing video mediation has been surprisingly positive, and I cannot say I miss the travelling that was previously such a large part of my mediator life.

But I really do miss visiting new places and not only seeing people, but sharing time with them. I miss a firm handshake and random conversation by the coffee machine. We are learning to replicate some of this online, but perhaps for the first time (and very belatedly), I am realising the value of human contact and friendship. I think I could live without conferences or formal dinner

events, and perhaps even without dinner parties at home, but I long to share a coffee and 'steal' my companion's cake!

It is tempting to dwell on the frustrations about personal protective equipment supply or those in high office who ignore the rules they create, but perhaps the BBC, with its preference for editorial comment over factual reporting, is fulfilling that role. What will be permitted by our less than perfect government? I suspect that whatever regulations are imposed, we will each find a way to make social distancing both effective and as unobtrusive as possible.

Meanwhile, perhaps there is increasing tension at home, particularly with overdue visits to the dentist or the hairdresser and the realisation that a summer holiday abroad is only a past memory and a future aspiration. We need to find more ways to connect with those living alone, and for those of us lucky enough to share our home, we have a real chance to tackle frustrations and appreciate and be kinder to those we love and love us.

No doubt I have a partner who on reading this will remind me that despite lockdown, my promise of clutter clearing remains unfulfilled, but then I can remind her that all of my bicycles have been serviced and cleaned and that now I am fishing I am contributing to the family larder, albeit one trout in a fortnight may not go that far!



Sometimes virtue has its reward

As the number of family carers who have become financially dependent on an elderly relative increases, a case that arose last year highlights the potential for a claim under the Inheritance (Provision for Family and Dependents) Act 1975, as **Sarah Young** of Ridley & Hall and **Sarah Harrison** of Parklane Plowden Chambers explain

An ageing population and a higher life expectancy mean that more of our elderly are relying on unpaid family care. While debate has focused on social care funding, much less is known about those who end up working as carers for their family members. The Office for National Statistics reports that unpaid adult carers in the UK provided care worth an estimated £56.9 billion a year in 2014, meaning it could cost this much to replace them with paid carers.

During the 2015 to 2016 financial year, 8% of the UK's private household population were 'informal carers' for someone, according to data from the Department for Work and Pensions.

Claims against estates under the Inheritance (Provision for Family and Dependents) Act 1975 by family carers, who have become financially dependent on an elderly relative, may therefore be a new development for practitioners to watch out for. It was in this context that the claim in *Delaforte v Flood* arose.

In 2006, Mrs Joan Flood was diagnosed as suffering from dementia. She was an elderly widow who lived on her own and had two adult children, Paul and Annette. On 21 November 2008, she fell and fractured her femur.

At this stage, Annette's daughter Lynsey (who was then aged 26) came to the rescue. She took redundancy from her job at the *Financial Times* and moved in with her grandmother to care for her. Over time, Lynsey received income of around £800 per month, made up of carers allowance, attendance allowance and her limited earnings.

Lynsey provided devoted care to Joan under increasingly demanding circumstances and this arrangement continued until Joan's death in April 2016. After Joan died, Lynsey started to develop her own self-employed dance business while remaining in Joan's house.

Joan's 2006 will left her estate to Paul and Annette. Her gross estate was effectively worth £632,070, with the main asset being her house valued at £545,000.

Lynsey brought a claim against Joan's estate as her financial dependent under section 1(1)(e) of the Inheritance (Provision for Families and Dependents) Act 1975. Provision was sought on the basis that Lynsey should receive a lump sum to allow her: living expenses of £3,100 per month for three years during which she would develop her self-employed dance business; to buy a car; and to have capital savings.

Lynsey's years spent away from the job market had damaged her earning capacity so that self-employment as a dance teacher, which was her ambition, was the most realistic option.

Annette supported her daughter's claim, but her uncle Paul opposed it. He argued that: Lynsey did not qualify as a financial dependent at all as she lived with Joan for her own benefit; she was not a full-time carer; and she had been paid for the care

provided (commercially paid carers are unable to claim).

These arguments were abandoned during the trial, which took place in February 2019. Instead, it was argued that Lynsey only needed very modest provision because she had been managing on a very low income for some time.

The judge was unimpressed with these arguments and awarded Lynsey £110,000. However, he made it clear that the award was to meet her reasonable financial needs rather than being a reward for her patently meritorious conduct. This is a point that it's important to stress to potential claimants, who will very often frame the case in terms of either their moral entitlement or perceived bad behaviour by their opponent.

