

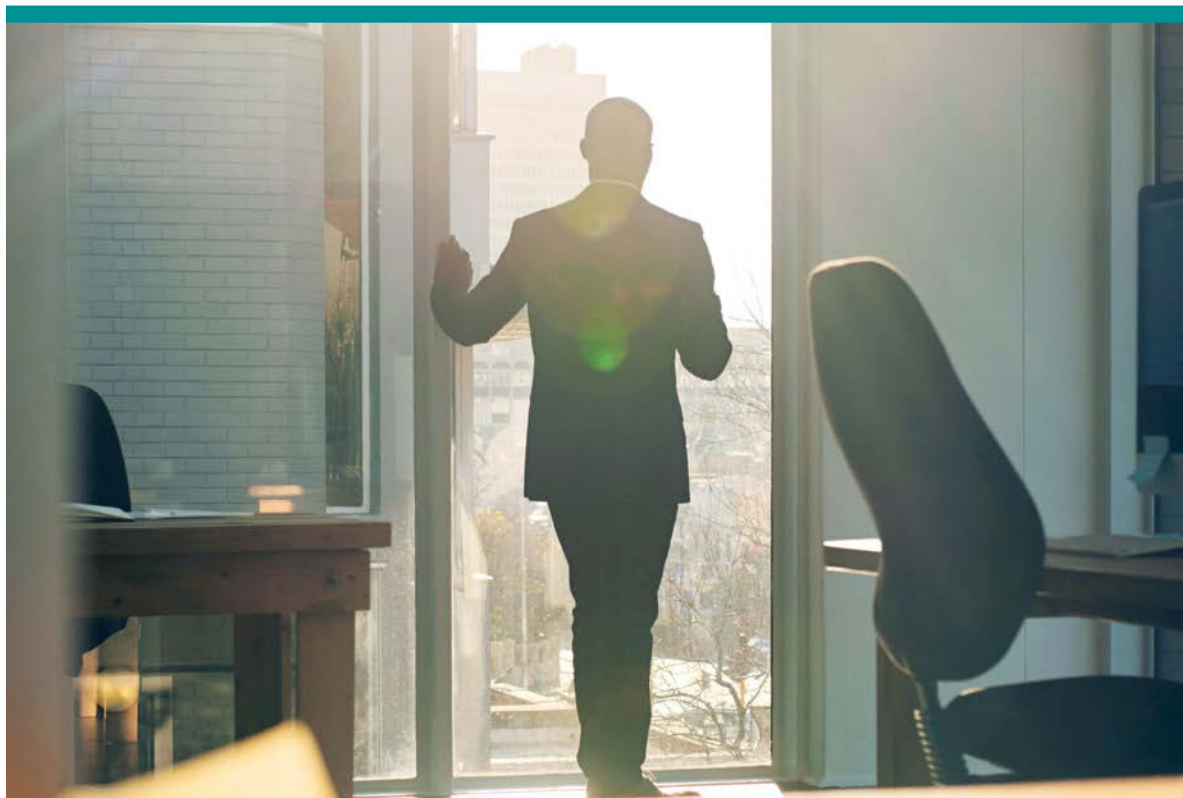
# Leeds & Yorkshire Lawyer

The Official Journal of Leeds Law Society

 **Leeds**  
Law Society

August 2020

Issue 165



## Back to business

Law firms are returning to the office,  
in measured, careful ways

### Focus

Overall, the pandemic will certainly affect the substance of clinical negligence

### News

Knights is taking 22,000 square feet of office space at the refurbished Majestic in Leeds

### Society

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### Last Word

Pryers Solicitors did not let lockdown prohibit the development of its lawyers

### Comment

Patrick Walker struggles with some Covid-19-related advice and wonders if Labradors know best



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Leeds Law Society  
62 Wellington Street, Leeds,  
LS1 2EE  
DX 12079 Leeds  
Tel: 0113 245 4997

**EDITORIAL**

**Editor:** Mark Dugdale  
01423 851 150  
mark.dugdale@barkerbrooks.co.uk

**Founding Editor:**  
Ian McCombie

**PRODUCTION**

**Head of design:**  
Compton Sheldon

**ADVERTISING**

**Project manager:**  
Matt Gotting  
01423 851 150  
matt.gotting@barkerbrooks.co.uk

**Published by:**

Barker Brooks Communications Ltd  
26 Airedale House, 423 Kirkstall Road,  
Leeds, LS4 2EW  
Tel: 01423 851 150  
Fax: 01423 740 704  
www.barkerbrooks.co.uk  
info@barkerbrooks.co.uk

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# Leeds & Yorkshire Lawyer

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Nicholas Emmerson, president of Leeds Law Society, on emerging from lockdown and tackling complex and difficult issues

# The best and worst of times

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness."

Many years have passed since, but my O-level in English literature revolved around one Dickens and one Shakespeare. I remember very little, except the odd quote. My year's Dickens was *A Tale of Two Cities* and its opening lines resonate today.

Our fantastic key workers held us together as the terrible virus enveloped us. Our world-class scientists strode towards a vaccine while others ignored social distancing.

As we emerge from lockdown, our generation of solicitors faces unprecedented challenges as we attempt to reboot our offices and work out what the 'new normal' means for us in Leeds.

Some commentators point out that pre-lockdown law firm culture was plagued by 'presenteeism'. Extreme advocates of presenteeism often saw working from home as something you only did when your boiler was being fixed and they still wondered why you did not take holiday instead.

In the competitive world of legal services and its all-consuming focus on excellent client service, it is not hard to see how presenteeism prevailed. As we emerge from lockdown, the short term need to provide a safe working environment while the virus is still at large is paramount. This will inevitably limit our ability to be present in the modern office environment of open plan and hot desking.

In the medium to long term, presenteeism will return, but there is a new sheriff in town that cannot be ignored—working from home.

Apparently, it takes an average of 66 days for a new behaviour to become automatic. If this is correct, working from home is here to stay.

Each of our lockdown home-working journeys has been a uniquely individual experience and we will all have different views on its place in the future.

For some, the best of home working is not having to commute, having the flexibility to not have to be present in the office by a certain time, and not being stuck there in the evening and missing yet another dinner at home.

The worst is finding somewhere suitable at home to work without the distractions of

home life and the isolation of working alone. Even the most ardent Teams and Zoom fans would probably agree that they miss their office communities. Trainees are also missing out on the learning by osmosis that their predecessors benefited from.

The national Law Society is doing great work with its 'Return, Restart and Recovery' campaign. It aims to support solicitors and firms to return to their offices safely and to drive the recovery. Leeds Law Society has contributed to this campaign both directly and through its Joint V membership, where the five largest law societies outside London ensure that the regional voice is heard.

How firms in Leeds blend the contradictory cultures of presenteeism and home working will be closely monitored by Leeds Law Society. We look forward to reporting back on the firms that make it a success.

## Diversity & Inclusion Conference

My O-level year's Shakespeare was *A Merchant of Venice*. Shylock is a controversial character but his comments on intolerance still resonate centuries later: "I am a Jew. Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions; fed with the same food ..."

Please forgive my segue into promoting our Diversity & Inclusion Conference from 15 September to 1 October. The conference will comprise virtual events across six evenings and each will focus on a particular strand of diversity and inclusion: Mental Wellbeing, Social Mobility, Gender, Disability, LGBTQ+, and Race and Ethnicity.

The aim of Leeds Law Society and the national Law Society by jointly hosting this conference is to tackle head-on the complex and difficult issues facing individuals, firms and organisations across a variety of diversity and inclusion strands, as well as promoting diversity and inclusion within the legal sector.

This is an ambitious event and the first of its kind ever to be held by a regional law society. I am delighted that Leeds Law Society is leading the way and not allowing it to be eclipsed by Covid-19 and Brexit.

As we emerge, please continue to stay safe and I look forward to seeing you actually and/or virtually in our new normal.

# Diversity and Inclusion Conference: 15 September to 1 October 2020

Mark your calendars. The virtual Diversity and Inclusion Conference is coming on 15 September

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The Law Society

Leeds Law Society, in conjunction with the Law Society of England and Wales, will be holding the virtual Diversity and Inclusion Conference to mark National Inclusion Week from **15 September to 1 October**

**2020.** The conference will consist of virtual events across six evenings, and will focus on a particular strand of diversity and inclusion: **Mental Wellbeing, Social Mobility, Gender, Disability, LGBTQ+, and Race and Ethnicity.**

The events will vary from panel events made up of leading figures within a particular strand of diversity and inclusion to individual talks from notable individuals within the legal sector. The events will also offer guidance on the business case for diversity and inclusion as well as offering firms and other organisations hints and tips on diversity and inclusion best practice.

This is an ambitious event and the first of its kind ever to be held by a regional law society. It is the largest series of events that Leeds Law Society has held virtually, allowing members to access the content from the comfort of their own home as well as others from across the country.

The aim of Leeds Law Society and the Law Society of England and Wales, by hosting this conference, is to tackle head-on the complex and difficult issues facing individuals, firms and organisations across a variety of diversity and inclusion strands, as well as the promotion of diversity and inclusion within the legal sector.

