

THE WRIT

THE LAW SOCIETY
OF NORTHERN IRELAND



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OF NORTHERN IRELAND

ISSUE 234 Summer 2020

THIS ISSUE

Re-opening for business

**Law Firms opening up
after Lockdown**

Recovery of Court Business

**Considerations for fair
process in redundancy**

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This is the second issue of the Society's magazine 'The Writ' to have been produced during the Covid-19 pandemic. As with our 'Lockdown' issue, we are publishing and distributing it electronically as part of our Digital Communications Policy. This is likely to be the default format of our publications going forward as it allows us to reach more of our Members with more up-to-date material than ever before.

The theme of this issue is 'Re-opening for Business', something which I know many Member firms are doing at this time. The Society's staff are also returning to the office, and we should have Law Society House up and running again by the start of September. The Society's building has been deep cleaned and, following

a risk assessment, adaptations have been made to ensure that we have a safe environment for our staff and our visitors.

I know that many Member firms have also been adapting their offices to facilitate social distancing. In this issue you will be able to read about some of the ways they have been going about this.

Our 'Lockdown' issue of the Writ was very well received by our Members. I hope that our readers will find this issue equally interesting and enjoyable. I am indebted to our Editor, Heather Semple, for producing such a timely and packed issue.

David A Lavery CB
Chief Executive

Contents

- 04 President's message
- 05 Law Society survey on Covid-19
- 07 Promoting human rights and equality: a top priority
- 08 Professional conduct update
- 09 Update from Client Complaints Department
- 10 Apprenticeship - Training during Covid-19
- 12 Interview with Mr Justice Huddleston
- 13 Business support measures adopted by the Society
- 14 Offices opening up for business - part 1
- 16 Recovery of Court business
- 17 A practical guide to Sightlink or other remote hearings and reviews
- 18 Opening up Law Society House to members and staff
- 19 Opening up the Law Society library
- 20 Offices opening up for business - part 2
- 21 Recovery of Court business - introduction of the PPS Case Progression Hub
- 22 Law Society CPD goes digital
- 23 McKee v Charity Commission: the decision in the Court of Appeal
- 25 BREXIT and UK CCBE: future challenges and new relationships
- 27 Free doesn't mean safe - is your email account secure?
- 28 Redundancy - 10 considerations for a fair process
- 31 Wonderings of a wanderer
- 32 Working with, and supporting, distressed people in the civil justice system
- 35 Protocol for clinical negligence litigation
- 36 Statutory employment rights payments increased
- 41 Obituaries - Stephen Maitland Patrick Cross and Lord Hutton
- 42 Extracts from the Courts



When I was an apprentice, many years ago now, I was fortunate to work with the late Philip Nixon – sadly taken from us much too early some 10 years ago. Whenever an apparent calamity occurred, usually to me, Philip would say reassuringly: “Don’t worry; there was never a storm that didn’t blow over.” Sage advice in terms of keeping things in perspective, but I can’t help wondering whether it needs to be qualified in light of current events by adding the words “.....no matter how long it takes.” Until the current storm eventually subsides, we must continue to support each other as best we can and carry on, while planning for a gradual improvement and slow return to normality – or some version of it. And that pretty much sums up the Law Society’s approach in recent months.

In our “Lockdown” edition of The Writ in May this year, I mentioned that, in the midst of the pervading mood of doom and gloom, we did have some reasons for optimism. I believe that is still the case. The residential property market has, in the words of the Belfast Telegraph, “taken off” in the past few weeks, having closed down almost completely during lockdown. In addition, the gradual easing of restrictions has given us all some cause to hope that the worst may be behind us, at least in terms of the local spread of the pandemic, even though we must continue to observe social distancing rules and other safety precautions. Many colleagues are also returning to their offices and recalling staff from furlough. However, I do not underestimate the difficult decisions facing others in terms of staffing and resources as they struggle to come to terms with the ravages of the pandemic.

Law Society House has been adapted as necessary to meet health and safety requirements and some members of staff have already returned to work. The current intention is that it will re-open fully to members at the beginning of September. The need for the proposed new suite of flexible and well-equipped meeting space within Law Society House has become more pressing for a number of reasons. They include the restrictions on numbers permitted to attend court in person, the increasingly common practice of hearings taking place remotely and the likely popularity of alternative dispute resolution mechanisms as courts struggle with backlogs of cases. Consequently, the decision has been taken to proceed

with this work in the autumn. This exciting development, which will make full use of video-conferencing facilities, can be seen as a vote of confidence in the future of the profession. I hope that Members will support it and make full use of the excellent facilities which will soon be available to them.

In this edition of The Writ you will be able to read in some detail about the broad range of activities which the Society has been undertaking on your behalf, many of them aimed at helping to make life a little more tolerable in the near intolerable circumstances we have experienced since mid-March. One of the most significant has been the Members’ Survey in May. I would like to extend my personal thanks to everyone who responded on behalf of their firms. We achieved a response rate of some 66% of all firms – an outstanding result which confounded the predictions of the Society’s market research consultants! While the survey does not of itself improve life for any of us, it has provided hard data to back up vague impressions and anecdotal information and is proving invaluable as the Society makes representations to Government agencies, professional indemnity insurers and others. You will find details of the survey results within these pages. Any survey is, of course, only a point-in-time snapshot and the Society intends to conduct a follow-up exercise later in the year. This will enable us to gauge whether colleagues are experiencing any improvement in working conditions and to identify where the Society can best target future support measures for members.

One cause for cautious optimism is the survey finding that roughly the same number of traineeships are likely to be available this year as last year. That is encouraging and we should do all we can to give prospective trainees access to the profession. Taking on a trainee can be justified either on grounds of altruism or self-interest or, indeed, on both. Whichever it is, please do consider taking on a trainee this autumn if you possibly can.

One of the most obvious practical changes to come about in the wake of the pandemic is the almost universal adoption of video-conferencing as the preferred means of conducting meetings. All Council and committee meetings are now held in that way and this will continue, to a greater or lesser extent, even when health and safety considerations allow to us make full use of Law Society House again. Remote participation removes, at a stroke, a problem which may well have deprived the Society of valuable input over the years; many Members working outside the Greater Belfast area simply cannot afford to give up precious working hours to travel to and from meetings. I do hope that such Members will now consider participating actively in the running of the Society’s affairs. I would draw attention to the fact that there are currently vacancies on Council for both the Southern and Northern Constituencies and members practising in those constituencies will shortly be invited to express interest in filling them. If you feel that you could contribute to Council at this pivotal time, please do consider applying.

I hope you have all managed to enjoy some downtime over the summer, perhaps on a “staycation” rather than a foreign holiday. In any event, I hope that you, like me, approach the autumn with guarded optimism. I wish you well and urge you to stay safe.

Rowan White
President

Imperative of Economic Recovery clear from Law Society Survey on Covid-19

Rowan White, President

I would like to extend my thanks to all of those firms who took the time to complete the recent survey on the impact of Covid-19. This has allowed the Society to better understand the position of firms in the difficult circumstances produced by the pandemic. Encouragingly, two thirds of firms responded, giving us confidence that the results are representative of the profession across Northern Ireland. We received a number of practical suggestions on how the Society can continue to support Members in the coming months. It is encouraging to see many of the points raised by Members are also current priorities for the Society.

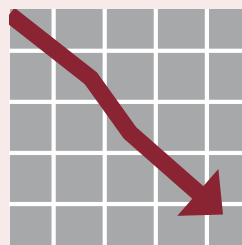
The survey results have highlighted the importance of measures to support business recovery. Two important implications came through in this regard; unlock the property market and find solutions to increase Court business. Business has significantly decreased across all practice areas. Almost 80% of firms reported Covid-19 as having had a significant impact on turnover, with the largest decrease in business taking place in conveyancing and property. With the re-opening of the property market, it is important that the capacity for transactions continues to scale up as we approach the autumn.

The survey also makes clear the importance of Court business restarting as soon as it is safe to do so. Firms report decreases in business volumes of over 80% in civil litigation and criminal law and almost 70% in family law. We know these Court-intensive practice areas comprise the greatest proportion of business for the majority of firms. Maximising the ability to conduct Court business will require a focus on finding new ways of doing things which can incorporate social distancing whilst facilitating more activity. The Society is working with our partners across the justice sector to put forward proposals to increase business safely and efficiently, and this is reflected in the Recovering Court Business article contained in this issue of the EWrit.



Survey response rate (firms)

