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**Cheshire &  
North Wales**  
Law Society

# CONNECT



# PRESIDENT'S UPDATE

Dear Colleagues,

Here we are almost at the end of 2020. An unforgettable year. We have seen online meetings with clients, practitioners working from home, COVID clauses in sale of land contracts and virtual court hearings.

I was involved in a virtual court hearing myself in June of this year. It is true to say that the court hearing proceeded smoothly. Everyone at the different locations and an electronic bundle. There is no doubt in my opinion that these types of hearings are here to stay. This can only be good from the point of view of costs being saved and avoiding having to physically attend court.

However having discussed matters with a number of civil practitioners it is evident that there is an expectation that some solicitors' offices need to function like "mini courts" providing waiting rooms for witnesses and facilities when witnesses attend solicitors' offices to give evidence. In this scenario where is the court? Do we need to be searching witnesses before they come into our offices? If an accident occurs in the "mini courts" who will be responsible?

In the case I was involved in we had to prepare bundles for every witness – significant work, when usually only one bundle needs to be prepared. We therefore had to prepare 30 lever arch files instead of five. I can imagine that this preparation will leave many Claimants disgruntled.

I am also surprised that the courts or HMCTS do not use the same platform and only one platform. Why BT Meet Me in family cases with some financial hearings on the telephone and others with a camera? And then we have civil courts using CVP and at times Skype for Business. In another court case I was involved in in the summer the court refused to allow one of our witnesses to give evidence through Zoom.

The above is not a criticism of the court system. The courts are to be commended for continuing to hear cases and providing justice. However there needs to be some head scratching and more than anything consistency and guidance to practitioners. I am sure that this will come with time.

Can I welcome Sarah Nason to our committee. She is a senior lecturer at Bangor University who has published widely and has also experience in practice. I am sure that she will be an asset to our committee and it is hoped that this can be the start of a relationship between our committee and the University of Bangor Law School.

Before I close I wish to say a few words about Phillip Watters a solicitor from Llandudno who passed away some weeks ago. I remember being against him in a case at the Court of Appeal in London. He was an honourable and unassuming solicitor. He will be sorely missed.

I wish you all a Merry Christmas and a Happy New Year.



**OSIAN ROBERTS**

## GAIR GAN Y LLYWYDD

Annwyl gyfeillion

Dyma hi'n ddiwedd 2020 bron. Blwyddyn fythgofiadwy.

Gwelsom gyfarfodydd ar lein hefo cleientydd, ymarferwyr yn gweithio o gartref, cymalau 'cofid' mewn cytundebau trosglwyddo a gwrandawiadau llys rhithiol.

Bum ynghlwm ac achos rhithiol fy hun yn ystod mis Mehefin. A gwir yw dweud i'r achos fynd ymlaen heb unrhyw dramgwydd. Pawb mewn lleoliad gwahanol a bwndel dogfennau digidol. Nid oes unrhyw amheuaeth yn fy marn fod gwrandawiadau o'r math yma i aros. A da hynny o safbwynt arbed costau a chael gwared â'r ddibyniaeth o orfod mynd i lys.

Fodd bynnag o fod wedi siarad hefo nifer o ymarferwyr sifil mae'n debyg fod disgwyliad i rai swyddfeydd cyfreithiol fod yn 'lysoedd bychain' gan ddarparu ystafelloedd aros i dystion a chyfleusterau pan fo dystion yn mynychu swyddfeydd y cyfreithiwr i roi tystiolaeth. Ym mha le mae'r llys? Oes angen archwilio dystion cyn iddynt ddod i'r swyddfa? Pe digwyddid damwain yn y 'llys bychan' pwy fydd yn gyfrifol?

Yn yr achos y bum ynghlwm bu i ni orfod paratoi bwndeli i bod tyst - gwaith sylweddol, pan mai dim ond un bwndel a arferid ei baratoi. Felly 30 ffeil lever arch yn lle 5. Gallaf weld na fydd hyn wrth ddant pob hawlydd.

Hefyd rwy'n synnu nad oes gan y llysoedd neu GLITEM un platform a dim ond un. Pam BT meet me i achosion Teulu a rhai gwrandawiadau ariannol ar y ffon ac eraill gyda chamera? Ac wedyn y llys sifil yn defnyddio CVP ac ar adegau 'skype for business'. Mewn achos arall yn yr haf y bum ynddo gwrthododd y llys adael i'n tyst roi tystiolaeth drwy Zoom.