As the conference will be delivered virtually, we expect a high level of interest and therefore we ask that you register your interest via <https://leedslawsociety.org.uk/events-training> as soon as possible to avoid disappointment.

#### Speakers will include:

- Stephanie Boyce, Deputy Vice President of the Law Society of England and Wales

- Professor Richard Collier, Newcastle University Law School
- Emma Dunn, HM Land Registry
- Dr Mitchell Travis, Associate Professor in Law and Social Justice at University of Leeds
- Dr Fae Garland, Lecturer in Criminal Law and Evidence at University of Manchester

#### Panellists will include:

- Helen Brown, Partner and Regional Office Head of Weightmans Leeds
- Emma Permaine, Director of Ridley & Hall Solicitors
- Jane Burton, Chair at Lawyers with Disabilities
- Leanne Coyle, Leeds Law Society
- Itohan Odekunle, Anixter
- Bavita Rai, Partner and Diversity and Inclusion Lead at Weightmans
- Isaac Eloj, Freeths
- Hekim Hannan, Browne Jacobson

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## Knights takes office space at the Majestic in Leeds



Legal services business Knights is taking 22,000 square feet of office space at the Majestic in Leeds.

Knights, which recently acquired Leeds law firm Shulmans in Leeds, will be joining Channel 4 in the Majestic, after the building was comprehensively refurbished by Rushbond Group.

Global property consultancy Knight Frank brokered the officer deal, with Knights set to take a 15-year lease for two floors in the Majestic.

David Beech, chief executive officer of Knights, commented: "Today's announcement reflects Knights's ongoing commitment to provide a high-quality and collaborative working environment for colleagues and will support our expansion in the region through recruitment as we continue to scale our presence across the UK."

The redevelopment of the six-storey Majestic, previously both a cinema and a nightclub, will be completed this month, with Channel 4 taking three floors.

Eamon Fox, partner and head of office agency at Knight Frank in Leeds, said: "This is a very significant letting for Leeds and a resounding endorsement both of the quality and design of the Majestic building and of the strength of the legal sector in the city."

Richard Baker from Rushbond commented: "We are delighted to welcome a flourishing firm like Knights to the Majestic. Our redevelopment has been a labour of love and we have been rewarded by attracting occupiers of the highest calibre."

"The Majestic has been designed to meet the needs of the modern business and its future will be defined by those who will occupy it."

Fox added: "New technologies, disruptive market entrants and shifting client demands are powerful forces that are transforming what lawyers do and how they operate. As a result, the law firm of the future is becoming more innovative, nimble, lean and tech-focused."

"This, in turn, will transform the property requirements

of the legal services sector. A future-proof, fit-for-purpose environment will be needed, which is exactly what the Majestic is."

Knights acquired Leeds-based Shulmans for £20.1 million in March, hot on the heels of the listed legal services business's relocation to bigger premises in York.

Knights said the acquisition significantly increases its footprint by providing entry into Leeds, where Shulmans is among the longest established independent commercial law firms.

Comprising 130 fee earners operating from a single office, Shulmans offers a full spectrum of commercial legal services, including corporate, litigation, employment and real estate.

The acquisition provides Knights with a platform for growth in one of the largest regional markets for legal services in the UK, as well as access to city relationships for its recently established York office.

Shulmans itself recorded revenue of approximately £17.6 million for the financial year ending 31 March 2019.

Knights said the acquisition of Shulmans, together with its deals for ASB Law and ASB Aspire and the placing, is expected to increase its earnings by a high single digit percentage in the financial year ending 30 April 2021.

Following completion of these acquisitions, Knights had 900 fee earners across 15 office locations.

Commenting on the acquisition of Shulmans, David Beech, chief executive officer of Knights, said at the time: "We are delighted to announce the acquisition of Shulmans today, marking our entry into a new and important market with the addition of this quality full service commercial law firm which is recognised as a Top 200 UK law firm by revenue."

"With their ambitious team and progressive approach to law, the firm has a strong cultural fit with Knights and provides an exciting platform for growth in Leeds, in line with our strategy to build the leading legal and professional services business outside London."



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## Keebles advises German chocolate manufacturer on shareholder transaction



Yorkshire law firm Keebles has advised Ludwig Weinrich GmbH & Co on its acquisition of the majority shareholding in global Fairtrade company Divine Chocolate.

Germany-headquartered Weinrich, which has produced Divine's chocolate since the company was established in 1998, has acquired a majority shareholding in the company.

Led by partner Paul Trudgill and senior associate James Burdekin, Keebles acted as legal adviser to Weinrich on the transaction and ensured the process ran smoothly.

The new agreement ensures that Divine Chocolate can continue its commitment to Fairtrade, a sustainable and traceable supply chain, and continue distribution to all its customers and supporters around the world.

Trudgill (pictured) said: "Having enjoyed Divine

Chocolate ourselves over the years, it was great to be able to work with Weinrich on the transaction and to have helped contribute to facilitating such a fantastic and positive step for the company."

"Weinrich has a long-standing history as a key supplier of Divine and is looking forward to helping them to expand, develop and continue their distribution around the world."

Weinrich, a family business in its fourth generation, has been dedicated to chocolate-making for more than 120 years, with the company manufacturing and distributing its products all over the world.

Cord Budde, chief executive officer of Weinrich, said: "We are thrilled to become majority shareholder in Divine Chocolate and we look forward to working with the company even closer moving forward, ensuring their mission and company vision is successful."

"I would like to say thank you to Paul and the Keebles' team for helping us to conclude the transaction. The firm went above and beyond for us and we were delighted with their service throughout."

Based in London, Divine Chocolate operates internationally and was established as The Day Chocolate Company in 1998 by Kuapa Kokoo, the farmers' cooperative in Ghana, and Twin Trading Limited, a UK company.

A Divine Chocolate spokesperson said: "We are delighted that Weinrich, under its CEO Cord Budde, is now a key shareholder and is fully committed to our mission to empower cocoa farmers and chocolate lovers by delivering seriously good chocolate.

"We are genuinely excited about what the future holds for the company."

## Taylor&Emmett launches Saturday mediation sessions

Busy separating couples from across South Yorkshire can now access family mediation at weekends, thanks to Taylor&Emmett.

The law firm is offering Saturday morning remote mediation sessions, to help those who struggle to take time off during office hours to resolve relationship disputes without court intervention.

Taylor&Emmett family law expert and qualified mediator Dawn Lowry (pictured, right), who is based at the firm's Rotherham office, launched the service from home.

She said: "I know from my own experience, it can be difficult to find time in the working day to attend to personal matters and evenings are not conducive to the highly charged, emotive discussions necessary in mediation. It has become clear there is demand for Saturday sessions and so far, they are proving very successful."

Family law mediation is available through Taylor&Emmett for private and legal aid-funded clients.

It is not aimed at reuniting couples, but is a means of resolving financial disputes or arrangements for children, by working towards a separation agreement that suits the individuals involved and is likely to last long term.

Lowry added: "Lockdown has taught us so much about what is achievable outside the traditional office environment."

"Although we recognise it won't work for everyone, being able to attend mediation from the comfort of your own



home makes many parties calmer and more receptive to the ideas put forward."

"They are free of time constraints and although it is still upsetting to discuss the breakdown of a relationship, they are less defensive, enabling us to find solutions to difficult issues more productively."

Taylor&Emmett announced a raft of promotions in April to recognise the ability and efforts of those delivering the firm's range of legal services to local residents.



## Gordons advises Hermes on new depots

Consumer delivery specialist Hermes UK has worked closely with Yorkshire law firm Gordons to prepare for the opening of 10 new depots in response to continued demand for online shopping since lockdown began.

Over the past three months, a team led by Gordons commercial property partner Paul Young has advised its long-term client on all property legal matters relating to leasing the new sites.

Totalling 564,166 square feet of warehouse and distribution space, the 10 locations include a 75,719 square foot new depot in Nottingham, which will create 100 jobs.

Leeds-based Hermes is the UK's biggest dedicated parcel delivery company. Hermes delivers more than 400 million parcels a year, working alongside 80% of the UK's top retail brands, including Next, ASOS and John Lewis.

Commenting on the rapid site acquisition activity and the involvement of Gordon, Ashley Walker, director of operations for planning and development at Hermes, said:

"We're delighted that Gordons has been able to support Hermes and quickly secure leases for 10 additional sites."

"The pandemic has accelerated the shift from high street to online shopping, so our business needs to be extremely agile and have the ability to swiftly scale up when demand is high."

"Additional depots allow us to continue operating safely and to support our clients, so we can meet demand from the end consumer."

Young added: "We are very pleased to have been able to help Ashley and his team at Hermes expand capacity at pace to deal with the surge in online shopping since lockdown."

"We had to work quickly, accurately and commercially to secure the depots. It is great to know that we have enabled Hermes to achieve its objectives despite the challenges that the pandemic has presented to doing property deals."

## Harrowells secures £20 million in brain injury case

York law firm Harrowells Solicitors has successfully represented a young boy who suffered irreversible brain damage at birth in his long-running case against the NHS trust responsible.