66%



Firms stating significant impact on turnover

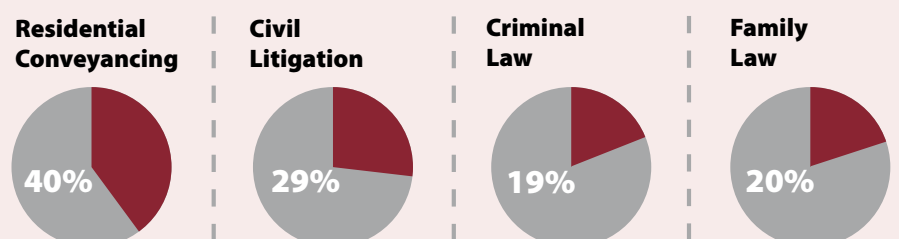
78%

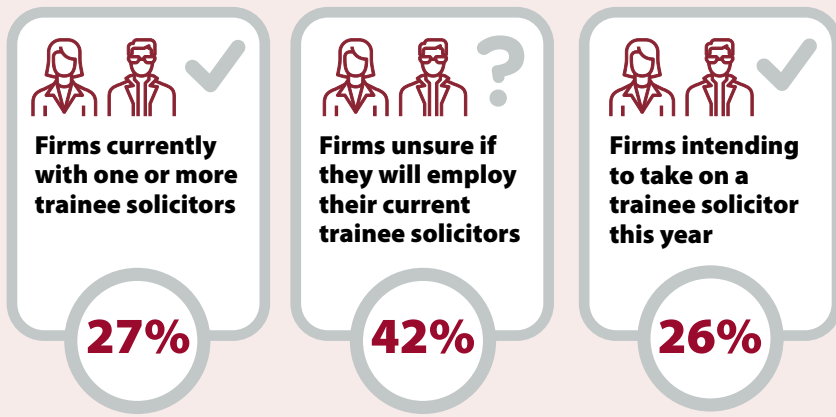
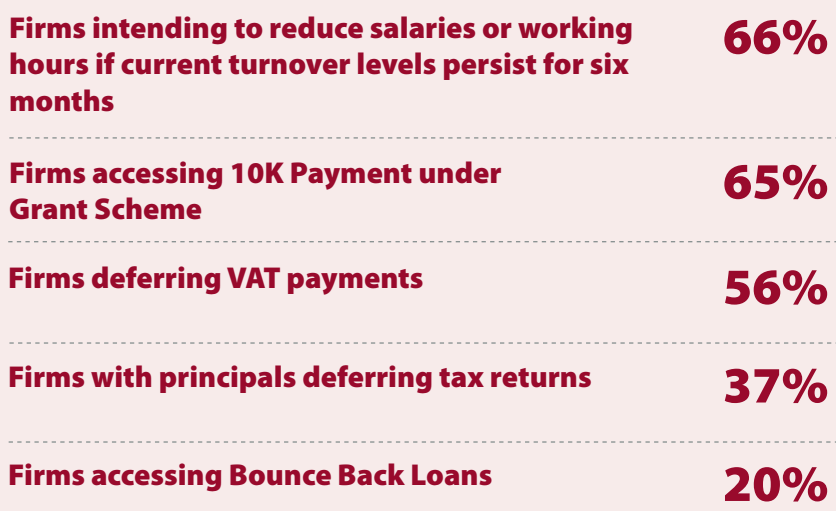
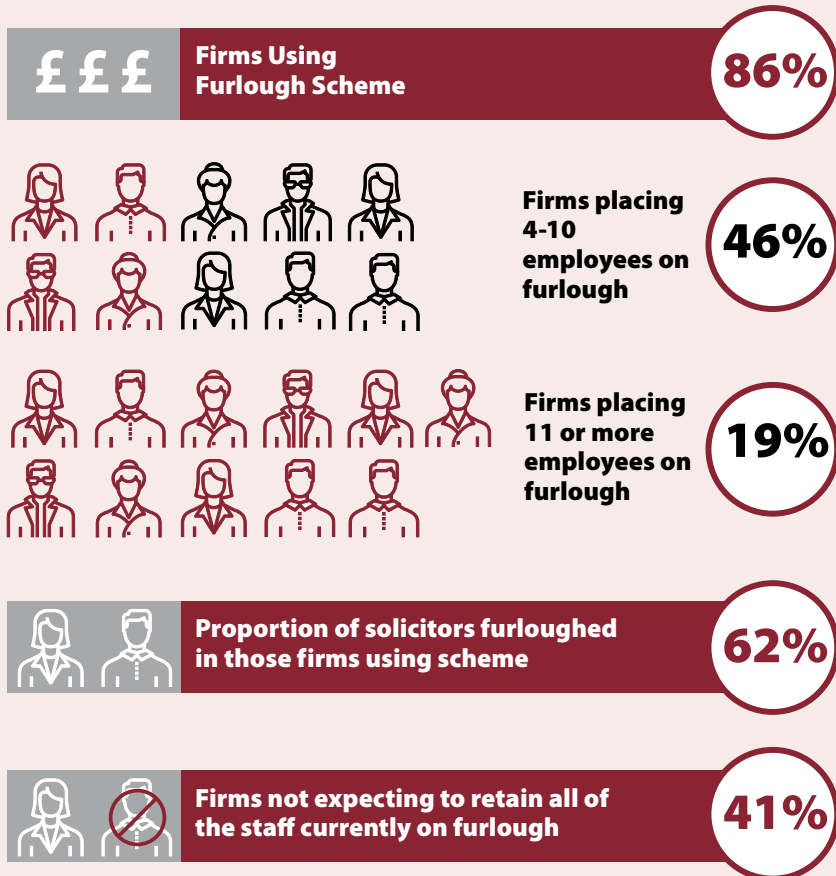
Firms reporting 61-90% reduction in turnover 34%

Percentage decrease in turnover by sector



Percentage of firms with a 21-40% share of their business in:-





In terms of staffing generally, 86% of firms are using the furlough scheme, with many support staff being placed on furlough. The ability to bring back furloughed staff on a part-time basis as of 1 July has helped firms gradually return to normal working. We recognise that at a time when firms are experiencing uncertainty over their businesses, the Society should do all we can to provide support during this period.

The survey reflects the view of firms that the pandemic is likely to have longer-term effects on the way firms are working. Over 60% of firms intend to retain videoconferencing facilities and a majority of firms think remote working will become a part of the firm's business on a more regularised basis. These changes in working practices will place increased emphasis on the different pillars within the justice system working in a more agile environment.

It is encouraging that the same proportion of firms who currently have a trainee solicitor intend to take on a trainee this year. This investment in the future of our profession is a very welcome sign at a time of challenge. We will emerge from this crisis and when we do it is important firms have access to talent to grow their businesses.

The message emerging from our Members is clear; opening our economy safely for business is crucial to the health of our profession. We intend to undertake a further survey of Members in the autumn to assess conditions at that point. In the coming months we will use the evidence you have provided to continue to do all we can to promote the profession and encourage the best possible conditions for recovery.

Promoting Human Rights and Equality: a top priority



Maria McCloskey, Human Rights and Equality Group

The killing of George Floyd in Minneapolis on 25th May 2020, and the protests it sparked around the world, brought renewed focus to the issue of the protection of fundamental human rights.

As part of the Law Society of Northern Ireland’s ongoing work to promote human rights, equality and diversity, President Rowan White, announced the establishment of the new Human Rights and Equality Group (“HREG”). This new group is the successor to the Human Rights and Equality Committee which was established by the Society a number of years ago. It is worth saying that the HREG has been

‘in the making’ since the beginning of the year, but, as with many plans, the Covid-19 pandemic resulted in somewhat of a delay.

As a previous Chair of the Immigration Practitioners’ Group, a co-opted member of the Law Society’s former Human Rights and Equality Committee, and having recently taken up post as Immigration Solicitor with the Children’s Law Centre in March of this year, I was honoured to have been asked to Chair the HREG. In my role, as Immigration Solicitor at CLC, I have the privilege of representing and advising one of the most vulnerable groups within our Society; unaccompanied asylum-seeking children.

The HREG will report to, and agree, objectives and initiatives with the Society’s Future of the Profession Committee. Its overarching objective will be to promote human rights, equality and diversity. There will be a focus on promoting the upholding of laws, considering areas for law reform, provoking debate, and trying to affect change in those areas. One of the key components of the group’s work will be promoting the independence of the legal profession.

The working model of the HREG will provide great flexibility for the development and implementation of ideas and initiatives. As well

as working towards longer term goals, it will be able to react, in a considered manner, to events in our world which engage fundamental human rights, including the restriction of fundamental freedoms, racism, sexism and prejudice against minority groups.

This less formal structure has also allowed us to invite expressions of interest from members of the profession who wish to become involved in the work of the HREG. I consider this to be vital for a number of reasons. Firstly, it opens a door to all members of the profession to ensure the widest possible participation, including those from minority groups and backgrounds who may not have been involved with the Society to date. More importantly, perhaps, is that it will hopefully ensure that the group, being one which is seeking to promote diversity, is diverse within itself. Issues around the violation of protected characteristics - such as gender, race, religion, sexual orientation, people with a disability or disabilities – must be informed by the views of those who are marginalised and have lived experiences. This will help us to tackle them in the most effective manner.

My aspiration for the HREG is that we will bring matters to the table. We will have open, frank and inclusive conversations. We will receive the assistance of the Society in doing



what we can to work on the issues – be that awareness-raising or ensuring we take a seat at whatever ‘table’ is discussing them – and effecting change where we can.

At the time of writing, the invitations for expressions of interest have closed. I am delighted to say that there has been a considerable level of interest. This is both very encouraging and leaves us with the unenviable task of reviewing the expressions and putting in place a steering group to lead the work. We intend to involve all those who have expressed an interest in the Group, calling upon their help to work on areas of particular interest to them and in which they might hold a particular expertise. I will also be proposing that the membership of the steering group changes annually, with a number of individuals maintaining their positions for two or three years in order to ensure continuity. The Group will include members of the Future of the Profession Committee to maximise the links and communications with the parent Committee.

A brief personal reflection on the Black Lives Matter protests. I have struggled, in recent

months, to understand the sense of fear (or whatever the motivation is) behind those who counter a statement like “Black lives matter” with “All lives matter”. A recent podcast episode has brought me somewhat closer to the point of understanding. But I think it is important for me to say what I feel on that core issue, which (as summed up perfectly in that podcast) is that this was never a statement intended to suggest that “Black lives matter *more*”, but rather that “Black lives matter *too*”. The ripple effects of the history of slavery and colonialism cannot be ignored. Oppression and deep-rooted, ingrained prejudice against black people, people of colour and those from ethnic minority backgrounds, is widespread and systemic in our world. The rhetoric of the government and its actions in relation to asylum seekers crossing the English Channel in recent months, as well as the media reporting and widespread public discourse on this subject, is one clear example of how racism permeates our society today. I, for one, am glad that a light is now firmly being shone on these issues, in large part by human rights lawyers, advocates and activists.

As lawyers, we are all committed to justice. As well as advising and representing our clients, I believe that we all have an important role to play in promoting the message of justice and in trying to affect change where necessary. There is sometimes a reluctance to comment on key human rights issues (when we are not directly involved in a particular case), lest those comments be seen or interpreted as being overly political. I am determined to promote a vision of human rights, equality and diversity which is inclusive, robust and which challenges us to debate key rights-protection issues in our society. This is not about political partisanship or groups competing against one another. It is about learning from history, and from each other, and using that knowledge to ensure we move forward in a way that upholds the rights of everyone. Personally speaking, I am on continual learning curve, but I believe that, when more of us feel empowered to speak openly, society as a whole will benefit. We must also consider the broad spectrum of human rights issues, both local and global. I sincerely hope that the HREG will play its part in ongoing campaigns for justice and equality, by opposing and tackling all forms of racism and prejudice wherever they exist.

Professional Conduct Update



Catherine McKay, Deputy Secretary, Head of Professional Conduct

Since March 2020, the Department has deployed a range of supervisory tools through which we discharge our statutory and regulatory role. As Members are aware, we commenced a Contingency Programme of remote monitoring and supervision of firms, through which, so far

as possible, we might minimise unnecessary burdens on Members, in the wake of the Pandemic.

We are pleased to report a high level of co-operation from firms as we introduced new supervisory tools. Principals have responded well to the new Desk-based Review, and have worked with the Society to deliver annual reporting accountants’ reports, respond to questionnaires, engage in dialogue with our Officers, correspond with the Society and to produce key documents and information.

It has been possible to resume some on-site inspections, mindful of social distancing and public health guidelines.

We will continue to deploy a range of supervisory tools as we move forward.

Another important addition is the recently issued Anti-Money Laundering/Counter Terrorist Financing Annual Return, which will help the Society discharge its statutory functions as a Professional Body Supervisor under the Money Laundering Regulations.

In July, the Department introduced an AML/CTF Annual Return to Members, through a standalone E-former. The Annual Return is

an important document through which the Society will collect further information about the legal services provided by all firms, regardless of whether or not these are within the scope of the Money Laundering Regulations.

All firms must deliver their completed Return by 31 October 2020. This Return is also available on the website or via the following link here.

The Departments continues to summarise queries in the Frequently Asked Questions section on our website, and provides updates on issues in the AML/CTF space.

We were pleased to host a live webinar on 05 August as part of our adapted Continuing Professional Development programme – Challenges facing law firms during unprecedented times. This took the form of an interactive Panel discussion and remains available to watch through the Members’ Services section of the Society’s website. We look forward to delivering further risk management and other events through webinars.

The Professional Conduct Committee continues to meet remotely.

Update from the Client Complaints Department



John Mackell, Head of Client Complaints

Members will be aware that the work of the Client Complaints Department has been undertaken remotely since 20th March 2020. The Society has been developing new initiatives to enhance the adequacy and effectiveness of Complaint investigations during this period of remote working. As part of that ongoing work the Law Society launched an online client complaints portal on 1st July 2020. The portal is now live and available to clients.

The portal is accessed through the complaints section of the Society's website. The portal provides an accessible online forum for clients to submit complaints to the Society relating to the adequacy of the professional service provided by their solicitor.