Nid beirniadaeth yw'r uchod. Mae'r llysoedd i'w canmol am barhau i glywed achosion a darparu cyfiawnder. Ond mae chydig o grafu pen ei angen a chysondeb a chanllaw i ymarferwyr. Rwy'n sicr y daw hynny mewn amser.

Gai groesawu Sarah Nason i'r pwyllgor. Ymuna Sarah o Brifysgol Bangor lle mae hi yn Uwch Ddarlithydd. Mae hi wedi cyhoeddi yn helaeth ac mae ganddi hefyd profiad o ymarfer cyfreithiol. Byddwn yn sicr yn elwach fel pwyllgor o'i haelodaeth a gobeithiwn hefyd y gall hyn arwain at berthynas agos ac Ysgol Gyfraith Prifysgol Bangor.

Cyn cloi dymunaf gofio Philip Watters cyfreithiwr o Landudno a fu farw rai wythnosau yn ol. Cofiaf fod yn ei erbyn mewn achos yn y Llys Apêl yn Llundain. Cyfreithiwr anrhydeddus a diymhongar. Byddwn yn gweld colled ar ei ôl.

Dymunaf Nadolig Llawen a Blwyddyn Newydd dda i bawb.



**OSIAN ROBERTS**

# LOOKING BACK: FROM OUR SUBCOMMITTEES



Unfortunately, the Events sub-committee has had a particularly quiet time of it of late. The CNWLS walk organised for September at Aber Falls was cancelled last minute owing to the stricter measures put in place across the country.

That being said, one event which we did manage to achieve was the 'Race Around the World' event, in which teams from numerous law firms participated to cycle, walk or run 874 miles representing the distance from Land's End to John O Groats.

The winning team (Hibberts) completed the challenge in just a matter of weeks, at which point our CNWLS committee team had barely made it out of Cornwall! This event was the brainchild of the Cheshire and North Wales Junior Lawyers and owing to its popularity it is something that we would very much like to get involved with in the early part of 2021, especially as it is Covid-19 proof!

Zoom has obviously provided a very good platform for events to be organised in this time and we had a very successful Christmas Zoom Quiz jointly held with the Cheshire and North Wales Junior Lawyers on Friday 4th December.

Whilst it appears there is still some time to go before we can all meet with each other again, there is certainly now light at the end of the tunnel. We very much look forward to organising more events for 2021 which will hopefully become more social in nature as the year goes on.

Wishing you all a very enjoyable Christmas and a Happy New Year.

**Freddie Storrar – Chair of Events Sub-Committee**



2020 has been testament to why online presence is so important, and it has been no different for us here at the Society.

We are fortunate that a great deal of work had already gone into our website and other platforms with the input of the committee in recent years. We are committed to taking that forward.

We have an active Twitter account and if you are not following us then please add us at @CNWLawSociety. You will find us tweeting about our events, seminars, sponsors and other news in the legal sphere as well as what we are up to as a committee.

We also stay in touch via with you via email, the website and our quarterly Newsletter - so do keep a look out for our emails which will highlight our social events and seminars as well as any offers or helpful information from our sponsors.

The last few months have been about adjusting to our new structure as a committee and we are supported with our social media, website and newsletters by our Virtual Assistant - Clare Jarvis of Everclare - who has been invaluable to us with this task.

I hope everyone has a very Merry Christmas, and here's to 2021!

**Emily Littlehales – Chair of Social Media Sub -Committee**



CNWLS recently hosted two seminar events. Elis Gomer, of St John's Buildings Barristers Chambers, delivered a session on the subject of 'Avoiding Negligence in Will Drafting' on 22nd October 2020, which proved to be a popular subject drawing an audience of over 30 members. A similar number of attendees benefited from the second session, delivered on the 24th November 2020 by Richard Snape, Head of Professional Support at Davitt Jones Bould, which offered insight into the very latest developments in Commercial Property Law and Practice.

Dr Emma Roberts was recently appointed as Chair of the Seminar Sub-Committee having joined the Committee during the summer. Dr Roberts has enjoyed a career spanning over ten years educating Law at all levels in schools, colleges and universities, and was previously a Lecturer at Bangor University before joining the University of Chester's Law School in January 2015, where she is now a Senior Lecturer and Postgraduate Programme Leader. She holds research specialism in Private International Law, having completed her PhD on the subject of cross-border tort litigation and, in recognition of her specialism in this field, was invited to serve on the Private International Law Working Group of the Joint UK Law Societies Office in Brussels.