While the boy and the NHS trust cannot be named for legal reasons, certain facts can now be made public after the parties reached a £20 million out of court settlement.

In 2012, the boy's mother, who had a history of decreased fetal movements, went for an appointment at her local hospital. An ultrasound scan was carried out but no CTG (cardiotocography) trace was offered. She was told to return the following day for her blood pressure to be checked and induction of labour was arranged for the next day.

After she returned to hospital, the mother again complained of decreased fetal movements and a CTG was commenced for reassurance. The CTG was reviewed and had features that caused concern. At 11:30am, a decision was made to deliver by Caesarean section.

The boy was born on the same day by emergency caesarean section but scans taken shortly after birth were abnormal and consistent with brain injury caused by lack of oxygen, demonstrating seizure activity. A review three months later subsequently found that the boy had four limb motor disorder secondary to his neonatal episode.

Richard Wood, partner at Harrowells, took on the case and instructed barristers Bill Braithwaite QC and Dr Kevin Naylor from Exchange Chambers.

The hospital trust admitted fault in failing to arrange for a CTG to be undertaken and accepted that, had it been carried out, on the balance of probabilities it would have led to a planned induction of labour such that the boy would have been delivered before he suffered any irreversible brain injury. This admission was made in October 2017.

Court proceedings were issued in 2018 and a trial was listed at the High Court in July 2020.

Before the case came to trial, settlement was achieved

in May of this year, through a lump sum of £7 million, plus annual payments of £125,000 from December 2020 to December 2030, and of £175,000 from December 2031 for the remainder of the boy's life. Based on life expectancy figures, this equates to an award of £20.25 million.

Commenting on the case, Wood said: "This settlement will transform our client's future. It will enable a young man who suffered an irreversible brain injury at birth to live life as fully as he possibly can."

"Our client will now have access to 24-hour care as well as all the ongoing therapy he requires. The settlement will also go towards adapting a future property so that it is suitable for him to live in, with appropriate support."

Braithwaite added: "It's been a real pleasure to represent this boy and his family. They have struggled long and hard, waiting five years for the admission of liability, and having to face the prospect of a trial at court until two months before the deadline."

"They did so without much help in coping with all the many problems which arise following a catastrophic injury like this, other than through the legal process, which supported them as well as possible, and which eventually achieved this result."

The claimant's mother, who acted as his litigation friend in the court action, said following the settlement: "No words can describe what we have been through as a family. I'm sure other families that have experienced what we did will get it. I just hope that lessons have been learnt and hopefully when things do go wrong families won't have to wait eight years for compensation."

"Time is a healer but it has also been eight years of fighting for my son to get what he needs. Compensation claims for negligence during labour should be a priority so all these kids get the rehab and equipment they need straight away. Finally, the amazing legal support we have had meant everything to us—so massive gratitude to them all."

## Nexus appoints Squire Patton Boggs and HGF as legal partners

Law firms Squire Patton Boggs and HGF have been appointed as legal partners to Nexus, the innovation hub of the University of Leeds.

Squire Patton Boggs, whose Leeds office is located at 6 Wellington Place, will serve as legal professional services partner to Nexus members.

Leeds corporate partner William Downs will lead the multidisciplinary team for entrepreneur and startup members, whose membership grants them access to academic expertise at the University of Leeds, as well as innovative support networks and business advisory services.

Downs said: "The firm has acted on various projects for the University of Leeds over the past few years, and has a long track record of advising innovative and fast-growth companies and SMEs as they start and scale up, especially in the technology, manufacturing, healthcare and life sciences sectors."

"Our team is looking forward to sharing our insights and knowledge to help organisations in the Nexus community, as they develop, finance and commercialise their innovations, working alongside Nexus and their other professional services partners."

HGF will provide intellectual property advisory services to the innovation hub's members. Partner Andy Camenisch, who is based in the boutique firm's

Leeds headquarters at 1 City Walk, said: "Nexus plays an important role in the Leeds City region in providing support and growing innovative businesses."

"Our firm is geographically well placed to provide support to the regional innovation ecosystem and is equally invested in the region."

"We are looking forward to providing Nexus members with our knowledge and expertise across the sector to help facilitate future growth."

Welcoming both firms as partners, Nexus director Dr Martin Stow said: "Nexus brings together the brightest minds from business, technology and academia and we are excited to welcome Squire Patton Boggs to our community."

"For startups and SMEs to be successful, they need tailored advice and we are building a network of professional services partners that can provide this based on their experience and skills. Squire Patton Boggs have a long history of supporting fast growing innovative businesses and I have no doubt that they will be a very valuable asset to the Nexus community and help our members accelerate and grow."

He continued: "HGF has a proven track record in supporting innovative businesses in the region and I believe that they will [also] be a very valuable asset to the Nexus community."

## Walker Morris secures Supreme Court success for flat owners

A team from Leeds-headquartered Walker Morris has secured Supreme Court success for flat owners at New Lawrence House in Manchester.

Following on from the Court of Appeal's decision in December 2019, the Supreme Court has refused

East West's appeal over the maximum liability cap (MLC) payable under the policy at dispute.

The decision covers the Zurich Standard 10 New Home building warranty and provides welcome relief for the owners of the flats at New Lawrence House.

The Court of Appeal's decision that the MLC is to be set at £10.8 million (which was the combined purchase price value of all of the flats in the development), as opposed to £3.6 million (which included only a proportion of the flats) as contended by East West, will now stand as good law and as a proper interpretation of the new home warranty issued



by Zurich. A specialist legal team including Thomas Grant QC and Ryan Turner of Maitland Chambers, and members of the Walker Morris construction and engineering team, including Paul Hargreaves and Martin

Scott (pictured left and right), advised the claimants.

Hargreaves, who led the Walker Morris team, commented: "This is extremely welcome news for our long suffering clients, who have had to endure significant financial hardship as a result of having to meet spiralling service charge costs, and mortgage payments in a building that has remained empty since 2017 due to significant fire safety defects that the insurers did not want to pay to rectify."

"The decision will be of great interest to all involved in the new home warranty market, including insurers and policyholders alike."



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## Exchange Chambers agrees new 10-year lease in Leeds



Exchange Chambers will remain a fixture of the Civic Quarter of Leeds City Centre for another decade after agreeing a new lease.

The full-service barristers' chambers occupies 7,500 square feet at Oxford House on Oxford Row in the Civic

Quarter of Leeds City Centre, close to the courts.

Exchange Chambers opened in Leeds in 2010 and is now an established part of the city's legal community.

Ian Spencer (pictured), senior clerk at Exchange Chambers, has overseen its progress in Leeds over the last decade.

He said: "We are delighted to agree a new, long term lease in Leeds. Since opening our Leeds chambers in 2010, we've developed every aspect of the business. Bringing on board quality barristers across a broad spectrum of practice areas and at varying levels of seniority has been the key to our progress so far."

"Our Leeds chambers now has over 30 members across

all the main practice areas such as crime, personal injury, commercial, insolvency, employment and regulatory. We've also branched out into some very specialist areas such as competition law."

News of its long-term commitment to Leeds follows on from Exchange Chambers agreeing a new 10-year lease in Manchester.

Jonathan l'Anson, chief executive of Exchange Chambers, said: "Agreeing new 10-year leases in both Leeds and Manchester demonstrates our confidence in the future of the regional bar."

"Moving forward, remote working will become increasingly commonplace at the bar. Our decision to retain the same amount of space factors this in and allows for future growth. All our offices are also equipped with the latest technology platforms required for remote hearings."

Exchange Chambers has adapted all of its offices in line with government-led Covid-19 guidelines to ensure social distancing and hygiene precautions are implemented across all workspaces.

l'Anson said: "Barristers, staff and clients can feel totally safe working or meeting in chambers whenever they feel comfortable to do so."

## Two Leeds Beckett students awarded new Halifax Law Society scholarship



Mariam Shahid and Zain Khan are the first ever Leeds Beckett University students to receive the Halifax Law Society Scholarship, worth £1,500 each.

The initiative was set up to support Leeds Beckett students from Calderdale who have excelled in their entry qualifications but might not have the means to support themselves financially through university.

Khan (pictured, left), a first-year law student from Halifax, said: "Being awarded the scholarship from the Halifax Law Society makes me feel proud of my town and where I come from, and the financial support that this scholarship offers encourages me to strive to achieve my potential."

Fellow recipient and first-year student Shahid (pictured, right), who is also from Halifax, added: "It was really heartening to someone like me that the Halifax Law Society were taking the time and effort to support others."

"The scholarship will be a massive help to me in my time at Leeds Beckett. As a commuting student it will help me with my travel costs from Halifax to Leeds each day and will help me to make the most of my studies with additional resources and law textbooks."

The scholarship is a new partnership between Leeds

Beckett, Halifax Law Society and the Community Foundation for Calderdale.

Two scholarships of £1,500 will be offered each academic year, which will benefit 20 Leeds Beckett law students over the next 10 years.

Deveral Capps, dean of Leeds Law School, said: "We are delighted to be partnering with the Halifax Law Society who are supporting this scholarship. A legal education leads on to a wide range of career paths and provides improved opportunities."