The complainant can upload supporting documentation along with their submitted complaint online. The portal is designed to ensure that all relevant and required information is received by the Society to expedite the registering of complaints for investigation. Complaints to the Law Society either online or in hard copy must be received within six months of the in-house complaint process being exhausted.

The introduction of the online complaints portal provides complainants with an additional method of communicating with the Law Society which is user friendly and straightforward. The portal supports the online and remote working arrangements within the Department. The Society is keeping the effectiveness of the new approach under review and aims to expand our online complaints output over the forthcoming period.

Complainants and solicitors continue to be encouraged to engage with the Complaints Department via the complaints@lawsoc-ni.org email address. Correspondence can still be lodged with the Society through hard copy post although this may lead to a short delay in response time.

The Complaints Department continue to receive and assess Remuneration applications during this period. Remuneration applications are available on the Members section of the website and can be emailed through to the Society to be actioned. Hard copy applications along with working files lodged as part of the application process can still be received by hard copy post.

The Client Complaints Committee continue to meet remotely to adjudicate upon complaints and provide directions in complaint investigations.

The screenshot shows the 'Law Society Complaints Form' page. At the top, there is the Law Society of Northern Ireland logo and a navigation menu with links: Home, About the Law Society, Becoming a Solicitor, Finding a Solicitor, CPD Training, Making a Complaint, and Members Login. Below the navigation is a breadcrumb trail: Home > Law Society Complaints Procedure > Complaints Department Online Forms 2020. The main heading is 'Law Society Complaints Form' with the subtitle 'Complaints Department Online Forms 2020'. The form content includes a 'Complaints Checklist' section with the following instructions: 'Before you contact the Law Society it is important that you go through the following checklist below:'. The checklist contains four numbered questions, each followed by a text input field: 1. 'Have you written directly to your solicitor or sent them a completed in-house complaint form to make them aware of your complaint? *', 2. 'Have you complained in writing to your solicitor within 6 months of your business concluding or within 6 months of discovering the difficulty? *', 3. 'Have you lodged your complaint form with the Law Society within six months of the in-house complaint procedures being concluded? *', and 4. 'Have you enclosed a copy of your letter of complaint or in-house complaint form to the solicitor as well as a copy of the solicitor's response, if applicable? *'. At the bottom of the form, there is a 'Next Step' button.

Apprenticeship - Training during Covid

Anne Devlin,
Head of Education



This article follows on from the article contained in the E Writ issued in May 2020.

In a relatively short space of time we have learned to work remotely, have meetings online and collaborate at a distance to get the job done. A benefit of the pandemic has been to accelerate progress in certain areas such as online delivery of training including CPD – more of that later.

For Second Year Trainees, we have redesigned the Solicitors Accounts Course for online delivery. This compulsory and examinable course is delivered by the Society. Trainees will already have studied accounts at the Institute of Professional Legal Studies. In Solicitors Accounts they are introduced to the key principles of solicitors' accounts, from understanding the differences between office and client accounts to accountants' reports.

They also learn how to complete ledger card exercises for a variety of transactions including house purchases and sales, a personal injury claim arising of a road traffic accident, an estate.

The original course is now delivered in four shorter, separate online sessions. The online recordings have the advantage that they can be accessed at any time and watched as often as needed. To compensate for the lack of face to face teaching, trainees were asked to complete a ledger card exercise on their own. Their answers were reviewed and any problems, common themes or areas showing a lack of understanding were identified and then addressed in a subsequent recorded session. Although it was an online programme it was tailored to trainees' needs. In addition, a live revision session took place via Zoom. The recorded sessions and materials were hosted on the Society's website.

Thank you to Brian H Speers, CCD solicitors (Course Director) for redesigning and delivering the course and to Celine Corrigan, Chartered Accountant who also taught on the course.

Other Online Training Support

Carson McDowell solicitors delivered a series of webinars covering a range of topics including introductions to Health and Safety (Criminal and Regulatory aspects), Healthcare, Media, Banking, Corporate, Commercial, Litigation, Commercial Litigation and Judicial Review. These were also offered to First

Year Trainees in June once they started their office training having finished their first six months at the Institute. Some of the sessions have subsequently been delivered in our CPD programme.

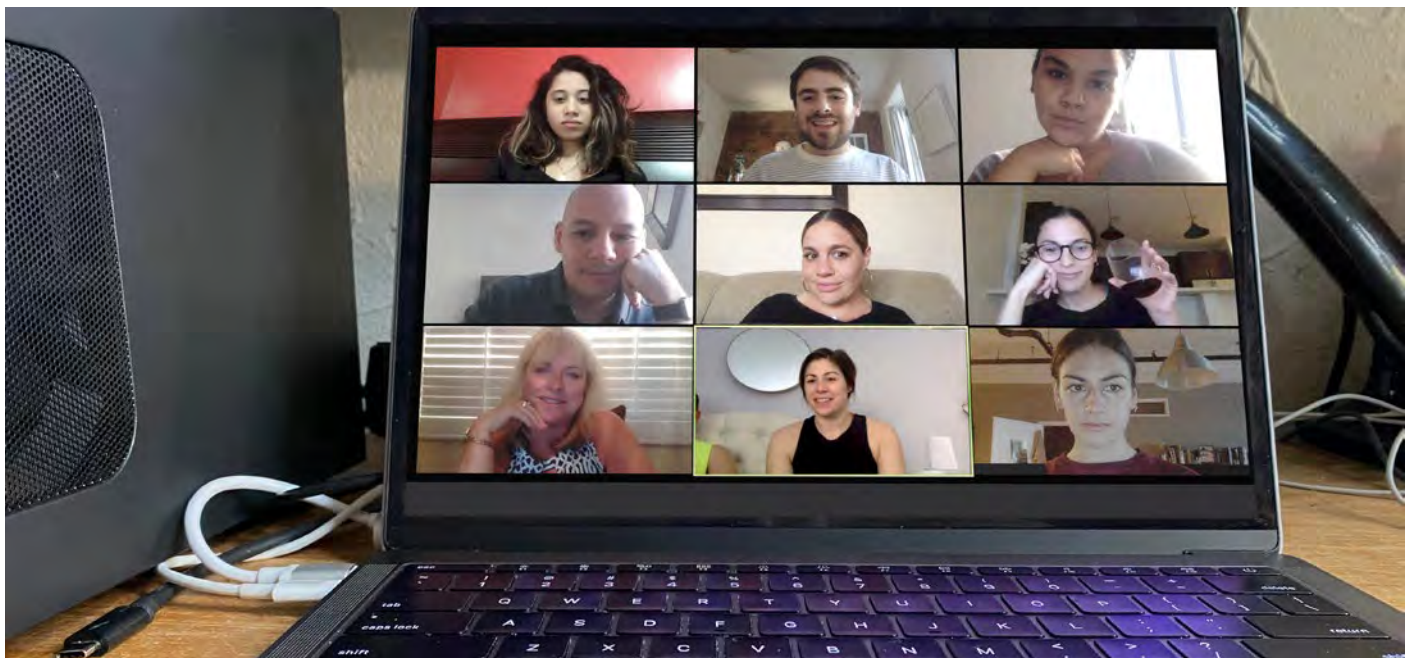
Trainees have also been given access to the Society's new CPD online webinar programme available through Go To Webinar and coordinated by Jennifer Ferguson, referred to later in this EWrit.

Further lectures are planned for September and include Media, Data protection, Employment and Competition Law.

Trainees also benefited from updaters through the Society's Library and Information Services' "Eye on the Law" and its Directory of Online Resources which is available to all members through the Law Society website.

Thank you to Carson McDowell, Pinsents, A & L Goodbody, Arthur Cox (NI), the Law Centre NI and the Directorate of Legal Services, Business Services Organisation, MacCorkell Legal & Commercial and individual Masters and solicitors who contributed and shared their plans for training to assist others.

In short, we have moved to using a variety of technology and platforms: Vimeo, Microsoft Teams, Zoom and Go To Webinar to deliver training. We have moved quickly to react to challenges of Covid-19. One of the highlights has been the collaborative working of key partners in education to meet the needs of trainees and to support other Masters and firms.





Optional flexible start date for the apprenticeship intake starting on the autumn of 2020

The Society is keen to ensure that as many training places as possible are filled this year. In order to give firms the maximum flexibility to consider taking on an apprentice the Council of the Society has agreed (for the 2020 intake only) to allow Masters and firms to choose the date (between 12 October 2020 and 31 December 2020) on which their trainee shall start their apprenticeship. The contract shall still be for a fixed term of two years. Hopefully giving further flexibility will encourage firms to take on a trainee. It allows a greater degree of certainty for firms making important investment decisions in themselves and in their trainees. A somewhat greater degree of normality may have returned to the profession later in the autumn, thereby giving greater opportunities for training later in the year. It might also allow some further time for firms to surmount the difficulties faced immediately following the end of the furlough scheme (31 October 2020).

The closing date for registration remains Wednesday 30 September 2020 even for contracts starting after 12 October 2020.

The apprenticeship will run for a fixed term of two years from the date of the commencement given in the contract. The commencement date must be inserted in the contract when the apprenticeship papers are lodged with the Society.

The relevant dates are set out in the table below.

Action	Date
Closing Date for Registration of Apprenticeship papers with the Society	Wednesday 30 September 2020
Apprenticeship start date (Two Year Fixed Term Contract which will start on the Commencement date specified in the contract/ Indentures)	Any date between Monday 12 October and Thursday 31 December 2020 (To suit Master/ Firm)
Commencement Date for the two-year fixed term apprenticeship to be no later than 31 December 2020.	Commencement Date for the apprenticeship must be inserted in Apprenticeship Contract when it is lodged with the Society



A view from the bench

Mr Justice Huddleston

In January 2019, Mr Justice Ian Huddleston was sworn in to the High Court by the Lord Chief Justice of Northern Ireland, Sir Declan Morgan, and he was the first solicitor to be appointed directly to the High Court Bench in Northern Ireland.

His appointment follows a distinguished legal career spanning almost three decades. In 1991 he was admitted to the Roll of Solicitors in Northern Ireland and subsequently to the Roll of Solicitors in England and Wales in 2009.

He was a partner in various commercial firms, both in Belfast and in London, where he was involved in both fee-earning and senior management roles specialising in the areas of property, structuring and private client advisory work.

Before his appointment he was also a legal member of the Tax Tribunal with a UK wide jurisdiction in relation to all direct and indirect taxes and also sat on the Charity Tribunal hearing charity appeals in Northern Ireland.

In November 2016 he became President of the Law Society of Northern Ireland following ten years as a Council member, during which he served as Chairman of the Society's Education Committee and a member of the Council of Legal Education – reflecting his passion for legal education generally.

More than a year after his appointment we took the opportunity to catch up with him and ask him about his new role.



It is a year since your appointment to the High Court how have things changed for you from being a practicing Solicitor to member of the Judiciary?

The job is certainly very different. Solicitors practising in law firms tend to work as part of a team whereas life on the Bench is much more about solo working and assessing the strength of the arguments advanced by the parties.

You will be taking over as Presiding Coroner role, what will be your priorities and challenges ahead for you in this position?