There are a number of interesting features about the case:

1. Reported cases involving financial dependency or claims by young adults under the act are few. The court is unlikely to take the view that they should receive lifelong maintenance or funds to acquire a property.
2. Given the ageing population and the very high costs of professional care, the factual situation that arose in Lynsey's case will not be an unusual one. It is important that live-in carers who are not paid at professional rates appreciate that they have a potential claim if they are left unprovided for.
3. The court agreed with the approach contended for; that provision should be awarded to Lynsey in the form of a lump sum to re-establish herself for a period of three years from the date of trial. He rejected the argument that the period since Joan's death should be deducted from it.
4. The court accepted that it was reasonable for Lynsey to have an income of £3,100 per month during that period to cover rent, socialising, holidays, presents and modest pension contributions. Maintenance did not mean subsistence level living; it was reasonable for Lynsey to remain in Twickenham, even though rents were higher, as this was where she was building her business. She was also awarded £9,000 to buy a car and £10,000 to cover contingencies. It's worth noting that Lynsey pursued the case under a conditional fee agreement and more recent case law supports an argument that the success fee may also now form a head of claim.

While the court will generally order that the burden of an award be met across the whole of the residuary estate, it has discretion. The judge ordered that Paul's share bear 60% of the award because of his superior financial position. His share was not ordered to bear more because, although Annette was in modest financial circumstances, she would still receive a substantial inheritance.

A conflict of interest: Court of Appeal judgment backs specialist tech-enabled firm

Liz Ward, Lauren Waterman and **Martin Hendry** of Virtuoso Legal recap a curious case of confidential information, letting the cat out of the bag, and underestimating the little guy



In a recent Court of Appeal judgment, new law was established for the first time in around 20 years concerning information barriers (or 'Chinese Walls') within law firms to protect confidential information.

In this case, the claimant, Scottish glassware company Glencairn, wanted to stop specialist IP firm Virtuoso Legal acting against it, as some of the firm's solicitors located in London had reached a confidential settlement in a matter concerning a different client of the firm.

It would not be an outrageous assertion to make, that in this case, Glencairn had sought an injunction to remove Virtuoso from acting to avoid facing the firm in battle for a second time.

The grounds given for this relate to the concept of 'fiduciary duty', which in the law surrounding conflict, protects privileged information imparted between a client and their lawyer and typically applies certain boundaries on law firms from acting for new clients with adverse interests to those of former clients they have previously acted for.

In this case, quite remarkably, Glencairn was asking the court to extend the application of fiduciary duties to bar Virtuoso from acting against Glencairn, (which had never been a client of Virtuoso) as Virtuoso acted in a similar dispute for Dartington Glass, which ended in a confidential settlement.

This latest judgment handed down in the Court of Appeal on 7 May 2020 establishes new guidance relevant to all litigators.

The legal bit: case background

The case in question concerned whether Virtuoso, an IP specialist firm, could represent Product Specialities Inc t/a Final Touch in a case brought by Glencairn IP Holdings Ltd in circumstances where Virtuoso had previously acted for a former client, Dartington Crystal (Torrington) Ltd, and reached a confidential settlement in similar proceedings.

Other partners at Virtuoso continued to act for Final Touch after

an information barrier had been implemented following the confidential settlement, to prevent the spread of confidential information relating to the settlement within the firm—and in, particular, between the separate teams on each case.

Judge Richard Hacon in the first instance within the Intellectual Property Enterprise Court (IPEC) held that former opponent cases are distinct from the two existing classes of case established through case law. The first being former client cases where a fiduciary duty exists. The second class being where solicitors had inadvertently come into the possession of information confidential to the opponent and no fiduciary duty exists.

In relation to former opponent cases, Judge Hacon created a new third class of case—existing somewhere on the spectrum, between the two.

The novel 'third class of case'

The judge held that in former opponent cases a fiduciary duty did not arise. As such, the House of Lords Bolkiah case did not apply in full and the burden of proof was not shifted onto Virtuoso to prove that there was no risk of information crossing the information barrier. This would have been an extremely high burden to discharge, reflecting the seriousness of fiduciary relations.

However, the burden of proof remained with Glencairn to show a threat of misuse of confidential information sufficient to justify an injunction, as this was not a case concerning a fiduciary relationship, but one where the usual laws of confidentiality apply. Glencairn was unable to adduce sufficient evidence and the application was dismissed.

The grounds for appeal

Following the above, an appeal was made through two submissions by Theo Barclay, counsel for Glencairn—challenging Judge Hacon's decision to not injunct Virtuoso from acting for Final Touch.

These are as follows:

First ground of appeal

Barclay contended that Judge Hacon had erred in not applying strict tests in Bolkiah. Stephanie Wickenden of Serle Court, counsel for Final Touch, set out that this ground of appeal was "wrong in law" and reflected a "flawed understanding of the nature of the Bolkiah jurisdiction".