"This scholarship will support less privileged students studying with us. The Halifax Law Society Scholarship continues our engagement with the wider legal community to improve the educational experience for our students including our Leeds Law School Law Clinic and our student mentoring scheme."

The Community Foundation for Calderdale, which supports hundreds of charities and voluntary groups across Calderdale, helped to facilitate the partnership.

Steve Duncan, DL, chief executive officer at the Community Foundation for Calderdale, said: "The Community Foundation for Calderdale are delighted to be working in partnership with the Halifax Law Society and Leeds Beckett to provide a sustainable joint scholarship to support young people into a career in legal profession in Calderdale."

Heather Nuttall, solicitor at Wilkinson Woodward Solicitors and treasurer at the Halifax Law Society, said: "The partnership with the Community Foundation for Calderdale and Leeds Beckett University has provided an ideal opportunity for the Halifax Law Society to support aspiring lawyers in Calderdale with their academic studies and we are proud to be part of this initiative."

## Parklane Plowden appoints new chairman



Parklane Plowden Chambers appointed David Kilduff as its new chairman.

Kilduff's appointment follows the retirement of former Eversheds partner Geoff Harrison, who has held the position since 2015.

A nationally recognised leader in the field of public sector commercial law,

Kilduff was previously head of the commercial group and latterly the energy, infrastructure and government group at Walker Morris. He maintains a leading role in the firm's energy group.

In his new role as chairman, Kilduff brings his experience and expertise to the management of Parklane Plowden and the setting of its business and marketing strategies.

On his appointment, Kilduff (pictured) said: "I'm delighted to be

joining such a pre-eminent set. Parklane Plowden is an ambitious and exciting environment. It has grown significantly over the past few years and I look forward to helping Parklane Plowden address the many opportunities and challenges which will shape its future success."

Christopher Williams, head of chambers, said: "We are thrilled to welcome David to the team and excited to be working with him to build on Geoff's legacy of success through solid business management."

Parklane Plowden has 120 members who practise across civil, family, employment and chancery and commercial.

The chambers undertook a significant recruitment drive earlier this year, securing the arrival of four specialist injury law barristers from Zenith Chambers, as well as 13 family law barristers and pupils.

## Carl Jones of MD Law secures judicial appointment



Sheffield and lawyer Carl Jones of MD Law has been appointed as a deputy district judge.

Jones, who is a partner at Broomhall-based MD Law, which specialises in business recovery, insolvency and dispute resolution, will work on the North Eastern Circuit from later this year after

completing his induction.

Lord Chief Justice of England and Wales Lord Burnett of Maldon appointed Jones to the position, and he has been allocated to the Humber and South Yorkshire cluster of courts.

Alongside this appointment, Jones will continue to practise at MD Law acting for insolvency practitioners and other corporate and individual clients on litigious matters.

Jones, who joined MD Law in 2015 and became a partner in

2019, said: "I was surprised, but really pleased, to be appointed on the first time of applying"

"The application included a rigorous qualifying process, which featured tests, assessments and an interview. I am now hoping to apply many of my day-job skills to the position and look forward to starting later this year."

A deputy district judge, who works part-time, sits in both public hearings and in private for 30 days a year.

The position's main activities include preparing for trial and hearing actions, handling applications in the course of proceedings, determining applications on paper and deciding claims by finding facts and applying the relevant law to give a reasoned judgment.

Matthew Dixon, founder and partner of MD Law, said: "We warmly congratulate Carl on his judicial appointment. His strong decision making and sound judgement will serve him well."

## University of Sheffield confirms partnership with ULaw

The University of Sheffield has signed an agreement with the University of Law (ULaw) to take over the delivery of its postgraduate vocational law courses.

The partnership, which was proposed in June, will bring ULaw's graduate diploma in law and legal practice course provision to Sheffield from September, led by the dean of ULaw's Leeds campus, Matthew Tomlinson. ULaw will also roll out a solicitors qualifying examination.

ULaw is offering more than £2 million in scholarships and bursaries for its students this year and in addition will be offering up to 10 Campus Dean's Awards specifically for Sheffield.

New courses starting in January will be offered by ULaw in 2021, meaning students will have more flexibility and choice. Courses commencing in January are likely to include the full-time graduate diploma in law and legal practice course, and the part-time, day or weekend legal practice course.

The partnership will enable the University of Sheffield's School of Law to focus on its research-led teaching in criminology and law, with ULaw providing specialist education for postgraduate students in Sheffield who are looking to qualify as solicitors.

Professor Graham Gee, head of the University of Sheffield's School of Law, said: "This partnership with The University of Law marks an exciting development for the University of Sheffield at a time of changing qualification routes for solicitors."

"It will allow our students who aspire to a career as a solicitor to receive expert vocational teaching and specialist employability support from The University of Law, while enabling the University's School of Law to focus on our world-leading research-led teaching in criminology and law. We are particularly excited about new opportunities to work jointly with the University of Law on employability initiatives that will give our students a head start as they prepare for the legal marketplace."

Tomlinson said: "The University of Sheffield has run very successful graduate diploma in law and legal practice course programmes for more than 20 years so it will be a privilege for us to work with the team in Sheffield to really drive the university's offering forwards."

"The Yorkshire legal scene is full of incredible talent and growing at a fantastic rate, so we're excited to see what the future has in store."

# Moving on up

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



Seven lawyers at **Clarion** are developing their careers with the Leeds law firm as they receive promotions and rise up the ranks.

Clarion promoted Stephanie Parish to legal director and Florence Maxwell, Sarah McGovern, Stephanie Douthwaite, Jemma Green, Kaira Clarehugh, and Andrew Curtis to senior associate.

Congratulating the lawyers on their promotions, Roger Hutton, joint managing partner at Clarion, said: "The strength of the Clarion culture has shone through during these testing times and I am proud that we have pulled together and continued to provide an outstanding service while supporting one another. We continue to invest in developing our talented lawyers and reward their hard work and achievements for their clients."

"Well done to all seven lawyers recognised with these latest promotions, it is particularly satisfying that more than half of them trained with us and have stayed to pursue their careers with the firm."

These seven promotions follow the arrivals of associates Kate Fernyhough, Sarfraz Iqbal, Helen Spalding and Nicky Beynon, and debt recovery executive Shelian Craig.

Clarion also added experienced business lawyer Laurie Dale to its corporate team as a legal director this year.



A well-known collaborative law specialist joined **Berwins** to boost the firm's family law credentials.

William Kaye brings more than 20 years of specialist family law experience to the team at Berwins.

Previously head of the family law team at a well-known regional firm, Kaye has spent much of his career in

York, where he has built a reputation among both clients and professional contacts for offering valuable, proactive advice, and achieving fair and efficient outcomes.

Commenting on his move to Berwins, Kaye said: "I'm delighted to have joined the team. Berwins is well known for offering exceptional levels of client care and for getting the best outcomes through its commitment to alternative dispute resolution processes, including collaborative family law."

"I have long been a passionate advocate for this approach, and it is fantastic to be working with a talented team of experienced professionals who share that belief."

The appointment forms part of the firm's ongoing growth plans, as Danielle Day, head of family law at Berwins, explained: "Berwins was an early adopter of collaborative practice and has seen this area of law grow exponentially over the last decade. That increase in popularity is largely down to the way it helps clients retain control of a difficult situation and unlock a brighter future for themselves and their families."

"With his wealth of professional experience, William is a huge asset to the team as we seek to maintain and further develop that approach, and his appointment a significant coup for the firm."



The York office of **Lupton Fawcett** welcomed two new appointments.

Jaime Dodd joined as a senior solicitor in the residential conveyancing department while Beth Pattison was appointed to Lupton Fawcett's private client team.

Jonathan Oxley, head of Lupton Fawcett's York office, said: "We have a well-established office in York providing legal services to a range of commercial clients and private individuals. It is always pleasing to add new talent to our teams to enhance our professional services and strengthen our presence in the York business community."

"Lupton Fawcett is well placed to support clients at this challenging time, particularly in putting plans in place to enable their businesses to move forward during and post the Covid-19 pandemic."

Dodd qualified as a solicitor six years ago and practised criminal law before moving into residential conveyancing. He specialises in leasehold sales and purchases, new build purchases, Help to Buy and equity release mortgages.

Pattison graduated from Northumbria University with a law degree and qualified as a solicitor two years ago. She specialises in trusts, wills, administration of estates and lasting powers of attorney.

Lupton Fawcett's York office provides a full range of legal services to commercial and individual clients. Specialisms include its ecclesiastical law practice, the largest in the north of England.

The York team includes Louise Connacher, who is the registrar for the Diocese of York and provincial registrar for the Province of York and legal Secretary to the Archbishop of York.



Three new senior members joined **Taylor&Emmet** during lockdown, proving home working is no barrier to progress.

The trio was appointed to strengthen the firm's personal legal services and support teams, enhancing the childcare, clinical negligence and accounts departments, respectively.

New head of finance Caroline Blair joined Taylor&Emmet from Huddersfield-based AHR Architects, where she spent the last eight years, latterly as financial controller.

She will be responsible for overseeing all financial matters and succeeds one of the firm's longest serving members of staff, Sue Parkin, who recently retired.