I am someone who likes a challenge but I do not underestimate the challenge that this presents both in terms of making sure that the work that Coroners do in these extraordinary times gets the priority it deserves and also that the inevitable delay that has arisen from the pandemic does not further impede the timetable set by my predecessor in relation to legacy inquests.

As a former Solicitor and now a member of the Judiciary what are your expectations and requirements of colleagues appearing before you?

I have been impressed at the efforts made by both branches of the profession to advance cases and, where possible, to reach a settlement so that only the core issues come forward for adjudication. That attention to detail and focussing in on the issues is really very helpful.

What if anything do you miss about being a Solicitor?

I really miss the client interaction- which is possibly the best part of being a Solicitor. Being on the bench by necessity removes you from that and being able to "live" the case.

Would you encourage colleagues to follow your example and apply for Judicial positions?

Absolutely. It's a big transition - possibly more so for those that don't have a litigation background but the support of the professions and my Judicial colleagues has helped in that transition enormously.

What impact do you think the Covid-19 pandemic has had on the Courts and are there any positive lessons learned?

I think that everyone involved in the administration of justice has learned a huge

amount during the pandemic. What we all have learned is the importance of focussing on the true essence of cases - both in terms of documentation and in terms of advocacy. That, I think has been very positive - and the only way to progress cases sensibly given the conditions we are all working under.

Will greater use of technology assist or be a greater hindrance during Court cases?

Personally, I feel it will be a help - particularly in case management situations where virtual hearings have been very successful.

You are well known for being meticulous - presumably that is a necessity for being a Judge?

Absolutely! It is the attention to detail and the ability to hone in on the crucial issues that is core to good decision making.

How do you unwind after a long week at the Court?

I enjoy being outside in the air - walking particularly but anything that doesn't have me sitting.....!



Business support measures adopted by the Society



The Society has been working throughout the current Covid-19 crisis to put in place measures which will assist members and their firms both in the immediate short term and also in the longer term. Some of these initiatives have already been completed and some are yet to be launched. However to give Members an indication of the types of initiatives, some examples are set out below:

Andrew Kirkpatrick,
Head of Non Contentious Business

1. Refunding half of the Practising Certificate fee for this current year.
2. A proposal to enable firms to pay for the Practising Certificate fee by quarterly instalments from the PC year commencing in January 2021.
3. Working with Willis Towers Watson and companies such as Premium Credit to assist firms in paying their professional indemnity insurance by instalments.
4. Amendment to the CPD requirements for 2020 removing the requirement to undertake compulsory general group study and the roll-out of a large number of remote CPD events which have been very well received.
5. Support for trainees and masters including consideration of the introduction of a bursary scheme as well as increased incentives for masters to take on trainees in the upcoming year.
6. Introduction of a matching scheme to assist retiring principals to identify successors and bring them in to their firm. This is intended to ensure that there is a succession plan to enable firms to continue to operate in the future but also to ensure that principals who wish to retire are able to do so in a managed way.
7. Introduction of additional support for solicitors who have lost their jobs during the Covid-19 crisis. This support will assist them in obtaining new jobs by putting them in contact with firms who are recruiting and also assisting them in training opportunities to widen their areas of expertise to enable them to obtain jobs in other fields of practice.
8. Introduction of additional support for mergers, acquisitions and restructuring of firms including assistance in complying with regulatory requirements. It is intended to launch a practical toolkit for firms in this position to ensure that this process is made as efficient as possible for those firms.
9. Launch of a health and wellbeing toolkit for members and their staff. This will provide practical assistance for all areas of health and wellbeing at work including the sources of support available.
10. All library services are available free of charge to members until further notice. In addition, all commercial journals published by the Society during 2020 will be uploaded free of charge to the website.
11. The Society has already carried out a survey of the profession during lockdown and the results of that survey have informed a number of the measures referred to above. It is the intention of the Society to carry out a further survey after the end of the furlough scheme to enable further measures to be put in place to assist firms at that time as it is recognised that the end of this scheme may lead to changes within firms.



Offices opening up for business Part 1



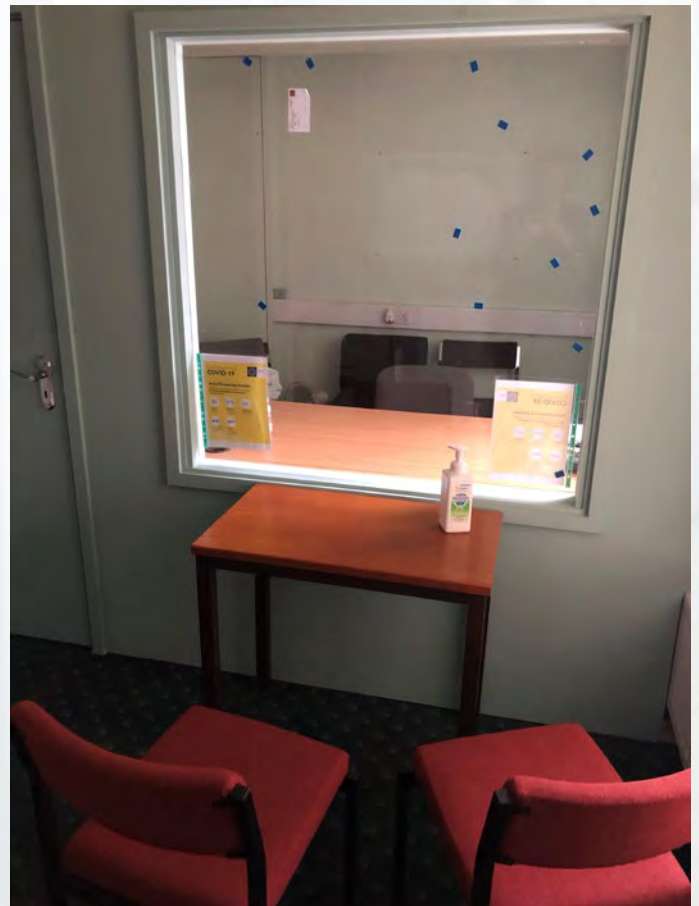
Brian Walker, Walker McDonald

In February I chaired a seminar on the bovine Tb epidemic. The speaker on epidemiology used words that few of us then had heard of, but are now familiar to us all. I didn't know what 'super-spreader' was. The bovine Tb epidemic has had an 'R' factor of less than one, for thirty years. It was clear that a Government policy on that epidemic was completely unfit for purpose.

By March I had concluded that Government forecasts on this Covid-19 virus were not following the science. I began to discourage unnecessary public access to our office. I concluded that the present crisis would continue well into next year, if not beyond. The spin doctors were not convincing. A pair of gloves cannot be counted as 2 items of PPE. The rediscovery of the effect of steroids is clearly not a new breakthrough.

Any prospect of a crisis of a few weeks was really only a fairy tale. How then could I plan a viable future for my Solicitor's practice?

Most of you know I run a small farm which is subject to quality regulation. I must keep a supply of PPE and I can't understand how any medical establishment does not have a similar requirement. I contacted my supplier online to send disposable gloves, masks, wipes and Health & Safety signage. Once again, all of these can be obtained at a fraction of what some High Street outlets are charging. For those who are worried about plastic, many of the products are available in biodegradable form.





I concluded that I should seek to protect all of my staff and my clients. Whatever precautions and structures would have to be permanent and user-friendly.

I arranged a meeting with an architect. The brief was to isolate staff from clients and as far as possible isolate staff from each other. In the long term how could we avoid clients standing outside in the snow?

It sounded simple but as we worked through the process we came across unforeseen problems. It required help from an IT expert, telephone expert, electrician, fire alarm supplier, printer supplier and a plumber as well as a painter and a joiner.

We created a waiting area with a separate entrance and exit. This waiting area has heat, light and wooden chairs. It also has a small wash hand basin. Clients have a choice of sanitiser or soap and hot water, since alcohol evaporates and may have an adverse effect on skin. This waiting area and reception are linked by CCTV and an intercom connection. The receptionist can, therefore, direct clients to one of three interview rooms ensuring clients do not enter any space occupied by staff.

The next unforeseen consequence was that perspex absorbs sound, so voices are raised. We replaced perspex with glass in a permanent wooden structure which had a dramatic benefit. Similarly, we wanted to make the interview rooms as appealing as possible. We therefore installed a desk and chair for the client and LED lighting and no children are allowed. The Solicitor has a telephone and computer monitor. The telephone must only be used on speaker. One interview room also functions for remote

Court attendances. At the end of the interview the client leaves via the waiting area under the monitoring of reception which remotely locks the exit door. From the moment the client arrives until he leaves he is directed by the receptionist and he can at all times contact reception by intercom.

The next issue is protection of staff. They are encouraged to arrive at staggered times. On arrival they can have a mask, if desired. Sanitiser and disposable gloves are provided. All staff have temperature checked on entry to the building.

Each member of staff, including Solicitors, has a dedicated printer, telephone and keyboard. No other person can use these and wipes are also provided. Each Solicitor has a separate desk, computer and telephone in a large office with one secretary who also has a desk, computer, telephone and printer. We cannot provide a large number of photocopiers, but we have tried to provide as many as possible. Two persons form a small Risk Assessment Committee to review precautions regularly and we continue to make operational changes.

The next unforeseen consequence was how to reconcile our precautions with fire safety precautions. This is a significant problem because we like to keep doors open for health reasons but we must comply with fire safety standards

What about refreshments? A little thought resolved this. Hotels provide tea bags, individual biscuits and tiny milk sachets. These can be ordered online at very little cost. Similarly, the water coolers have gone and have been replaced with small bottles of water, which are also available online at very little cost.

You cannot complete this project in a few days. Any plan must be flexible because you will meet unforeseen problems. It takes some weeks and every office has different constraints. None of us can do more than minimise risk. But employees and clients do appreciate that these precautions are for the benefit of all. Since re-opening, which we have done on a phased basis, I have not had anybody refuse to co-operate.

The coming winter will be challenging for us all. Any person with what looks like a cold will not be admitted. However, I don't have clients who will stand outside my office in the snow waiting to be seen. What we have done is not perfect, but our staff are offering constructive suggestions and we are continuing to adopt many of these. A perspex screen and a few large yellow signs are, quite frankly, of very limited value.

These are only the physical adaptations consequent to the pandemic. I believe that these will be permanent but the changes for the legal profession will be even more dramatic. I appreciate all that the Law Society staff have done to assist Practitioners. However, the system of justice which was effective up to March 2020 is going to change radically. As yet it is impossible to forecast the eventual outcome but my view is that the relationship between Barristers and Solicitors and the relationship between Courts and Solicitors will significantly change and those who are not willing to adapt will, unfortunately, find it difficult to survive.

Recovery of Court Business



Peter O'Brien Deputy Chief Executive

Covid-19 has had a significant impact on the operation of the justice system. In particular it has imposed unparalleled challenges in relation to the transaction of Court business. Early figures released by the NICTS reveal a significant reduction in the volume of Court business lodged with and processed by the Courts across all areas of business since the start of the pandemic.

Since initial lockdown the Society has been working alongside all other key stakeholders to ensure that Court business levels return to pre-lockdown levels as soon as possible.

However, given the large numbers of organisations and people involved in the processing of Court business (civil, criminal and family), it is clear that there are many practical challenges that need to be overcome including meeting Covid-19 secure guidelines and ensuring the safety of the judiciary, court staff, legal practitioners and members of the public.