The argument followed that Bolkiah could only be applied where there was a 'true' fiduciary relationship—such as in a former client relationship. In this way the general law of confidentiality should apply to former opponent cases, and the burden of proof should remain with the applicant to prove that there is a risk of misuse of confidential information.

Lord Justice Sir Julian Flaux agreed, stating: "The fallacy in Glencairn's argument is that it seeks to equate the position of a solicitor who formally acted against the applicant ... with that of a solicitor who was formally acting for the applicant ..."

He went on to agree that former opponent cases did create a third class of case lying somewhere in the "middle of the spectrum". As such, the burden of proof remained with Glencairn and the first ground of the appeal was dismissed.

Second ground of appeal

The second ground contested that should it be found that the correct test had been applied by Judge Hacon, Glencairn had shown that there was a real risk of disclosure of confidential information between the two teams at Virtuoso and that Judge Hacon had erred in not granting an injunction.

Wickenden submitted that, here, Glencairn was seeking to overturn the judge's finding of fact and evaluation of evidence—and in this regard it is not for the Court of Appeal to reevaluate in such instances.

Lord Justice Flaux was inclined to agree, citing that Judge Hacon's balancing exercise (determining between the prejudice caused to the opponent should the injunction have been granted and the prejudice caused to the application if it was not granted) was carried out correctly.

Lord Justice Flaux went on to comment that Judge Hacon's "conclusion that the balance of justice was against the grant of an injunction was unimpeachable". As such, the second ground was also dismissed.

What does this mean and why is it important?

The broader story here contains many facets.

The 'cat out of the bag'

It begins with an attempt to stretch the application of fiduciary duties beyond what they are to protect a client and, as such, this attempt was fundamentally flawed, particularly in circumstances where the law of confidence provides sufficient remedies to protect confidential information.

Such a claim is, in itself, revealing. Glencairn, in bringing the application, sought to rely on a phone call between the parties' respective US attorneys as a basis for its assertion that the confidential terms of the settlement agreement had been leaked.

During the call, it was alleged by Glencairn that Final Touch's US attorney had offered to redesign the allegedly infringing glass in return for payment, as he believed Dartington had managed to achieve settlement. Final Touch's US attorney disputed this version of events, setting out that he was merely speculating as to the terms of the settlement.

The judges noted that in bringing the matter to court Glencairn had "let the cat out of the bag" in relation to some of the confidential terms it was trying to protect, with Lord Justice Sir Richard Arnold further commenting that "Glencairn had impaled itself on the horns of a dilemma".

The evidence that Glencairn produced to the court to support its injunction application acted to confirm that the speculated terms were spot on. As such, the information could no longer be protected by an injunction as it was no longer confidential.

To emphasise, nothing was known, or could be known, about the nature of the settlement in question until the original case was brought to the IPEC, and then the Court of Appeal, wherein the characteristics of the settlement have now become somewhat discernible to all.

Underestimating the little guy

Secondary to this was the assumption that, as a relatively small but specialist firm (and perhaps as one whose second team was operating out of Yorkshire rather than the capital), it was unfeasible that a robust information barrier could be put in place.

More information about this particular argument was contained in the prior IPEC judgment. While the burden was not on Virtuoso to labour the efficacy of the information barrier, Judge Hacon used the guidance in Bolkiah to assess information barrier in place: "I accept that there is regular contact between members of the team on each side of the information barrier and that this is likely to continue. In argument Mr Barclay [counsel for Glencairn] illustrated this by website pictures of Virtuoso's lawyers attending the same presentation, seated around the same table and evidence of a similar nature ..."

He continued: "Arrangement (iii) [from Bolkiah] assumes that some information will cross the barrier. I have found that the likelihood of this is very low. Again, it seems to me to be an arrangement appropriate to the circumstances of the case such as Bolkiah where the information is extensive and the number of individuals involved is large ... but I can see that on the present facts the setting up of formal monitoring and discipline arrangements may not be necessary. Ms Ward's supervision is likely to be sufficient."

Indeed, to tar a small firm with restrictions expressly placed to police larger firms' in such cases can be seen to have been incorrect.

To this purpose, Liz Ward, principal and founder Virtuoso, and solicitor acting on the case, stated: "This result represents a better map to follow in respect of the laws of conflict of interest and the implementation of information barriers in all law firms. A modern law firm such as ours who has embraced the latest technology can create a proper fortress around information even when working as a compact team of specialists. Agile, capable and forward-thinking law firms who embrace technology should take this as recognition that new ways of working not only result in better outcomes for their clients but also empower them in their practice in ways that more traditional firms are yet to grasp"

In conclusion, this case provides some clear new guidance in relation to how information barriers operate within law firms, and which legal tests are to be used in relation to obtaining injunctions pertaining to protect confidential information held by lawyers. However, perhaps the bigger takeaway is that many law firms are adapting and developing their services in ways that are surprising the old guard.