Julie Munday expanded the firm's family law team and will take over as head of childcare later this year when current incumbent, Pat Wotherspoon, retires.

Munday previously worked at Parker Rhodes Hickmotts in Rotherham as head of department. She is handling publicly funded and private work, providing advice to families in disputes concerning children, particularly care proceedings.

New partner Kathryn May joined the clinical negligence department to deal with all types of cases, but particularly birth injuries.

She joined Taylor&Emmet from Sternberg Reed in Essex, where she was head of department for five years. She not only brings extensive knowledge of her discipline, but also experience of case management systems that will help the firm achieve its paperless ambitions.

Steve Hinshelwood, chief executive of Taylor&Emmet, said: "I would like to offer a warm welcome to Caroline, Julie and Kat from everyone at the firm. Starting a new role in such exceptional circumstances is not without its challenges, but all three have demonstrated great patience, initiative and enthusiasm to learn about our processes."

"I'm sure they are all eager to meet their colleagues properly, when we resume office operations and I hope the support we have provided so far has gone some way to making them feel part of the team."

#### Another new consultant solicitor joined **Legal Studio Solicitors**.

Angela Lally joined the firm as a consultant solicitor. She focuses on financial matters arising out of divorce. She has experience in dealing with a full range of cases, from amicable



agreements to litigation.

Lally qualified in 2002 and worked at a regional firm based in Chesterfield before moving to a Sheffield firm where she progressed from assistant solicitor to head of department and partner.

She has spent the past two years working as a consultant.

Her appointment at Legal Studio follows the arrivals of construction specialist Chris Hutchinson and experienced litigator Stacey Pocock in May.

Legal Studio chief executive officer Ian McCann: "It's gratifying to add another solicitor of Angela's quality to Legal Studio. Her arrival also allows us to offer more services to our clients and referrers."

"Continuing to expand Legal Studio reflects the hard work that our team has put into growing both the practice and the brand in recent times. We are looking forward to having Angela as part of the team and helping her help her clients by practicing law flexibly and on her terms."



Intellectual property firm **Secerna** has boosted its biotech expertise with a new appointment.

John Harbottle, a doctor of molecular biology, joins the established intellectual property law firm as a trainee attorney to support a growing worldwide client base of multinational corporations, FTSE- and NYSE-listed companies, universities, spin-out companies, small businesses and innovators.

Having graduated from Leeds University with a first-class honours degree in pharmacology, Harbottle attained a master's degree in drug chemistry at Newcastle University.

On completion of his master's, Harbottle undertook a PhD in molecular biology in which he identified and investigated novel molecular mechanisms of antimicrobials targeting nucleic acid polymerases.

At Secerna, Harbottle will apply his expertise to help biotech companies protect their intellectual property.

On moving into intellectual property law, Harbottle said: "I have had my eye on a career in intellectual property law since the completion of my undergraduate degree. It will allow me to use the knowledge I have acquired through my education in a practical way. I've always had a passion for existing and developing technology, and this line of work enables me to be hands on with the latest developments, which excites me a lot."

He added, "A few years ago I identified Secerna as a company I wanted to work for. They are a highly-regarded intellectual property firm with the bonus of having offices in the north of the country, where I wanted to be. I'm extremely happy that the partners offered me the opportunity to join the firm."

Charlotte Watkins, partner at Secerna, said: "Even through the Covid-19 pandemic our services remain in high demand, and we are seeing growth. We are committed to providing clear development paths for talented young science and technology graduates, like John, and I'm very happy to be attracting someone of his calibre to the company."

"He brings a wealth of knowledge to the role and we are

looking forward to watching him grow and develop his skills. With more clients, and space at our city centre offices, our search for talented people to fill positions at all levels of our business continues."



Solicitor and mediator Sarah Manning is now a senior associate solicitor at **Consilia Legal**.

Manning, who has more than 10 years of experience in family law, is a solicitor and accredited mediator, and a member of Resolution.

She advises and assists individuals in all aspects of private family law, including divorce, financial settlements, and civil partnerships dissolution, as well as separation and cohabitation agreements.

Manning also specialises in children matters, including adoption, domestic violence and international family law.

She also has experience dealing with mid- to high-net worth clients of a complex nature and those including overseas assets.

Consilia Legal promoted Manning to senior associate solicitor to reward her for her dedication and contribution to the Leeds- and Harrogate-based firm since joining two years ago.

Laura Clapton, director and head of the family law department at Consilia Legal, said: "Since joining us, Sarah has taken an active role in developing more junior members of the team. Sarah has also assisted in the growth of both the mediation and legal practice through her commitment to business development."

"Sarah's passion for her work, particularly alternative dispute resolution, shines through and she is a fantastic role model within the family law arena."

Commenting on her promotion, Manning said: "I am very pleased to accept the position of senior associate solicitor and be a part of a modern, forward thinking law firm."

"I have recently embraced the home working and quickly put in place procedures for us to offer virtual mediation which has been a great success and something which we will continue to offer following the pandemic."

"Over the last two years I have enjoyed networking and building my contacts in the Leeds area following my move from working in the North Yorkshire area."

"I have also set up a successful conference each year for Dispute Resolution Awareness Week and this year will be the third year it has run. I also founded ADR book club, which has been a great way to meet like-minded people and share views and ideas. I am excited for the future of Consilia and to put in place other business venture ideas."



Family law firm **Jones Myers** further expanded its team with the appointment of experienced family lawyer Debra Jackson.

Jackson's expertise across 11 years spans divorce, financial settlements, pre- and post-nuptial agreements, and inheritances and trusts.

A specialist in cases involving unmarried couples, Jackson has gained specialist accreditation from Resolution in cohabitation.

Richard Peaker, partner and director at Jones Myers, commented: "Debra's strong track record complements and enhances the expertise of our family lawyers and we wish her every success."

"Attracting and retaining top talent remains a top priority as we continue recruiting in line with a further increase in instructions from our local, national and international clients to meet growing demand."

Jackson said: "Jones Myers has an outstanding reputation and it's tremendous to join the firm at this formative period in its development. I thrive on the challenges of complicated cases and am looking forward to helping clients achieve creative solutions tailored to their individual circumstances and needs."

The expansion is the latest in a series of developments for the firm, which has offices in Leeds, Harrogate and York.

Jones Myers recently appointed a new partner and boosted its teams across all three offices.



Mike Doherty joined the litigation and dispute resolution department at **Wake Smith Solicitors**.

Joining the team as an associate, Doherty has more than 15 years' experience in disputes, covering contractual, property, insolvency, and shareholder and partnership.

His experience also covers equity and trust-based claims, negligence claims, breach of warranty claims, TOLATA cases and contested probate matters.

Commenting on his appointment, Doherty said: "This was a great opportunity to join Wake Smith. Straight away I knew the company was a perfect fit for me. I have been impressed by the place, the people and the operation as a whole."

After qualifying, Doherty became an associate working across South and West Yorkshire as a civil and commercial litigator at firms in Leeds and Sheffield.

Liz Shaw, head of litigation at Wake Smith, said: "Most businesses at some time will need expert litigation legal advice and representation to prevent or resolve disputes. Mike joins an experienced and highly effective team of litigation specialists at Wake Smith fighting cases for our clients. These range from small businesses to large organisations on issues that include multi-million pound multi-party actions to matters involving a few thousand pounds. We welcome Mike to the team."

The Sheffield-based litigation team at Wake Smith includes a part-time judge, a trained mediator, and several members of Law Society panels who are experienced solicitors specialising in contentious matters.



# 'Only handle your own balls'

**Patrick Walker** struggles with some Covid-19-related advice and wonders if Labradors know best



**Patrick Walker** is an independent mediator:  
[www.imediate.co.uk](http://www.imediate.co.uk)

Hardly a day goes by without another piece of advice on how to keep safe through the Covid-19 pandemic. Sometimes helpful, sometimes stating the bleeding obvious and sometimes bizarre, as I walked the riverbank in pursuit of trout I did pause for more than a second when confronted by a sign requesting me to "only handle your own balls". At that moment, a loud 'thwock' reminded me I was on the boundary of the tennis club and I laughed at myself and moved on.

Moving on can be difficult for us all when attempts to regain normality are constantly derailed by local lockdown, changing quarantine requirements and deadly 'spikes' often hidden in a barrage of conflicting statistics. If holidays abroad are thwarted and even staycations feel rather strange, the government plea to 'go back to work' almost seems comforting—an official endorsement of some return to normality.

But even government advisers seem unclear about office and home working, and although a few clients are asking about face-to-face mediations, I am struggling to offer

a venue that doesn't require at least some of the participants to use long-distance public transport, and which offers proper social distancing and minimal risk from toilets, lifts and catering. And all of this is before I move between rooms of people from different work and home groups, with or without a mask in place.

It is difficult to gauge the seriousness of these risks, but almost everyone who has mediated by video sees no point in subjecting participants to even a modest risk, when there is an effective alternative. Many express the view that it should now be the usual way of mediating, with or without Covid-19.