Last month, the Sub-Committee was pleased to welcome its newest member, Dr Sarah Nason, who will draw upon her practice and teaching careers to assist the committee in organising a full programme of seminar events for 2021. The committee's work in organising next year's events is well underway with several confirmed sessions on subjects ranging from Housing to Succession and Tax. Mindful of the pressure that the sector currently faces, a special event on Resilience and Mental Health Awareness will be hosted early in 2021.

Ahead of the festive period, the Sub-Committee has organised a special event which breaks new ground in CNWLS' history, hosting a Welsh-medium event. Owain Rhys James and Alys Williams of Civitas Law will deliver a session on Employment Law and appearing before a virtual court. The session will be delivered on Zoom, bringing together speakers and audience members from across Wales and Cheshire. The Zoom platform allows simultaneous English translation, ensuring that audience members can engage in their preferred language, and the Committee hopes to offer a range of such sessions as part of the 2021 seminar programme. The session will be convened by the Chair of the Seminar Sub-Committee, Dr Emma Roberts, and the panel will take questions in Welsh or English at the end of the presentation. Join us on the 17th December 2020 at 5.30pm. Ymunwch a ni am 5.30yh ar 17eg o Ragfyr.

[To register, please complete this form. Cwblhewch y ffurflen gofrestru yma.](#)

**Dr Emma Roberts - Chair of the Seminar Sub-Committee**



Over the last few months I have been liaising with our sponsors to see how the society can help during these very difficult covid times.

Together we have explored various ways to communicate to our members via seminars, our website, social media, e-alerts and a specially arranged zoom seminar where each of our sponsors was able to give a presentation on their services and products. We had excellent feedback from our members who attended the seminar.

The society is about to finalise a new sponsorship package for 2021 which I am very excited about and hopefully will give our sponsors even more opportunities to receive a return on their very much appreciated investment with the society.

**Denis Stevenson - Chair of Sponsorship and Finance Sub-Committee**

# THE PROFESSIONAL INDEMNITY INSURANCE RENEWAL EXPERIENCE OF 2020

JAMES BRINDLEY  
ACCOUNT EXECUTIVE  
TLO RISK SERVICES LTD

It was fair to say that the October Solicitors Professional Indemnity Insurance (PII) renewal season was like no other this year.

Given the global pandemic this was no surprise. Insurers were already cutting back on their appetite in the 2019 October PII season and this continued in April this year.

In recent years law firms have enjoyed a competitive PII market with new entrant insurers and established insurers within the PII area keen to renew and gain new policyholders, resulting in a far easier time for law firms to obtain competitive premiums.

Unfortunately as we enter 2021 we do not expect to see an influx of new insurers entering the market and existing insurers are likely to continue tightening their risk appetite, which will be no surprise given the global economic uncertainty.

Law firms will have to demonstrate more than ever why they are a good, well managed risk.

It is difficult to determine what the actual average premium increase was this year, but what we did see from established insurers were rate increases of a minimum of 15% with one asking up to 30%.

Increases in premiums can be governed by a law firms individual circumstances such as claims history, risk and compliance history and types of work undertaken so I am sure we will hear of a smaller I increases for some and a far larger increase for others.

I also expect a number of stories to come out over the next month or so of some law firms being unable to secure renewal terms in October.

Insurers have either added specific Covid 19 questions within their proposal form or have issued a separate questionnaires this year. Ask your broker for this information early so you can start to the process and prepare in good time.

It is not advisable to leave it till a month before renewal. Insurers are also showing increasing concerns relating to certain areas of work, particularly work for developers on specific developments and/or off plan developments where a large deposit is paid over to the developer.

Examples of new questions being asked are;

- How are you managing remote working and staff supervision?
- Are you still able conduct file reviews and how has this changed within the remote working environment?

- How are you managing client expectations and face to face meetings?
- How are you managing remote working within your cyber security?
- Full details of a firms financial accounts for the past three years including assets, profits, current liabilities and dividends.
- What financial impact has there been within the business and how are you managing to mitigate the effects to the business?
- Has the firm acted in connection with any investment schemes such as student pods, hotels, crypto currency and wine investments?
- Has the firm carried out any transactions involving overseas property or developments or overseas investors on UK properties and/or developments?