The journey to recovery is therefore likely to be much longer than hoped for. Significant progress has been made in recent months but there is still much to do. The Society welcomes the recent completion of the first jury trial held at Laganside Courts Belfast since lockdown in March. Once necessary physical alterations have been completed, Crown Court jury trials will be able to be held at two further Courts at Laganside and at five other venues across Northern Ireland; Antrim, Coleraine, Craigavon, Dungannon and Newry.

Work has also been ongoing with regard to implementing accommodation and technology changes to facilitate the safe re-opening of courthouses and to support new ways of



working. From August 24, there is capacity for 18 Magistrates' Courts, with other courtrooms being used for Crown Court, County Court, Coroners and Tribunal business. The Lord Chief Justice has stated that the Courts will continue to undertake as much business as possible remotely. This increased capacity will permit a focus on case progression and disposal.

Over coming months, the Society will continue to monitor developments. Issues remain with regard to the listing and timetabling of cases and the clearing of backlogs, the hearing of contested matters, the ability to progress cases involving more than two parties, and the capacity of the current Court Estate to cope given that jury trials will occupy two courtrooms for the foreseeable future.

The JudiciaryNI website <https://judiciaryni.uk/> contains the latest advice and guidance in relation to Covid-19. Members should check this website on a regular basis to ensure that they are kept informed of the latest position.

As practitioners face the challenges of using the new technology, the Society has produced a helpful Guide for Practitioners involved in Remote Hearing which is carried in full in this EWrit - see page 17. It offers a number of practical suggestions and tips to ensure the smoother running of these hearings. A separate Information Sheet is being prepared for use by clients so that they are aware of what to expect and what is expected of them when participating in a hearing other than from a courtroom.

Given that the NICTS uses Sightlink as its main video conferencing solution for remote hearings during the pandemic, the Society recently facilitated a webinar to provide over 100 members with basic technical advice on its use. A copy of the webinar is available on the Society's website.

The Society's Senior Vice President, Suzanne Rice, is contributing as a speaker and panellist to a webinar jointly organised by the University of Ulster, the Human Rights Consortium and the Equality Coalition to be broadcast at 10.00am on Thursday 3rd September. She will focus on the experience of practitioners in the Family Courts during the pandemic. The event will be chaired by Mr Justice McAlinden and also include contributions from a barrister, a representative of the Department of Justice and a litigant in person. Further details can be found at <https://www.ulster.ac.uk/faculties/arts-humanities-and-social-sciences/events/access-to-justice-the-courts-and-covid>

For those practitioners and their clients who have to attend court, the NICTS has issued a document Keeping Court and Tribunal Buildings Safe Secure and Clean. This can be accessed at <https://www.justice-ni.gov.uk/keeping-court-and-tribunal-buildings-safe-secure-and-clean>. It includes information on Covid-19 secure risk assessments for court buildings and sets out what court attendees can expect to find in terms of security, cleaning, waiting, seating, entry to the courtroom and services available.

This document was updated on August 17 in relation to face coverings. It provides that whilst the use of face coverings is mandatory in public areas of all court and tribunal buildings, it is optional when inside a court, though this will ultimately be at the discretion of the sitting judge. The Society recommends that if any member or client has concerns which make it important that they or others wear a face mask in court that this is drawn to the attention of the judge through the Court Clerk in advance of the hearing.

A Practical Guide for Solicitors and clients participating in Sightlink or other Remote Hearings and Reviews

1. In advance of the scheduled hearing it will be important to speak to all opposition members and representatives to clarify, define and narrow issues in the case. This is an invaluable exercise and will result in the scheduled hearing time being used to maximum benefit for all.
2. Parties should liaise in advance of any Court listings to identify whether their case can proceed by way of remote hearing/review or in person hearing and lodge the appropriate Court forms as soon as possible. All current forms are accessible on the judiciary.ni web page (<https://judiciaryni.uk/coronavirus-covid-19>)
3. Consider setting up a WhatsApp group or Zoom meeting to run in tandem with the remote hearing/review so that real time instructions can be taken and communications exchanged with your legal team. However, be very aware of the possibility of being overheard on Sightlink – *take appropriate precautions*.
4. Plan to log on 10 minutes in advance.
5. Sightlink login details may be access on the Society's web site, Members' Section via this link - <https://www.lawsoc-ni.org/directory-of-sightlink-addresses> ; or alternatively on the NICTS web site - <https://onlineservices.courtsni.gov.uk/publiccourtlists/>
6. It is inevitable that conducting business remotely will result in teething troubles for participants and hosts/organisers. Do therefore be sympathetic to the technological and other difficulties experienced by others.
7. For those participating in their first remote hearing/review it is advisable to read the Guidance beforehand. JudiciaryNI Guidance on Remote Hearings can be viewed in this link: - https://judiciaryni.uk/sites/judiciary/files/decisions/Practice%20Direction%2001.20%20-%20Remote%20Hearings_0.pdf Also consider speaking to colleagues who have participated in remote hearings/reviews previously.
8. If feasible, have a second device on standby in case you experience issues with your main device.
9. Ensure that all devices are fully charged and that you have a charging cable and plug to hand, as virtual hearings/meeting can exhaust battery life on any device.
10. In advance, check that the audio and video/camera facility on the device you choose to use is switched on *and* functioning.
11. Solicitors might consider exchanging mobile numbers/email addresses with each other to have an additional strand of connectivity during the hearing. It will be important to communicate with colleagues during a remote hearing/review – *away from* Sightlink.
12. Ensure in advance that all papers and bundles have been agreed and lodged with the Court Office and copies shared with the opposition. Electronic bundles should be indexed and paginated. They should contain only documents and authorities essential for the hearing/review as large files can be slow to transmit and unwieldy to use and navigate.
13. Consider if witnesses will require access to reports, photographs, statements etc. and ensure that appropriate arrangements are in place so that they can view a virtual copy if necessary.
14. Clients and witnesses need to be contacted in advance to ascertain if they are content to affirm before giving evidence. If that is not their preference, ensure that they are aware that they will have to have a copy of their preferred religious book to hand to swear upon.
15. Consider if it would be of benefit to lodge a booklet of agreed correspondences with the Court Office and other representative(s) and if so, paginate and share in ample time before the hearing/review date.
16. Remote hearings/reviews will proceed as a Court of law. It is imperative that solicitors conduct themselves accordingly in terms of behaviour, courtesy and dress code from the outset of the session. Solicitors are reminded to limit conversations between colleagues on Sightlink in the absence of the Judge sitting *as it is an open link* and only closed at the direction of the Judge.
17. Similarly, it will be incumbent on Solicitors to prepare their clients and witnesses in advance and remind them of the etiquette of appearing in Court, whether they are participating in the Solicitor's office or at an alternative location. Any party attending a court hearing by video conference or teleconference call is expected to maintain equivalent standards of behaviour as if they were attending the Court physically.
18. It is a contempt of Court to make any recording of a hearing, whether of the audio or, for example, by taking a screenshot during a video hearing, without the Court's permission. Ensure clients and witnesses are made aware!
19. Make use of the 'mute button' when not addressing the Court and remind your client and witnesses to do likewise.
20. For remote hearings/reviews to operate effectively it is of utmost importance that all participants strictly adhere to the commencement and ending times allocated to their case.
21. When the hearing/review ends you *must log out* and remind your clients and witnesses to do likewise.
22. Ensure that you have arrangements in place to consult with your client and/or counsel after the hearing/review by phone or a virtual platform, as you would after a face to face hearing.

Opening up Law Society House to Members and Staff



Chris Houston,
Head of Finance

Like most organisations, the Society has given close consideration to the safety of its staff, Members and visitors to Law Society House. This has required consulting with a number of partners to apply best practice solutions and to ensure that all legal requirements have been met.

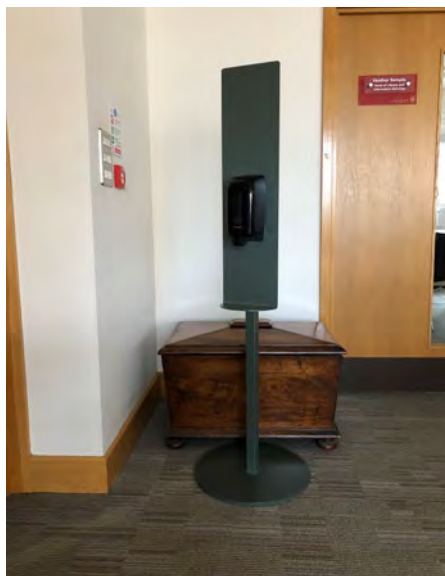
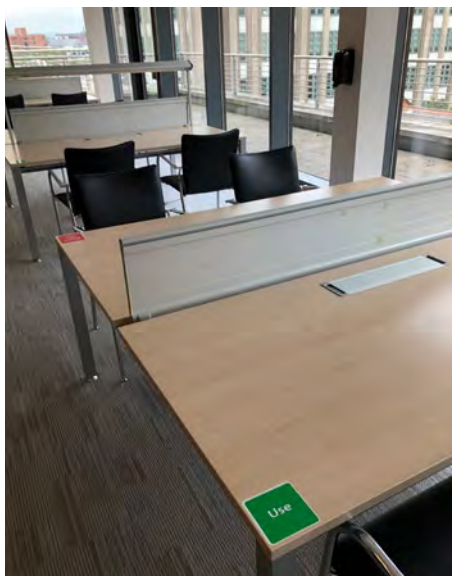
When the Society's offices re-open in Law Society House in September, some of the changes will be obvious for visitors once they enter the building and are greeted by a new electronic signing in system. However, some of the changes may not be so immediately apparent. The main areas of activity have been;



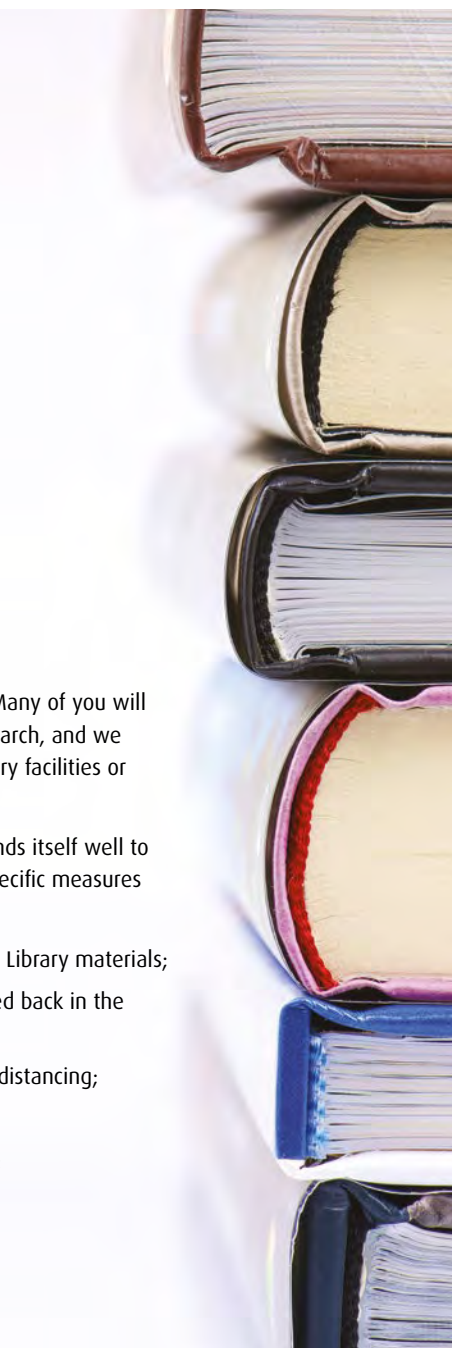
- a deep chemical fogging clean of the Law Society offices and common areas within Law Society House;
- the air conditioning plant has been deep cleaned and filters replaced;
- all green door release buttons within Law Society House have been replaced with touchless releases as these are high contact areas;
- signage is in place in the common areas of the building to encourage social distancing, advise on lift usage etc.;
- desks in open offices including the Library have red or green (don't use/use) stickers applied to indicate if they can be used in line with social distancing requirements;
- sanitiser has been placed at all entrance points and in other areas within the Society's offices;
- approximately 20 percent of staff have moved location within the Society's offices to ensure that they can work safely and observe social distancing;
- the Lecale room on the fourth floor has temporarily been designated as the Covid-19 isolation room within the Society;
- perspex screens have been installed in a number of locations within the Society's offices including at reception and in the library;
- on the re-opening of the offices an enhanced cleaning regime will be in operation.