Assisted through new technologies (such as cloud-based computing, video-conferencing, state-of-the-art case management systems and more), smaller specialist firms such as Virtuoso find themselves more able to surprise and surpass large incumbents that may quickly find themselves lagging behind.

System upgrade required

Jeremy Brooke, chief executive officer at SSB Group, on lockdown life, the future of the court system and Sheffield's steel



Is everyone well at SSB Law?

We're all doing really well thank you. The day after the lockdown was announced we sent everyone home and have kept in regular contact with each other. There have been one or two mental health struggles that some of us have had but we have discussed them between us, made sure that support is in place, ensured that work

came second to health and worked through them together. We've had a few, unconfirmed but highly probable coronavirus (Covid-19) cases shortly after lockdown, but thankfully everyone is back to good health. In the last week of May, I lost my 90-year-old mother who became a nursing home Covid-19 statistic, so I understand just how stressful this time is for people going through illness and bereavements.

How in demand are your services in lockdown?

We are a consumer-driven litigation firm, working in areas such as cavity wall insulation, Japanese knotweed, mortgage mis-selling, clinical negligence, personal injury and contentious probate, so our services remain as they are at any other time and our ability to have 120 people working remotely has ensured that we have been able to service our existing clients and take on new ones throughout the lockdown.

What is the situation with courts and litigation?

The court service has been the disappointing element of lockdown. Throughout the business sector there have been innovative solutions implemented to resolve remote working issues. Yet the court service appears to have completely collapsed. We are having hearings that would ordinarily have been dealt with by telephone cancelled hours before they are due. I have read that the criminal trials backlog is increasing to a point where justice is going to be significantly delayed. Given the high level of fees that court users are required to pay, there really ought to be an investigation into why there were clearly no workable contingency plans in place.

When do you think the legal system will be fully in action?

I still maintain that we have one of the best, if not the best, legal systems in the world. We enjoy a highly skilled and independent judiciary. But we do lack technological support. The future legal system needs to be driven by innovative law firms that are able to gain the support of the Ministry of Justice (MoJ) in order to make continual improvements to the system. The law has always developed as it should. It is the process which is antiquated and

time consuming. So, no I do not think it should go back to being as it was. That would be an opportunity missed. The MoJ needs to engage with some of the most dynamic law firms and move on, not keep a system running to accommodate those who do not want to, or cannot, change. When will it be fully running? It was dying on its feet pre-Covid-19—so who knows.

Have you found a routine or trick that helps with lockdown?

I have never been a 'routine' person. It is partly why my firm is as flexible as it is. Before Covid-19, we employed a 'as long as the job gets done' attitude to the way we work. Some people like mornings and some people like evenings. I like to work when I feel like I am going to be productive. I like to go for a ride with my family when the sun is shining and do the work when it's cloudy. So lockdown hasn't been a problem for me. I'm lucky to have a large garden and an interest in gardening, so that's looking pretty good at present. I always have a plan but I am happy to flex the plan and go with the flow. It works for me and the outcomes are the same. It's been great to spend so much time with my children. At 14 and 9, there has been plenty of school work to do, which my wife has dealt with amazingly. As a family, we have adjusted our view on life and people and plans, as I am sure that many families have done. Making sure that we don't forget and simply rush back to the old ways when Covid-19 finally leaves us is the key.

What is SSB Law doing to maintain morale and teamwork?

One of our team has been arranging online quizzes. We have been in regular contact with everyone by telephone, email and video chats. We have generally been trying to keep humour in the business. When I think about it, we don't have to work too hard on morale because of the way that we are as a firm and the type of people we recruit. When I interview people, I always explain that we all have fun at each other's expense on a daily basis. But, if we see that you're having a bad day, it's everyone's priority to have your back. And because that culture exists in the firm, we have all supported each other through this time.

How is the city of Sheffield handling lockdown?

Sheffield is a tough old city. It has been through some testing times. Being a city built on such a strong industrial heritage, it has struggled somewhat to come to terms with post-industrial Britain. But over the last couple of years there has been real signs of regeneration. The emergence of tall buildings surrounded by cranes has been a feature of the skyline. New employers have been moving to the city and engineering and technological businesses have provided employment to a new generation of skilled workers. Covid-19 will no doubt have slowed some of the investment and delayed some of the developments, but you sense that Sheffield has a new sense of identity and purpose and maintains its determination to explode back into one of the most significant cities in Britain once more.

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