For all that logic, I doubt whether I am alone in waking up some mornings, just wishing that everything could return to how it was before. Sometimes it feels like the only way to move on is to go back. Each of us will make our own assessments of risk and decisions, and as I return from another fishing trip, yet again empty handed, I think moving on may have to include admitting to myself that there are some things I was rubbish at before Covid-19, and rubbish at now, and will be rubbish at long after a vaccine is proven effective!

Such an admission may be good news for our Labradors. Both are convinced that home working means that the morning dog walk can extend into the afternoon outing, and that nothing, least of all work, should get in the way. I choose to dress formally for video mediations, but when I appear downstairs in a tie the dogs look like their throats have been cut. They walk slowly to their beds and in unison lie down with their faces to the wall. But even they have worked out that going back to how things were before Covid-19 would mean more suits and days away from home.

They have suggested a compromise—I should move on, but the parties should settle with time to spare for a long walk to the river. I am working on it but, happily, even when a mediation runs late they seem to forgive me.



# The legal return to work

What should lawyers do to stay safe as the legal sector opens up again, both individually and as employers? **Edmund Conybeare**, a consultant solicitor and regulatory expert at Legal Studio, takes a look



“So we are saying don’t go to work, go to work, don’t take public transport, go to work, don’t go to work. Stay indoors. If you can work from home, go to work. Don’t go to work. Go outside. Don’t go outside. And then we will or won’t, something or other.” Matt Lucas, 2020

Matt Lucas’s brilliant monologue sending up the government’s ambiguous messaging in the current public health crisis of Covid-19 reflects the difficulty so many have had in following the constantly fluctuating legal rules and accompanying guidance, which at times have changed by the hour.

And as lawyers we have had the double whammy of not only having to follow the rules along with everyone else, but also advise our clients how to do so.

As the pandemic slowly eases, and hopefully continues to do so, lawyers are returning to work. Furloughs are ending, courts are reopening, and law firms are looking towards the recovery. But what should lawyers do to stay safe as the legal sector opens up again, both individually and as employers?

It is not necessarily a ‘one size fits all’ issue because the way lawyers operate is becoming increasingly diverse and what may be appropriate in one legal environment may be less suitable for another.

Everyone should now know some basic information about Covid-19. It is an infectious disease caused by a new form of coronavirus. Most who are infected will experience

a mild to moderate respiratory illness and recover without requiring special treatment. The elderly, and those with underlying medical problems such as chronic respiratory conditions and cancer, are more likely to develop serious illness and potentially lose their lives.

The Covid-19 virus spreads primarily through droplets of saliva or nasal discharge when a person coughs or sneezes, but may also spread through talking and breathing. The virus can seemingly survive in air droplets for up to three hours, and on some hard surfaces for up to three days.

The basic control measures to restrict the spread of the virus are to wash hands for 20 seconds frequently, use a hand alcohol rub frequently, and not touch your face. Also, to practice respiratory etiquette by, for example, coughing into a flexed elbow.

However, the main control measure is ‘social distancing,’ and this is key to lawyers returning to work safely. The more we can work distanced from others, the safer we will be.

The underlying principles of law in policing the outbreak remain the same and it appears that the Health and Safety Executive (HSE) rather than local authorities are taking the lead in enforcing it.

These are the main duties in the Health and Safety at Work etc Act 1974, which are for employers towards employees (Section 2), business towards those affected by its activities (Section 3), and workers towards colleagues (Section 7). All the former must protect the latter’s health and safety as “far as is reasonably practicable”.

Due to the way the virus is transmitted, the safest way of working will be at home and remotely.

Barristers will be extremely familiar with this way of working, as will those from the new generation of law firms with home working self-employed consultants such as my own, Legal Studio. More conventional law firms with sizable offices will have made provision for home and remote working, and may have been pleasantly surprised by the business benefits of doing so. For those still not convinced of the benefits, their hand may be forced as the government is actively considering enshrining a right to work at home in law, the exception being that work cannot be carried out at home.

Chambers and law firms will hopefully already be familiar with the government’s guidance on working safely during the Covid-19 pandemic. It should be mentioned in passing that they will still have the usual health and safety responsibilities for employees working at home. The most relevant set of guidance will be that relating to offices and contact centres. Courts and other public buildings will have implemented their own systems and procedures to minimise the risks from the outbreak.

The key features of the guidance are as follows and further detail can be found at [www.gov.uk](http://www.gov.uk).

1. Employers will need to carry out a Covid-19 risk assessment to consider the risk to workers and visitors, and act on it to control the risks of the virus being introduced to, and spreading in the workplace.
2. They will need to manage the risks from Covid-19 by (not exclusively):
  - a) Ensuring those who are unwell stay away.
  - b) Increasing the frequency of handwashing and surface cleaning.
  - c) Making home working the first option.
  - d) Implementing social distancing, not only in the workplace but travelling to and from work.
  - e) Keeping time spent in the building as low as possible.
  - f) Using screens or barriers to separate people.
  - g) Avoiding layouts that involve face to face contact.
  - h) Using fixed teams or partnering to reduce contact levels.
3. The risk assessment and resulting control measures will need to be shared with the workforce as well as being reviewed and updated as law and guidance changes.
4. Giving particular consideration to personnel at higher risk of contracting Covid-19 and getting seriously ill from it, such as making special arrangements for home working.
5. Managing movement within the workplace such as creating one-way systems, discouraging non-essential movement and reducing congestion in certain areas.
6. Reducing face to face meetings to the bare minimum.
7. Maintaining social distancing in common areas.
8. Reviewing emergency procedures in light of the control measures, for example, fire evacuation.
9. Minimising the number of visitors to premises and making those who need to attend aware of the control measures in force.
10. Keeping the workplace as clean as possible, with an ongoing cleaning programme appropriate to the risks.
11. Promoting good hygiene habits for everyone using the building.
12. Changing shift patterns and work organisation to minimise human to human contact.
13. Providing guidance of what to do if an outbreak occurs in the workplace and liaison arrangements with public health authorities.
14. Minimising work travel and making arrangements to keep people safe who need to travel between locations.

15. Constantly engaging and communicating with workers to ensure they are aware of the general law and guidance, and that specific to the workplace.

One extremely important element of keeping legal workplaces safe, which the guidance seemingly neglects to mention, is that the conduct of staff outside the office is just as important as their compliance with control measures within it. Control measures at work are pretty pointless if lawyers and other workers in the legal sector pack out beaches, ignore social distancing guidelines or decide to get an eye test in far flung places.

The return to work advice currently echoes the measures set out above. It continues to emphasise the importance of home working where possible, carrying out a Covid-19 risk assessment, maintaining two-metre social distancing if possible, managing the risk of transmission, and reinforcing cleaning processes. In the case of the latter, of particular relevance to the legal sector will be the need to clean high-contact objects such as door handles and keyboards.

Some chambers and legal offices have been shut for weeks and this brings a particular risk of legionella, with water being allowed to stagnate within both cold and hot water systems. The warmth of the recent spring weather brings an enhanced risk and it may well be appropriate to run a testing programme and to deal with any levels outside normal limits before an office is fully reopened.

Also, employers in the legal sector should be aware of their duties to report Covid-19 under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. The circumstances are:

- a) An accident/incident has or could have led to the escape of coronavirus at work (dangerous occurrence).
- b) A worker has been diagnosed with coronavirus due to occupational exposure to it (disease).
- c) A worker dies as a result of coronavirus exposure (work-related death due to exposure to a biological agent).

This rather ambiguous advice is the subject of much comment and further assistance can be sought from the HSE website, [www.hse.gov.uk](http://www.hse.gov.uk), and/or professional advisers.

From an enforcement point of view, while the HSE will no doubt show a degree of understanding of the stresses that all sectors of the economy are under, it has extra resources to conduct spot checks and has been doing so in the thousands. The HSE will still issue Improvement and Prohibition notices where appropriate, and there is no immunity from prosecution in the most serious cases.

And of particular note is that usually certain areas of the economy where health and safety risks are higher are targeted by the regulators, such as construction. But Covid-19 shows no such discrimination in where it strikes. The legal sector should expect to be inspected and to face sanctions if it fails in its responsibilities.

On a final note, it is right to wish all legal colleagues, their families, friends, clients and contacts good health in the current circumstances, and a prosperous and successful future.

# The impact of Covid-19 on the NHS and patients in terms of clinical negligence

Overall, the pandemic will certainly affect the substance of clinical negligence, writes **Samantha Sims** of Taylor & Emmet



The impact of Covid-19 will be felt in the weeks, months and years ahead.

We are all living in challenging and uncertain times and patients suffering from the virus are placing unprecedented demands on the NHS. This has led to a huge effort in dramatically increasing the resources available to NHS hospitals in treating these patients, involving the reorganisation of hospital facilities, redeployment of existing staff, and a drive to bring in recently retired and newly graduated staff to fight the pandemic.

It has been a major shock to the NHS and social care systems and as well as the tragic number of deaths, it is also having a significant impact on people with long-term conditions and those requiring urgent investigations and treatment.

Patients may be using NHS 111 instead, or avoiding contact with their GP because of worries relating to infection or overloading NHS services. The pandemic is likely to increase waiting lists further, which means that restarting routine care will be undoubtedly even more challenging and long waiting times may sadly be a feature of the NHS for many years to come.