Apart from these physical changes staff have been advised to wear masks when moving about the offices and not to stop moving when in more confined spaces such as corridors. The Society has also changed how it interacts with Members and external parties with most meetings now taking place using video conferencing using one of the many platforms available. It is amazing how quickly we have all adapted to this new way of operating in such a short time frame. The difficult question is - how long will we have to continue to operate in this way?.....





Opening up the Library



Heather Semple, Head of Library and Information Services

We are delighted that the Library will re-open for Members from the beginning of September. Many of you will already know that we have been operating the full enquiry service remotely since the end of March, and we now look forward to welcoming Members into the Library, should they wish to avail of the Library facilities or Business Centre in person.

We are fortunate that the Library is an open-plan space with a range of types of seating that lends itself well to social distancing. However, we want to reassure those Members coming to the Library of the specific measures that have been put in place prior to opening;

- masks and disposable gloves will be available to Members who wish to refer to the physical Library materials;
- once a text has been used, it will be quarantined for a period of 72 hours before being placed back in the Library collection;
- Library desks have been labelled to indicate a seating arrangement which adheres to social distancing;
- hand sanitisers are available throughout the Library;
- enhanced cleaning arrangements mean that each desk is thoroughly cleaned after each use;
- keyboards in the Business Centre will be thoroughly cleaned after each use;
- for the meantime, newspapers and loose journals will not be available to Members;

All these measures will be monitored and kept under review.



Offices opening up for business Part 2



Seamus Reid, Reid Black

In or around January of this year one of my WhatsApp groups started to receive from one, then several of its members, unsettling videos supposedly from a city in China, showing extremely disturbing images of citizens being rounded up by armed men dressed in full body hazardous material protection suits (hazmat gear). Frankly we all thought that it was overblown and exaggerated scaremongering and one hesitates to use the phrase, but “fake news” seemed to cover it as surely it couldn’t be true. If it were true surely our own intelligence services and government would be on to it? They weren’t even flagging it up, so we must be safe and the images; nonsense. There was much talk in political circles of Brexit at that time and of very little else.

However it turns out as we now know to our incredible cost, that the images and the stories they told were very true and within less than two months our own country was being locked down and the world as we know it thrown into the back of an economic minivan, by very similar looking people in very similar hazmat suits, though this being the United Kingdom, of course there weren’t enough of them to go

around and so we limped into lockdown in a half-hearted mood of resignation.

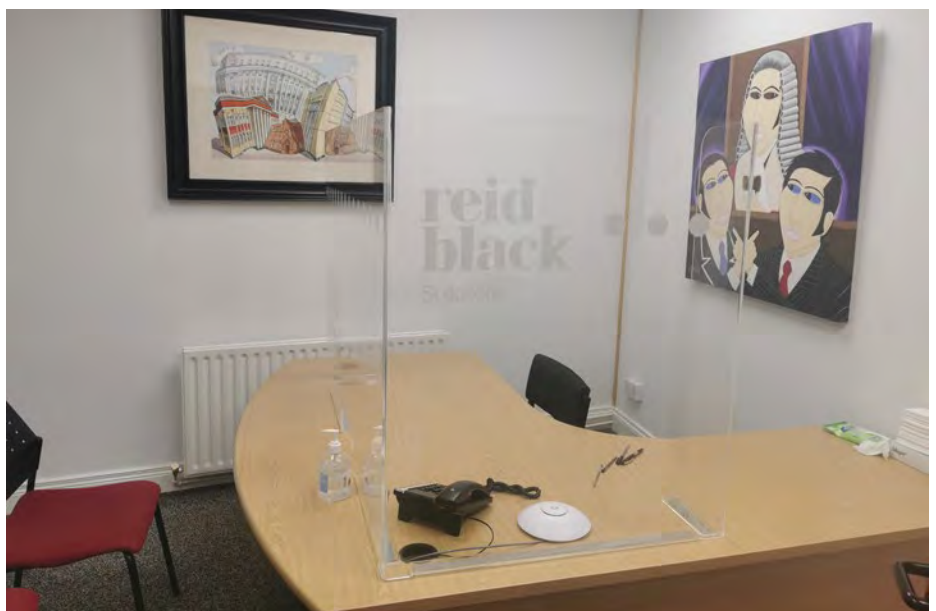
Lockdown was quite something and its effects, even if we do not have to revisit the experience as a complete country, will be felt for quite some time to come. Some people claim to have thrived, others not so much. There was much DIY embarked upon, I am given to understand both literally and metaphorically, though personally I can only vouch for the latter. An amazingly mild and sunny spring made it all much more bearable and seem to offer up all kinds of alternative lifestyles and choices and then all too soon it was gone. With the summer came rain, a decline in infections and deaths and a much heralded return to a normality that no one was sure that they wanted to embrace anymore. There was and is talk of much more working from home and a palpable sense of not wanting to rejoin the rat race, or rejoining it at slower pace, though hopefully while still getting paid the same.

I’ve written all of the above in a complete stream of consciousness and it has led me to the real point of the article; how to get

back into the office and start doing business as safely and effectively as possible and can we work smarter as well? The bottom line is that we really can only do our best and to completely Covid-proof our premises is a dream wrapped in Perspex.

So what did we do? First we asked for advice from medics who neatly sidestepped the queries raised and, while there are now firms specialising in providing this advice, they weren’t around at the time that we needed them and so we applied a dollop of common sense and ordered bespoke Perspex solutions which fit like a glove and seem to work well. From the moment that you are buzzed through to enter our offices you encounter a receptionist who is protected by a screen, and as you’d expect from my firm it is emblazoned with our logos. We think they look professional and client feedback has been very positive and clients feel reassured that we are taking the pandemic seriously while still trying to work through it.

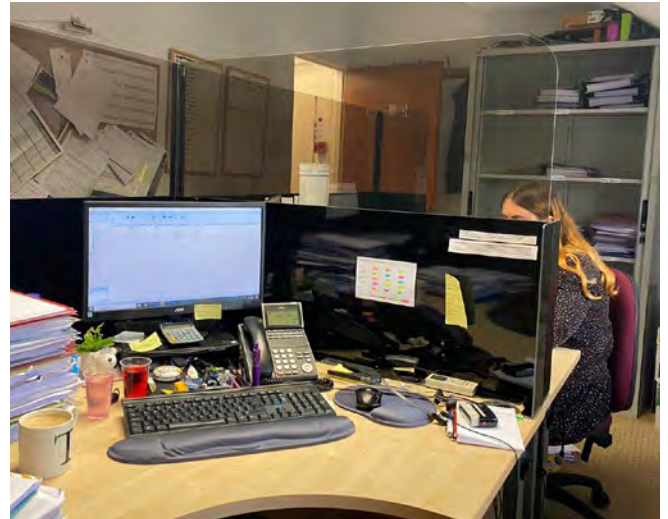
Each office has designated interview rooms and again these are screened and a gap left at the bottom for documents to be passed



through and signed. We no longer allow walk-in business and have signs up explaining why, as you enter the office you are obliged to sanitise your hands and there are masks available. If a meeting is to take place in a room where a screen is impracticable then all parties to the meeting must wear masks. Appointment times must be strictly adhered to and computer diaries available to look at so that the interview facilities are not double-booked.

It is also essential that the non-public facing parts of the operation are equally secure so that every secretarial desk is now surrounded on three sides by Perspex, you'll be glad to hear this is not embossed but rises to a height of around 6 feet from the floor so that staff are protected as people walk by. No more than one person at a time can be in the vicinity of photocopiers; people can no longer congregate in communal areas and people are asked to sanitise regularly across the day and asked to stay at their work stations only leaving if absolutely necessary.

It seems clear as we have now seen that the virus numbers can surge and retreat and that any measures we take can only mitigate the dangers of infection and that ultimately we rely on staff and people generally not to drop their guard and become complacent. Until hopefully a working vaccine is found, this virus in all likelihood is going to with us, affecting our lives, health and wellbeing for the foreseeable future. We need to constantly monitor any measures taken and remind staff not to put themselves or anyone else at risk. There is little point sitting at a 'bubbled' desk constantly sanitising your hands and immediate working environment and having minimal essential contact with your co-workers, if your behaviour outside of the workplace means that you risk bringing the virus to work with you!



Recovery of Court Business



Ann McMahon
Head of Practice
and Policy

On 6th July the Public Prosecution Service introduced a new 'Case Progression Hub' (CPH) within their Belfast and Eastern Region. The CPH model, which is operating on a pilot basis, will be rolled out across Northern Ireland if there is shown to be sufficient demand from defence solicitors. From 10th August this has been rolled out to the Western and Southern Regions.

The introduction of PPS Case Progression Hub

The CPH model is being introduced in order to assist both the PPS and defence solicitors in clearing new summons cases in the Magistrates' Courts at the earliest stage. The broad aims include:

- to maximise the effectiveness of first appearances;
- to facilitate direct engagement on issues between PPS and solicitors in advance of the first hearing; and
- to allow for the identification of cases that are likely to result in a guilty plea.

It is recognised that the current arrangements, with many representatives conducting advocacy remotely, limit effective contact with Court prosecutors prior to the first appearance.

PPS has provided an email address (see below) for defence solicitors who wish to raise issues in respect of new summons cases. All emails submitted will be considered by experienced Court prosecutors who have authority to take decisions on matters such as the offences being prosecuted and the facts to be outlined in Court. They will then respond either by email or by phone.

It should be noted that the CPH model is not designed to replace current methods of contacting PPS. For example, the Hub will not deal with bail issues, updates on file progress, sharing of copy summonses and other practical day to day queries.

The Law Society welcomes this initiative which will assist in the recovery of Court business for its members. Uptake so far has been very light with relatively few practices making contact with the Belfast Hub. Solicitors are encouraged to engage with the PPS in order to ensure that this initiative is maintained - and extended beyond Belfast and Eastern Region.