The pandemic has highlighted the issues faced by the qualifying insurers when writing solicitors PI in the non-cancellation clause written within the policy and the onus on the last insurer providing run off insurance. It is no surprise that underwriters this year have been far more cautious in their approach to renewing business and in particularly looking for new business.

I can only envisage this becoming even starker in April 2021 and it is therefore vital that law firms engage with their insurance broker and insurers earlier to have sufficient time to deal with any issues that may arise during the renewal process.

GUEST FEATURE

# LEGAL INDEMNITY INSURANCE TO HELP CONVEYANCERS BEAT THE STAMP DUTY DEADLINE?



CHRIS DOWLING  
BUSINESS DEVELOPMENT EXECUTIVE  
DUAL ASSET  
[WWW.DUALASSET.COM](http://WWW.DUALASSET.COM)

**The only comparison site in the market**

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A variety of factors are currently contributing to delays in the home buying, selling and re-mortgage process and it is important that all involved are aware of the current unique circumstances and make allowance for them.

Conveyancers are currently dealing with an unprecedented set of circumstances constraining the ability to progress transactions. The property market is seeing volumes not experienced since the recession, caused by a backlog of transactions from the period of lockdown and many re-appraising where they want to live following the Covid-19 pandemic. This compounded by the current SDLT 'holiday' on property purchases under £500,000, which has added fuel to the fire. This and the impact of Covid-19 on the legal profession has resulted in conveyancers stretched to the limit.

It is not just demand that is creating a challenge to the conveyancing profession but also the dependence on outside parties to progress transactions. Covid-19 restrictions mean that many local authorities are operating under extreme difficulties and this has affected their ability to supply their own searches and to provide access to data for personal search companies.

Residential property searches by local councils have rocketed by as much as 1,400% as house hunters race to buy and beat the end of the stamp duty holiday. The growing wait times for councils to process searches and information requests – circa 40 days on average – poses a real threat that hundreds of homebuyers will miss saving as much as £15,000 on stamp duty.

Some councils had already positioned themselves well and coped with the huge market upturn. However, those that have not digitised, relying on older paper based processes are struggling to cope.

## **Indemnity insurance could be the answer for Solicitors when trying to meet the March 2021 stamp duty deadline?**

Search delay or No Search Insurance could be used to shorten the conveyancing process in cases where there are delays in receiving the information needed to complete the Local Authority Search process. Search delay covers financial loss incurred from an adverse matter that arises between the request for the searches and receipt.

No search indemnity insurance policies are designed for instances where a single property is being purchased without one or more searches being conducted at all. No search covers the same risk as search delay but allows for a longer cover period as searches are effectively bypassed entirely.

My Legal Indemnity shop ([www.my-legal-indemnity-shop.com](http://www.my-legal-indemnity-shop.com)) from DUAL Asset Underwriting is the only online platform where you can quickly obtain a choice of quotes from four A-rated Insurers.

### **Why DUAL Asset Underwriting**

- Nearly 40 residential risks (including No / Search delay) up to £5m
- Combine up to 4 risks in 1 policy thereby premium savings for your client
- Online referrals – if it doesn't fit, refer through for tailor made solutions
- Order and receive a policy in seconds
- IPID and Demands & Needs statement provided
- Live chat facility for immediate Underwriter access

DUAL Asset was established in 2013 and is the one of the world's leading international legal indemnity underwriters with an annual gross written premium of over £50m, written across 40 countries.

DUAL ASSET UNDERWRITING IS AN APPOINTED REPRESENTATIVE OF DUAL CORPORATE RISKS LIMITED.

# COVID-19 FINANCE SUPPORT FOR LEGAL FIRMS: CBILS DEADLINE EXTENDED TO JANUARY 2021

Bathgate Business Finance law sector specialist Chris McLoughlin urges action on the now-extended 31 January 2021 deadline for CBILS applications.

“As a finance specialist working across a variety of sectors, our industry-specific knowledge is what sets Bathgate Business Finance apart. We have almost thirty years’ experience helping law firms to find the right financial support for their business at all stages of their development.