Our NHS is one of the safest and ultimately best healthcare systems in the world, but the virus has affected a significant volume of people in a number of different ways and really, we still know very little about it.

As a solicitor specialising in clinical negligence, I suspect that as people begin to reflect on the last few months, they may start to raise concerns about the treatment they or their loved ones have received. Some people may feel that they or their loved ones were treated improperly or negligently during the crisis and seek redress in the form of litigation.

Some patients have been indirectly affected by the government's strategy to counteract the disease. For example, in some cases, important treatment or surgery has been postponed or even cancelled as healthcare providers have re-directed all of their financial resources and medical staff in order to manage the virus.

The failure to provide that important treatment or surgery may have caused that patient's condition to deteriorate, but does it amount to negligence and is it a patient safety issue?

There is a difference between treatment that is unavoidably delayed and medical mistakes that cause

patients to be directly affected, which will inevitably occur as all medical professionals come under increasing pressure.

The purpose of clinical negligence litigation is ultimately to obtain compensation for an individual who has suffered avoidable harm. It aims, as far as possible, to put the injured person in the position they would have been in had the negligent injury not occurred. It is not designed to regulate the medical professional or punish clinicians who have done things wrong or made mistakes when providing care and treatment. It is designed to provide financial redress to injured people or their families who have suffered injury or bereavement as a result of negligence.

Legally, all healthcare professionals owe a duty of care to exercise a reasonable standard of care and skill when treating their patients. It must be logical, rational and reasonable. The pandemic will not change this. Courts always look at the actual role when considering the standard of care, rather than the experience of the particular medical practitioner. It is unclear what this means for medical staff who have been redeployed to other areas of medicine during the pandemic. It is unlikely that a judge will apply the usual rules.

At the moment, and at the height of the pandemic, it is also reasonable to say that the expectations of patients may not be the same as the expectations they would have had before the pandemic.

The standard of care is judged on the facts of each case. A balance has to be struck between the individual patient's needs and the demands on the clinician.

If we think about a reasonable range of opinion and understand that we cannot use hindsight, there will be a wide range of reasonable opinion or practice when dealing with, managing and coping with Covid-19 cases within the NHS. There has been a large volume of patients during the pandemic and resources have had to be re-allocated. Some services have been suspended, leading to significant delays in investigations and treatment for other conditions.

The duty of care discussed above is not extended to non-patients. If a resident in a care home contracted Covid-19 as a result of another resident being discharged from hospital negligently, they will have no claim against the hospital as they were never a patient. They would potentially have a claim against the care home if it can be shown that they had inadequate protective measures in place, but this would be difficult. A lot of concern has been expressed in the news about the discharging of patients with Covid-19 to care homes in order to free up hospital beds.

In these circumstances, the care home should be looking after Covid-19 patients and taking reasonable and appropriate steps to avoid other residents contracting the virus. There are understandably huge difficulties in managing this, and it is not against government policy or indeed negligent to accept patients with Covid-19 back into care homes, as long as there are proper protective measures in place.

As well as proving that there is duty of care and that the standard of care fell below a reasonable standard in the circumstances, liability only arises where negligence causes, or materially contributes, to someone's injury or

death. When we think about this in the context of Covid-19, it is going to be very difficult to prove.

For example, if you are trying to claim that a claimant contracted Covid-19 as a result of a breach of duty, how will you prove, on the balance of probabilities, the source of the infection? It is likely that the claimant would have a huge difficulty in bringing this kind of claim.

In relation to causation, even if there has been a delayed referral, for example from a GP, claimants still need to factor in the difficulties that there were likely to have been delays in any event, as a result of the pandemic. When defending such claims, the defendant will say the pandemic is to blame.

It is also worth saying that it is likely the courts are going to be extremely sympathetic to medical professionals who have been nothing less than heroic during the pandemic.

The Medical Defence Union (MDU) sought an exemption and legal indemnity for NHS staff risking their lives during the pandemic, arguing that the health service could face negligence claims worth billions. The MDU has asked for the government to debate the issue and it has had a lot of publicity.

Christine Tomkins, chief Executive of the MDU, said: "The NHS may face an avalanche of claims ... the NHS and all NHS healthcare professionals currently making enormous personal and professional sacrifices should be exempt from Covid-19 related clinical negligence claims."

The reasons she gave were the stress on healthcare staff having claims brought against them and also the financial drain on the NHS.

If this exemption and indemnity was allowed, it would potentially cover a huge range of circumstances and potential claims, including claims involving care both inside and outside of hospital, and claims involving patients who have and have not had Covid-19. This must be unlikely to be passed in law, particularly looking at claims retrospectively.

As John Tingle from Birmingham Law School advised in his recent article surrounding Covid-19, clinical negligence litigation and law reform, legal immunities are unnecessary and courts and judges should be trusted to treat doctors and other medical professionals fairly, as they have consistently done so in the past.

Overall, the pandemic will certainly affect the substance of clinical negligence. Something that might have been negligent before the pandemic, might not be negligent during or after the pandemic. It will have a long-term impact on clinical negligence claims and it will have a substantive effect, as well as on procedure and policy.

There has been and will continue to be an impact on the process of civil litigation. There has been a system-wide halt on face to face hearings and the courts need to deal with the backlog. It is unlikely that there will be an avalanche of new claims, but it is likely that there will be a spike in cases due to the backlog.

In the long term, there may be fewer clinical negligence cases due to the pandemic than there otherwise would have been. The aim of those in authority is to protect the NHS in terms of healthcare for patients, but also to protect it from being sued.

# LEAP and Yourkeys to deliver homebuilders a faster and more transparent conveyancing service



Legal practice management system provider LEAP has announced a new technology partnership that will enable conveyancers using its software to provide their services to property builders via the Yourkeys digital platform.

Yourkeys helps to speed up the conveyancing process for home builders by effectively tracking sales and qualifying and onboarding buyers.

The partnership with LEAP provides the home buyer access to an experienced collective of 140 accredited conveyancing firms, which provide a gold standard service, efficiency through consistency of process, and improved output by fee earner and by firm thanks to the adoption of technology.

This powerful tech partnership quickens the exchange of contracts, delivering home builders efficiencies through Yourkeys' user-friendly platform and providing the buyer peace of mind, knowing that their transaction is being handled by one of more than 140 specialist, fully audited, conveyancing firms that are part of the LEAP Best Practice Standard (BPS) network.

The LEAP BPS helps law firms achieve and maintain the highest standards of conveyancing, retaining full control and without referral fees.

BPS firms receive regular independent audits performed remotely by the Centre for Assessment. These audits provide analysis and reports based on assessments of areas such as client care, anti-money laundering, risk and compliance. The BPS systems and checks also generate cost savings and efficiencies to the benefit of their clients.



Riccardo Iannucci-Dawson, chief executive officer and co-founder of Yourkeys, said: "Our partnership with LEAP is an incredibly exciting development for

our clients. LEAP is one of the most innovative and forward-thinking products in the legal space. This partnership will add tremendous value to our housebuilder and estate agent clients to connect them directly and digitally to the best conveyancers in the market."

Yourkeys specialises in providing services to home builders allowing them to qualify and onboard buyers in minutes and track sales progression in real-time directly via system integration. This alliance with LEAP will enable home builders to exchange contracts faster, while improving the process for buyers.

Craig Taylor, director of relationship development at LEAP, said: "With our work with Yourkeys we are leading the way in conveyancing. This service will alleviate the pain of property developers and purchasers alike, simplifying and speeding the newbuild purchase process."

Communication in sales progression and reconciling conveyancing progress has always been an issue that takes lots of time and manual effort. Yourkeys's clients will send instructions to the LEAP BPS law firms and receive real-time sales progression updates as cases move forward.

On being the first of many LEAP BPS firms to receive an instruction via the Yourkeys platform, Sue Shaw-Toomey of Toomey Legal said: "We are proud to be one of the first firms in the country to be able to deliver this faster and more transparent service to clients wishing to purchase a new build property, which we are finding is reducing the stress for our clients of buying a new home."



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# A massive achievement

York-based Pryers Solicitors did not let lockdown prohibit the development of its lawyers with **Hannah Cazaly** and **Laura Cates** recently completing their contracts

**First of all, is everyone well at Pryers Solicitors? How are you and your colleagues doing?**

**Laura Cates:**

Everyone is well. We are fortunate to work for a firm that acted quickly to enable us to work from home with little disruption. The management team has been great with keeping in regular contact, not just about work, but we've also had a lot of online social events. I even hosted an online guess-the-baby photo competition.

**Hannah Cazaly:**

I think we were all working from home within a couple of days of the government making that first recommendation. It is surprising how quickly we all adapted. I miss working side by side with my colleagues, but I know they are always there to talk to.

**Congratulations on becoming solicitors—how significant is this achievement for you both personally?**

**Laura:** It is a massive achievement. It is something I have been working towards for eight years, having completed a four-year master's degree at Northumbria University followed by four years at Pryers Solicitors, initially as a paralegal in the new enquiry team before moving into one of the medical negligence teams and securing a training contract.