CPHs can be contacted via the following email addresses:

BelfastandEasternCPH@ppsni.gov.uk WesternandSouthernCPH@ppsni.gov.uk

Further details of the CPH, including information requirements can be accessed [here](#).

The Society is grateful to the PPS for their assistance with this article.

Law Society CPD goes digital



Jennifer Ferguson Events Co-ordinator

In a very short space of time Covid-19 has forced us to adopt a completely different approach to the way we work. One of the few positives that has arisen out of this dreadful pandemic is its effect on CPD and training which has catapulted us into adopting new online learning strategies. Gone are the days of driving to Belfast, negotiating traffic, finding a car parking space and getting into Law Society House before the backrow seats are taken and all the decent sandwiches have been snapped up!

Now from the comfort of your own home or office you can register remotely and sign up to online Law Society CPD training courses.

As you will be aware, on the 8th April 2020 the Council of the Law Society of Northern Ireland took the decision to disapply the current rules relating to compulsory Continuing Professional Development until further notice, with members now encouraged to complete their CPD by means of self-certified private study. There is therefore no requirement to undertake compulsory general group study CPD for 2020.

In order to support our Members to undertake private study, we have been working during lockdown to make available new online CPD resources and these will be accessible from the Law Society website free of charge for the remainder of 2020.

In addition to written materials which have been uploaded online, the Society is pleased to announce the procurement of new "GoToWebinar" software which has enabled the production of online webinars for our Members. This easy-to-use software doesn't

require a pre-app download and operates from a simple email browser link which Members can access from any computer or mobile device. It has the capacity for up to 500 delegates to attend a live event with all attendees in listen only mode (no webcam) - which, for those of you who enjoy working from home in your PJ's, will be music to your ears.

Should delegates wish to ask a question(s), they can do so by raising their virtual hand or through the chat/question box function on their screens. Alternatively, Members can email questions in advance. The software also has a function which can monitor "attentiveness" so for those of you inclined to "leave early", big brother is watching you!

Many of our webinar events have been recorded and made available on the Members' section of the website. This is of course subject to the consent of the individual course presenter(s), therefore it is recommended where possible Members attend each live webinar to avoid disappointment in the event a recording is not made available afterwards.

As you can imagine with any live broadcast, things don't always go to plan which was clearly illustrated during our PACE CPD webinar when our course presenter was interrupted mid-presentation by his 4 year old son who wanted his Daddy to play Pokemon with him! To avoid a repeat of this in the subsequent lecture, I believe a suitable Disney film was played for the children during the webinar with the eldest child being assigned PACE powers over her siblings to detain them when necessary.

The first series of our live online broadcasts took place at the end of June 2020 and addressed the Impact of Covid-19 on Investments & Pensions. Further webinar topics include; Vulnerable Witnesses Training, PACE, (Criminal) Applications in the Magistrates' Courts, Health & Safety Law, Frustration of Commercial Contracts, Vulnerable Witnesses Training, Cross Border Practice & Procedure (Personal Injury), GDPR, Employment Law, Risk Management, SDLT, Interim Injunctions in Commercial transactions & an overview of the Corporate Insolvency and Governance Act 2020.

So far we have facilitated over 1000 online delegates during our online series of webinars and I am pleased to report the feedback has

been very encouraging. Rural practitioners have described feeling more connected than ever with the profession through this new shared online learning. Ruth McKenny Committee Member of the Fermanagh Solicitors Association endorses this stating "for me and my Fermanagh colleagues, attending a lunchtime seminar in Belfast was effectively a full day out of the office and we often felt disadvantaged to those based in Greater Belfast." Ruth welcomes these changes to CPD learning stating "I can now attend online lectures from home or from work without impacting greatly on the day to day running of my office allowing me to access vital seminars that will enhance my knowledge and keep me up to date in this ever changing environment".

Evaluative feedback gathered from post webinar event evaluations indicate Members are "enjoying the remote access and would like to see online webinars continue even after the Covid-19 crisis resolves". Members also report "the anonymous interactive poll feature is very engaging which encourages audience participation and maintains attendee focus".

We are of course always keen to hear from members in regard to additional topics/ areas of CPD that they would like addressed, therefore I would encourage you to please get in touch with your suggestions. Also if you have any queries regarding webinars or the completion of CPD please email: jennifer.ferguson@lawsoc-ni.org



Vulnerable Witnesses Series Webinar
Presenters Fiona Donnelly & Sir John Gillen.



Jenny Ebbage & Sarah Burrows, Edwards & Co. Solicitors

Many Solicitors in Northern Ireland volunteer in the community with charities as charity trustees and some have charity clients relying upon their jurisdiction-specific advice. The recent Court of Appeal in Northern Ireland Decision delivered on 19 February 2020 by McCloskey LJ has implications for Solicitors advising charities and all those acting as charity trustees.

McKee v Charity Commission: what Solicitors need to know about the decision in the Court of Appeal

Decisions of the Charity Tribunal and subsequent appeals to the High Court of Justice Chancery Division and the judgment of Madam Justice McBride led to an appeal to the Court of Appeal. The Charity Commission for Northern Ireland ("the Commission") was the sole Appellant to the Court of Appeal. There were four appeals heard together. They raised the same question of law: whether the functions attributed to the Commission by the provisions of the Charities Act (Northern Ireland) 2008 ("the Act"), can lawfully be discharged by employees of the Commission acting alone. The respondents were Mr McKee, Mr Hughes, Mr Crawford and Mr Caughey. The Attorney General for Northern Ireland exercised his statutory right to intervene. A case was made by the respondents that employees of the Commission acting alone could not lawfully discharge the functions attributed to the Commission under the 2008 Act. On the other side, the Commission and the Department for Communities (its sponsoring Department as an Intervening Party) put forward their case that the functions could lawfully be discharged by employees of the Commission.

The question of law that fell to be determined was whether the 2008 Act allowed the discharge of the Commission's statutory powers, duties and functions by its staff acting alone. If the answer was yes, then the Commission could continue carrying out its statutory powers duties and functions in the way it had been practising to date; if no, there was a second question of law which was whether the legislation permitted the Commission to delegate some or other of its functions to be performed by its staff.

The decision of the Court of Appeal was no; that the Commission's functions could not lawfully be discharged by employees of the Commission acting alone and that it did not have the power to delegate such functions to its staff. The implications of this decision are still being considered by the Commission. As a practical workaround, the Commission has been operating by decisions taken by the Commissioners or through a Committee (via provisions in Schedule 1 to the 2008

Act) which allow the Commission to take decisions through a Committee which must include at least one Commissioner to make decisions, orders and directions required under the 2008 Act.

When advising clients, or when sitting as a charity trustee, solicitors should consider the impact the judgment might have on applications for consents, or authorisations or any other dealings with the Commission required by the charity. Although the Commission's regulatory work continues, the inability of staff to take decisions has had an impact. Some decisions which would have been received within four to six weeks, are now taking several months, and indeed longer, so this has reduced the volume of decisions that can be taken and has resulted in delays. Where there is an urgent matter that needs attention, the Commission will consider 'fast tracking' an application on a case by case basis, and any charity that is experiencing any difficulty can approach the Commission to ask for the matter to be considered as soon as possible. Another effect arising from the decision has been an update to the Commission's website which removed a number of items for further consideration following the ruling. This included statutory inquiry reports and the Register of Removed Trustees.

It is not clear at this point what impact this judgment has on decisions already taken by the Commission staff. The current view appears to be that some decisions already taken are void and others are voidable and remain unless they are specifically challenged and quashed through a legal process.

During the case strong arguments were put forward by both the Department and the Commission's Counsel and much was made of the provisions of section 19 of the Interpretation Act (Northern Ireland) 1954 and in particular the implied powers that vest in statutory bodies corporate, such as the Commission. Whilst section 19 includes a power to employ staff, it was the

determination of both the High Court and the Court of Appeal, that such a decision to employ did not then infer the ability to delegate statutory functions to such staff.

Schedule 1 to the 2008 Act sets out the terms of appointment, remuneration, employment of staff, annual report expenditure, procedure and transfer of property. The Commission is made up of individuals, the Chief Commissioner, the Deputy Chief Commissioner and five other Commissioners, one of whom is the Legal Commissioner. The staff includes the Chief Executive Officer, Head of Charity Services, Head of Corporate Services and Compliance, an Enquiry Manager and an unspecified number of caseworkers. In the 2008 Act Schedule 1, it is clear that section 19 of the Interpretation Act (Northern Ireland) 1954 applies to the Commission and at paragraph 9 (1) (a) of Schedule 1 to the 2008 Act, it says that in determining its own procedure, the Commission may in particular make provision about;

“... the discharge of its functions by committees which may include persons who are not members of the Commission.”

The Interpretation Act (Northern Ireland) 1954 section 19 contains the effect of the words of incorporation which says that a statutory body corporate has;

“ ...the right to regulate its own procedure and business and the right to employ such staff as may be found necessary for the performance of its functions.”

There are only three provisions in the 2008 Act which specifically confer a power on a member of the Commission staff. These are;

- (1) the power to do anything required to be done by to, or before, the official custodian for charities;
- (2) the power if authorised to inspect and make copies of the records of any Court, public registry or office of records without payment; and
- (3) the power to enter premises in the context of a statutory inquiry.

Subject to those three exceptions, the statute unambiguously requires the ‘Charity Commission’ to exercise and discharge all of the powers, duties and functions conferred upon the body corporate. There is no

language of delegation to be found in the 2008 Act.

In evidence, the Commission put forward extracts from its internal operational manuals which included some details as to how certain decisions were made by the Commissioners and other decisions made, for example, by the Enquiry Manager to be approved by the Head of Charity Services. The evidence submitted identified that in the Commission’s Standing Orders, decisions made by Commission staff were made in the name of the Commission and therefore the members of the Commission have a legitimate interest in all or any of them and may exceptionally and in appropriate cases at their discretion decide collectively to make some casework decisions themselves and/or provide guidance to staff involved in handling a case.

Much of this case was about statutory construction and in the analysis of the Court, the Commission’s internal instruments were disregarded and the Court decided that subject to the three exceptions numbered above, there is nothing in the statutory language which permits staff at the Commission to exercise any of the powers, duties or functions which the statute confers on the Commission. Furthermore, the effect of Section 6(8) of the 2008 Act is that Section 19 of the Interpretation Act (Northern Ireland) 1954 applies to the Commission in a qualified way. The Court decided that this did not extend to allowing staff to take such decisions, but rather the Commission’s functions are to be discharged by the members of the Commission; but there is the authorisation to allow the discharge of the Commission’s functions by committees and that the membership of such committees can extend to persons who are not members of the Commission. Therefore, membership of any committees established under that provision must include one member of the Commission (i.e. at least one Commissioner).

The conclusion of the Court was that the 2008 Act does not empower any member or members of staff of the Commission to exercise any of the Commission’s statutory powers nor to discharge any of its statutory duties or functions. The Court was not able to identify anything either in the 2008 Act or in the broader canvas supporting the view that a power of delegation of the Commission’s statutory powers, duties and functions must be implied so as to prevent frustration or paralysis of the operation of the Commission or the statutory scheme to a material extent,

and the argument of implied delegation was rejected.

The implications of this decision are still being considered by the Commission and by charity lawyers, and no doubt lawyers interested in public law as to whether this might have repercussions for other non-departmental public bodies.