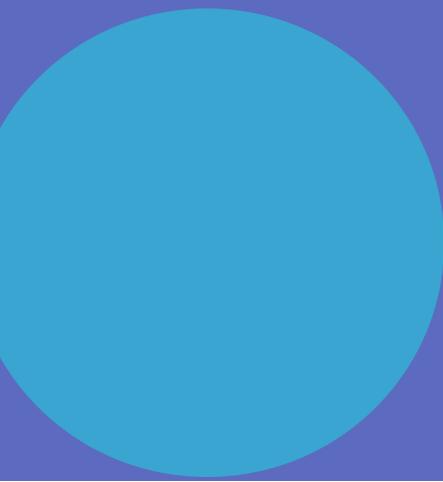
Focusing on the legal sector in particular, one challenge we see the majority of firms face is managing cashflow. This is primarily due to the timeframe from undertaking work on cases to when a client pays its invoice. It is an issue that has only been exacerbated by the COVID-19 pandemic, with timescales extending, cases being put on hold and - in some instances - the flow of new work coming into firms grinding to a complete halt.

## **CBILS deadline extended**

In a ‘normal’ climate, VAT and Tax finance and Asset Finance are both useful options for relieving pressure on cash flow and already-stretched working capital. However, right now the best finance option available to all markets and all businesses is HMRC’s Coronavirus Business Interruption Loan Scheme or ‘CBILS’. We are urging clients and prospective clients not to miss the opportunity to apply for the scheme, whose deadline has now been extended to 31 January 2021.

The CBILS scheme can provide a cash injection to law firms which have been hit by the COVID-19 crisis and Bathgate Business Finance - as an approved intermediary for a number of independent CBILS funders - is able to help eligible SMEs navigate the relevant loan application processes quickly and efficiently, even if applicants have previously been declined the loan by their banks or require top ups to their original bank CBILS loans.

The benefits of a CBILS loan over other types of finance, which is less readily available at present, is significant and the requirements to apply are comparatively minimal.



## CBILS benefits

- Borrow from £50k - £5m
- Loan period from 12 months - 5 years
- No repayments periods starting from 6 months to 12 months
- Low rates available
- No personal guarantee up to £250k
- No admin fee
- Most decisions within 24 hours
- Selective Invoice Discounting - no fees for the first 12 months

## Securing business futures

Since the beginning of May, Bathgate Business Finance has written over £13.5million worth of CBILS deals, helping numerous businesses, including law firms, that had been impacted by the downturn and needed a cashflow boost.

We secured a £180k CBILS loan repayable over five years, for a legal practice, which freed up cashflow within the business and ensured it could continue to operate and secure the future of the business.

It's worth highlighting that other options, such as Bathgate's own-book lending and alternative finance routes, are available should a firm not be eligible for any of the government-backed schemes, but CBILS is worth investigating first, ahead of the January 2021 deadline."

For further information about CBILS or other finance options, please contact Chris McLoughlin on 0151 625 7323 or email [proposals@bathgatebf.co.uk](mailto:proposals@bathgatebf.co.uk)



**CHRIS MCLOUGHLIN**  
**BATHGATE BUSINESS FINANCE**

# DEVELOPING THE WORKFORCE OF THE FUTURE

## What is this opportunity?

As part of their programme of study, our second-year undergraduates have the opportunity to engage in a 150 hour (minimum) work placement. This provides students with insights into future careers and introduces them to work-based skills development and critical reflection whilst contributing to the work of the host organisation.

Organisations can offer unpaid placements in a range of different ways: As a physical placement based within your business premises during 19th April to 21st May 2021. Or, as a virtual placement, where the student would work remotely, during the same dates. For all placements the work pattern is to be negotiated between the individual and the organisation. We simply ask that organisations: Involve a student in the organisation like a regular employee. Agree tasks and objectives with the student through a Placement Objectives Document. Provide any reasonable adjustments for those with disabilities/SEN. Conduct an appraisal.

## How can you benefit?

Now more than ever, we feel students could benefit legal organisations in many different ways offering: An extra pair of hands for busy periods. Get a fresh perspective and new ideas. Students can take responsibility for a particular project or task. Help to develop the workforce of the future. Development opportunities for your staff. Further collaborative work with the University.

Responsibilities that have been negotiated with legal organisations previously are: Assisting solicitors with general and admin duties. Dealing with the public offering advice face to face, online and via telephone. Legal research. Drafting documents for litigation. Issuing documents and letters. Shadowing advocates in court. Learning about legal processes. Trial preparation. Filing, photocopy and organising documents. To act as support to fee earners and the department as a whole; to undertake duties which ensure the department runs as efficiently and effectively as possible.