**Hannah:** It is a very proud moment and something I have worked very hard for for the last eight years, having taken the same path as Laura.

**Did lockdown pose problems that you had to overcome in your pursuit of qualification?**

**Laura:** It was a very uncertain time for everyone as the pandemic is not something anyone has experienced before. Unfortunately, a few of my friends have been furloughed while on training contracts and I was concerned I may be in the same position, despite being very close to qualification. Thankfully, Pryers has supported me throughout this time. The firm was great in setting myself and my colleagues up to work from home and scheduling regular meetings

with my supervisor to ensure it felt like nothing had changed. I feel very lucky to still be able to qualify and think it is an achievement to say that I have been able to qualify with everything else going on.

**Hannah:** Pryers was very quick to act following the government's announcement but despite the different work setting (ie, being at home), it did not feel too different. My supervising partner, Lisa Swales, has been extremely supportive and on hand to answer any questions I have, which has helped me to continue in my development and be able to reach qualification.

**How has medical negligence been affected by everything that's happened?**

**Laura:** It is well documented that all aspects of law have been affected in some way. I think it is about learning to





adapt and being conscious that we are all working hard to ensure minimal disruption, but disruption will be inevitable. In medical negligence, we experienced particular issues obtaining medical records and expert evidence. The NHS was obviously focusing on treating patients, meaning that admin was deprioritised.

We are still experiencing delays with obtaining medical records, despite business returning to normal. They are dealing with a massive backlog, which is taking time for them to work through.

Court hearings have also faced significant delays, but we look forward to seeing improvements on that front with the recent announcement from the lord chancellor about 'Nightingale Courts'.

A lot of the legal and court processes have always been quite paper-based, so this has been a great opportunity to embrace change. Those who did not want to use electronic systems previously to access medical records have learnt how to do this now. They have also realised that this may be easier than waiting for bundles of medical records or conference bundles. More court hearings may also be conducted remotely, which will be helpful if you are travelling two hours on a train for a 30-minute hearing.

**Hannah:** As you can imagine, at the height of the pandemic there were less people enquiring about medical negligence claims. Not just because there were less people receiving treatment, but also as the nation was pulling together for the NHS, they were reluctant to deal with the potential stigma of making a claim. We were not that worried, because we know that our clients value the service we offer. So we concentrated on our existing clients, making sure we could keep their claims moving. We are beginning to see public behaviour shift a little. Our clients have often suffered considerable pain and injury, which is hard to live with, even when viewed with the backdrop of a pandemic.

We are, however, concerned about the long-term effect the pandemic will have on the nation's health. The British Medical Association estimates millions of people have missed out on treatment, with hundreds of thousands less urgent cancer referrals. The NHS has not seen the necessary investment to be in a position to catch up effectively on this volume of patients.

### ***Outside of law, how has York responded to the pandemic? Is it starting to return to normal?***

**Laura:** I think York has responded well to the pandemic. York has a lot of independent and local businesses that will have inevitably worried about the impact of the pandemic. A lot of businesses have adapted how they work, but the community also set up a 'virtual high street' to help keep those independent shops trading ([www.yorkhighstreet.com](http://www.yorkhighstreet.com)). Those that previously didn't trade online have started, and restaurants that were forced to close opened takeaway and delivery services.

Things are beginning to return to normal, or at least as normal as we can now, but York is hugely reliant on tourism. So, for the city to thrive again, we need to see visitors returning.

**Hannah:** The people of York responded well. The hospital is quite important to us, so we all came together to try to

protect those who were working so hard to keep us safe. As an example, one of our client's wives who runs a fabric shop called on all the local sewing enthusiasts to help her produce personal protective equipment and kit bags for the staff at York Hospital.

### ***Finally, given your own experiences and routes into law, what advice would you have for those interested in pursuing a career as a solicitor?***

**Laura:** Throughout university the emphasis was on obtaining a training contract following graduation, but they are difficult to secure. I would recommend participating in work experience during university. This gives you the opportunity to find a firm that suits you and also explore what area of law you may want to specialise in once you have graduated.

Paralegal positions are also a great way of gaining an insight of the firm and also show off the skills you have which will hopefully lead to being offered a training contract or an offer to apply for an internal scheme.

**Hannah:** I agree with Laura. I believe work experience is invaluable and it can be relatively easy to find. Once you have some work experience under your belt, your CV instantly looks more attractive to any employer. It is also helpful to see which area of the law you wish to specialise in and helps to determine what kind of firm you would like to be part of. Securing a training contract can be difficult but having recently completed mine, it is definitely worth it!

### ***It's also worth pointing out that solicitors have very much proven to be key workers during this crisis. What would you say to anyone who hasn't considered it as a career path previously?***

**Laura:** I think people have a perception of what solicitors do but don't realise how many areas of law there are and the skills that can be used. For anyone who hasn't considered law as a career path, I would recommend attending college and university open days as well as seeking experience within a law firm to gain insight into what goes on behind the scenes. It is hard work to become a solicitor but it is all worth it in the end.

**Hannah:** Solicitors provide such an important service to the public. I know a lot of people prefer to do everything online these days and chatbots are becoming more acceptable. However, a lot of people want a little more from their legal advice. The wealth of knowledge needed takes time to develop, but once you have that and you begin to see how much your clients appreciate your advice, it is certainly worth it.

I think a lot of people are put off from being a solicitor as they imagine years of studying to get there. But I think both Laura and I have worked on it gradually. As we had a little bit of time at Pryers before securing a training contract, it meant we had a small break from learning. We were also able to earn while we qualified, which is a massive bonus.

# Is 'business as unusual' the key to brighter times?

**Andrea Pashley**, president of the Doncaster & District Law Society, on post-pandemic preparation for the local society



At the start of the new year and decade, the excitement had started to build as our social officer, Racheal Harrison, and I began finalising arrangements for our annual ball at the end of March 2020. Its theme was to be the obvious 'Roaring Twenties'. We had lots of surprises in store, including a carefully selected live band, and it was all coming together nicely.

Like most local law societies, our annual ball is an important

feature in the busy social calendar we already had in place, which, along with our training schedule for the forthcoming year and other committee business, kept our meetings lively, interactive and well attended. I am very proud and honoured to be a part of such an enthusiastic team of hardworking professionals who all make time in their busy schedules to support the Doncaster & District Law Society. In fact, at our last face to face meeting at the beginning of March, much of the discussion revolved around the dress code for the ball and whether it should be 'long or short' and who was wearing feathers! The excitement was palpable.

Then it happened; crash, bang, wallop. Covid-19 had arrived. An urgent decision had to be made on the ball, which at the time was only three weeks away. Without the help of a crystal ball and with little knowledge of this unknown virus, it was sadly cancelled. Then the gravity of the decision hit. All of the ticket money was in and we had 170 guests attending. The table plan was about to go to print! Everything booked simply had to be un-booked.

Then came 'lockdown'. Unheard of in my lifetime. Someone had pressed the pause button on life as we knew it. Thank goodness the right decision about the ball had been made. Even our first very own legal walk in the town (which we were also incredibly excited about) had to be put off for the foreseeable future, along with other exciting events we had planned. What on earth was happening?

It all felt surreal. It soon became apparent that the world hadn't gone mad and we were on the brink of a pandemic. Changes to what we knew as 'business as usual' had to be embraced—and quickly.

From April, our meetings became virtual thanks to our amazing secretary Diane Parker and despite a few hiccups, we got there (admittedly, some by sight only, some without sight or sound, or a mixture of both). But we did it!

The new 'business as unusual' was here to stay and by our meeting in July I was delighted to confirm that our ball had finally been rearranged to 19 March 2021. It will remain at the Hilton Garden Inn Doncaster. Our band can make it too and we are extremely fortunate there has been no financial loss thanks to the support of the local businesses in the town. The enthusiasm had started to return.

We now have our AGM planned as a virtual meeting too, which, had I been asked six months ago, I would have thought was not possible. Learning to fathom the concept of Zoom, and especially where to find the incredibly important mute button, I am pleased to say has become part of the norm and business as unusual for me. We will be asking our members to vote on the resolution, "In view of the Covid-19 pandemic, the office holders to continue in office for a further 12 months until September 2021", which I hope will be approved.

Although I'm certain there will be lots of uncertainties for all of us in the year ahead, as a committee one of our main focuses is to retain the loyal members of our precious little society and, while our training schedule won't be as full as it normally is, we are working hard to adapt to the very real and new challenges we are all facing. With the creativity of our committee and enthusiasm of Abby Duffy, our training officer, I am certain we will be able to deliver a virtual training programme that will benefit our members.

Also, with the ongoing hard work and dedication of Racheal, our social officer, and continued support from David Barraclough, chair of the Yorkshire Legal Support Trust, we hope as many of our members (and guests, who are most welcome) will be there at the start of our first legal walk and also at the finish line. We are determined our walk will take place at some point this year, adhering to social distancing measures of course, so that we can raise money for a truly worthy cause. All I am tasked to do is order the weather.

As a society, we are therefore looking forward to brighter times, and myself in particular, to still be able to fit into my Roaring Twenties dress that is ready and waiting.

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