## Virtual Placements/Remote Working Placements

We are now offering students the opportunity to complete a Virtual Placement for their 5-week WBL placement.

Virtual Placements will be completed remotely, which will mean students will still have the option to apply and develop knowledge, integrate theory with practice and explore possible future career areas without going into the work place.

WBL have acknowledged that the working environment has now changed due to Covid-19 and we understand this is a new way of working for many legal organisations. We are happy to speak with organisations on an individual basis to discuss how virtual placements could work for you!

## Student experiences

Our students have gained some amazing opportunities from their WBL placements. Here are just two examples of feedback from our students who completed their placements with Hillyer Mckeown Solicitors and Gray & Co Solicitors. We are so grateful for the amazing support our students received!



### Ocean Rattigan – Gray & Co:

‘Having the opportunity to work alongside the top criminal defence lawyers in Cheshire has been the best introduction to the legal field I could have hoped for. It has been the most rewarding and eye-opening experience of my academic journey so far...’

### Molly-Jean Ward – Hillyer Mckeown:

‘...it has been nice to be part of such a great, welcoming team and to be included in everything they do. It has been such an eye-opener to what the future may hold, which has made me more excited to complete my studies.’



# THANK YOU TO OUR SPONSORS



DUAL Asset specialises in comprehensive insurance solutions to protect assets, real estate, shares and inherited assets from legal and ownership risks.

They also have a unique site, Mylegal indemnity-shop.com which is an online service, offering a choice of quotes for legal indemnity insurance for residential and commercial properties in England & Wales.



Data insight providers to conveyancers and commercial property lawyers, Search Acumen challenge industry convention by combining emerging technology and data. They are committed to re-engineering the property due diligence experience to help their clients work more effectively and efficiently to deliver better outcomes for their customers.



AlphaBiolabs is specialised in providing legally-approved DNA, drug and alcohol testing services to solicitors, courts and councils throughout the UK. We work to tight deadlines to bring you the fastest, most accurate results every time. Next-day Legal DNA testing is provided as standard and we guarantee sample collection within 48 hours of instructing a test.



Provide first-class customer service and never miss a new enquiry. Your Moneypenny receptionists are handpicked from our legal team, and answer all calls and chats 24/7, or provide support for the calls and chats your own team can't get to.



CHARTERED ACCOUNTANTS & BUSINESS ADVISERS

At Howard Worth accountants and business advisers, we have a dedicated team that supports law firms across the North West, from one director businesses with a niche specialisation to long established multi-discipline firms, our advice and support is designed to help law firm leaders achieve their goals.



As a 'business to business' finance provider, our aim is to give our customers access to the best advice and funding we can. Whatever your business is, we would love to speak to you. We know the combination of business sector, finance requirement and reasons for funding are reassuringly diverse nowadays, and we'll always try and find business funding that's right for you.



TLO Risk Services are specialist privately owned insurance brokers to the legal sector, from legal consultants through to barristers and law firms. It is what we do all day, every day. We have significant professional indemnity insurance and risk management experience across the broad spectrum of the legal sector.

# EVENTS

As a committee we are still planning to keep up with an active social and seminar program.

We will let you know what's coming up by email.

Don't miss the Employment Law session delivered by Owain Rhys James and Alys Williams of Civitas Law on 17 December 2020 at 5.30pm.



# Cheshire & North Wales Law Society

## DELIVERING MEMBER VALUE

New & enhanced member benefits now available as part of your corporate membership

- ✓ Promote your firm
- ✓ Develop your people

### ONLINE EXPOSURE & PRESENCE

The CNWLS website now provides members with new ways to promote their firms to online audiences. Contribute unlimited legal articles to our blog to gain digital coverage and search engine visibility, and profile your firm in the member directory for clients seeking local experts.

### FEATURE IN OUR MEMBERSHIP NEWSLETTER

Submit your news and contribute insight articles to a growing contact list.

### REPRESENTING YOUR INTERESTS

Committee members are highly active with The Law Society, both in London and Cardiff, and with other county groups. We participate extensively on behalf of our membership, representing the region in national initiatives that affect our members and the sector as a whole.



CNWLS corporate members can take advantage of these benefits inclusive within their annual membership fee. For more information about joining or renewing membership, contact:

**Treasurer, Andrew Graves: [andrew.graves@rowlinsons.co.uk](mailto:andrew.graves@rowlinsons.co.uk)**