Indications from the Commission are that there is no intention to appeal the decision to the Supreme Court.

We note particularly with interest the comments of their Lordships in their “Omnibus Conclusion” which bears reciting;

‘If the effect of our decision is to require some review and amendment of the 2008 Act, careful consideration should be given to the question of whether any of the powers and functions therein enshrined can properly be discharged by the staff of the Commission and, if appropriate, to reflect this in unambiguous language. The business of administering and overseeing charities in Northern Ireland is a matter of significant public importance, engaging a public interest of some potency.’

Perhaps the best and most practical solution is that amending legislation is brought forward by the Northern Ireland Assembly to put this issue beyond any doubt and with retrospective effect if possible. This could bring certainty for the regulation of the charity sector which is vital in our community and our economy in Northern Ireland and to provide clarity for those who are charity trustees and all those involved in the operation of charities.

We continue to represent our charity clients and to liaise with the Commission on all manner of applications and have found the Commission to be helpful and responsive to our clients’ requirements.

The Commission must be able to carry out its functions in compliance with the law, but also in a practical way to ensure that decisions can be taken promptly to avoid delays and that the process for continuing the registration of charities and decisions required by charities often for operational purposes such as amendments to constitutions, authorisations for activities such as payments to be made or transactions such as mergers can be concluded speedily and properly with legal certainty in the best interests of the charity in question and for the benefit of the public.



BREXIT and UK CCBE: future challenges and new relationships



Michael Robinson,
CMG Cunningham Dickey,
Head of United Kingdom
Delegation to CCBE

With the expiry of the end of June deadline for agreeing an extension to the Brexit transition period beyond December 2020, EU-UK negotiations on Brexit must conclude at the end of this year. As a consequence, all parties are currently in a period of truncated and intense negotiations, which, the pundits predict, have a high potential for no-deal by accident but may, at best, result in a thin trade deal with little joy for the UK legal professions.

Since the Brexit result several years ago my interactions, as Head of the UK Delegation to CCBE (UK CCBE), with our European lawyer colleagues have been characterised by open and frank displays of sadness and disappointment, on the part of those colleagues, at the departure of UK from the EU legal landscape. While honouring the referendum vote they express deep sadness at the loss of the values and influence of the

liberal UK legal professions and of the positive impact of that on influencing and shaping the other European professions and on European policy making.

Aligned with that has been the somewhat difficult recognition, by some UK delegation colleagues, that Brexit brings consequences for the six UK legal professions which annually contribute some £60bn to the UK economy. £5bn of that is earned from legal services exports which will be substantially impacted following EU exit and the falling of the Lawyers Directives practice rights.

Much work has been done by UK CCBE to try to minimise these issues which has included, in the negotiations leading to the Withdrawal Agreement, making successful direct submissions to Michel Barnier's Art 50 Task Force, in relation to pre-acquired practice rights to ring-fence the rights of those lawyers who have already acquired and who exercise practice rights in other EU jurisdictions and, in particular, in the context of Northern Ireland, solicitors exercising those rights in Ireland.

With UK withdrawal from the EU in January this year, a new reality has descended on the disparate CCBE membership. All are now actively reviewing their and the organisation's future relationships with UK. Given the current positioning of the parties and the state of play of negotiations, it is unclear to what extent the EU acquis will shape UK law and policy going forward. It will undoubtedly be the case that, while no longer exercising direct influence on UK law, the EU will continue to exert significant indirect influence. Maintaining a relationship

with the EU legal professions directly with their Bars and Law Societies at CCBE level will, without question, allow the UK to retain "soft influence" on EU policy and law-making going forward.

UK CCBE has for some time been highlighting, to our European colleagues and influencers, the legal challenges posed by UK withdrawal. Prominent among our concerns are the consequences, for UK and EU individual clients and small businesses, of the loss of the over-arching rules on recognition and enforcement of Judgments in civil and commercial transactions. These rights are provided for in the Lugano Convention. UK automatically falls out of the Convention following the implementation phase but has applied for re-admission, supported by the EFTA members. UK CCBE, following discussions with the Ministry of Justice in London, is currently engaged in an education and lobbying phase with EU CCBE bar leaders and State representatives in support of this UK Government initiative.

Significant challenges will be posed to ongoing cross border practice rights following withdrawal. That is a matter of particular interest in relation to North/South practice rights. Experience shows that in all previous EU trade offerings, such as the EU-Korea and EU-Japan FTA agreements and the proposed EU-USA offering in the failed TTIP negotiations, the trade in legal services is generally poorly provided for. In anticipation of a less than optimum negotiation outcome, UK CCBE is currently involved in discussions with our EU colleagues in relation to the negotiating of a

draft model Mutual Recognition Agreement (MRA) on legal services.

The General Agreement in Trade and Services ("GATS") of the World Trade Organisation ("WTO"), which governs these matters by default, in the absence of an express negotiated outcome, contains the famed most favoured nation ("MFN") principle which requires equal treatment to any WTO Member State in measures affecting the trade in legal services. A derogation principle allows a WTO Member State to negotiate an MRA which is then exempt from the MFN principle if, for example, based on reciprocity. The intention is to have in place an already agreed fall-back for all relevant country bars and law societies which can be implemented quickly and without the need for lengthy negotiation country by country. This is a follow on from the Memorandum of Understanding ("MOU") with the Belgian legal profession already negotiated by UK CCBE and signed by the UK professions leaders and the significant and very important MOU successfully negotiated by our President and Chief Executive with the Law Society of Ireland on continuity of practice on the island of Ireland.

Myriad other matters will be in need of ongoing communication and discussion post Brexit. UK AML laws are based on 5 EU Directives.

Although these are now domestic law, as we go further it is likely that the UK will seek to avoid considerable divergence on these matters, in addition to which we will continue to be impacted by EU Directives simply by virtue of international business relationships. Dialogue on these matters will continue at CCBE level. Similarly in the area of tax the new DAC 6 disclosure rules will have considerable impact on lawyer's practices and client rights in all areas whether tax or commercial. These have the effect of piercing legal professional privilege and we will continue to lobby and make representation on these abhorrent policies. Silence and non-engagement will have the effect of normalising an acceptance that the state can breach legal professional privilege at will. Both matters also impact directly on any UK client or enterprise doing business in the EU.

We continue to engage and lobby widely on family law issues where co-operation is crucial to international functionality and will be significantly damaged as a result of Brexit. The loss of UK membership of the European Reciprocal Recognition/Enforcement

Regulations, especially Brussels II Revised and the European Maintenance Regulation (borne out of Brussels I), and a number of other ancillary regulations, means that we will no longer have the same regulatory structure for jurisdiction, recognition and enforcement. This will have considerable negative impact in this area involving individual clients as opposed to wealthy business enterprises or corporations and underscores the need for more and continuing dialogue post Brexit rather than less.

As we move forward to different and new relationships with our European legal colleagues it is empowering and re-assuring, as Head of UK delegation to CCBE, to witness the genuine high esteem in which our legal system and legal professions are held by our European colleagues. The challenges which I have outlined are but a few which will follow on from Brexit and which will impact, not only on us and our clients in UK, but also on our European colleagues. I am heartened by the knowledge that UK will continue to have deep and substantial support in working to resolve these matters, to the benefit of our clients, from European legal colleagues steeped in a respect for the rule of law which has grown from the UK common law system and for our liberal and distinguished UK professions.

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Free doesn't mean safe



Paul O'Connor,
Head of Communications

Businesses cannot operate in a modern world without reliable access to email. It has become a business necessity, allowing instantaneous communication and the sharing of information with clients regardless of distance or time. Whilst the importance of email isn't in doubt few of us really think about technicalities of using it.

As businesses most Solicitor firms in Northern Ireland are supported either by an IT Department or external IT organisation who effectively setup, manage and secure their email.

For most they don't really care about the management of their email account, as long as it steadily works in the background doing its job of keeping the firm connected to its clients and colleagues.

And cyber security well that's what the IT Department and support are there for.... isn't it?

The reality is that the management of email accounts and the implications for cyber security should be more than an after-thought or the responsibility of others.

Each year the Law Society receives scam reports from solicitor firms and 2020 is no exception with an increase of 47% of reports in relation to successful email account compromises and the loss of money and data by the solicitor firm.

This all may sound very familiar and it should as over the course of the last five years the Society has warned solicitor firms



of the potential threat posed by scammers particularly in relation to email compromises. Such was the Society's growing level of concern that in March 2019 it warned solicitor firms of the increasing number of reports of scams and cyber-attacks specifically involving firms who were using free email addresses provided by internet providers.

In its communication the Society reiterated the warnings from the PSNI and others that scammers were actively targeting law firms and their clients using who were using free email accounts such as Gmail or Yahoo. Regrettably a year later and despite warnings and scam alerts a number of solicitor firms continue to use free email addresses and in so doing endanger their clients and the future viability of their business.

The bottom line is that firms using free email addresses appear to be at greater risk of compromise and are more vulnerable to scams and cyber-crime attacks than those firms using secure email hosted on a dedicated server.

Free email accounts are perfectly acceptable as a means of communicating with friends and family but not for a law firm communicating important, financial, personal and sensitive information with their clients. Paid providers have more robust security options available for this purpose.

Clients need to trust that their Solicitor is taking care of ALL of their details for them as after all they are not only expecting a professional service they are paying for one.

The Society continues to remind firms that it is vital that they take steps to mitigate the risk of cyber-attacks, not only through vigilance, but also by ensuring that they recognise and respond to the constantly evolving and changing nature of scams and cyber-crime.

Part of the mitigation of risk includes taking steps to ensure as best you can that your on-line presence is protected and that your email address(es) is/are secure.

The Society continues to remind all Members of the risk associated with scams and cyber-crime, which may lead to claims under the Master Policy Scheme of Professional Indemnity Insurance, regulatory sanction, professional and reputational damage, and which may have other consequences in the event of the compromise of data.

A firm which may have taken 30 years to build can have its reputation and future wiped out in 30 seconds by a scammer.

If you are using a free email account for your firm then you need to give serious attention to your cyber security and the management of your email accounts before it's too late.

Security

First off, it's been said that, if you're not paying for a product, most likely you are the product. Most free email providers are, at a minimum, scanning your emails for keywords in order to customise ads. They are mining your data in return for the free service they offer you. That's just the nature of the advertising game these days. But, for your clients' sakes, it'd be nice if emailing you was extracted from that system.

In terms of pure security: Yahoo Mail famously had **EVERY SINGLE ONE of their free users' accounts hacked** a few years ago.

Similar events have happened with other providers. No system is 100% secure, but paid providers have more robust security options available to you. Taking steps towards mitigating security risks is part of providing good service to your clients and meeting your ethical obligations to them.

Redundancy - 10 Considerations for a Fair Process



**Ciara Fulton,
Jones Cassidy Brett**

Introduction

One of the unfortunate consequences of the Covid-19 pandemic is that it is widely predicted that a deep recession will follow and unfortunately this will result in job losses.

In implementing redundancies, it is crucial that employers ensure there is a genuine redundancy (which meets the statutory definition) and complies with the requirement of reasonableness set out in Article 130(4) of the Employment Rights (NI) Order 1996 ("the ERO") as well as the principles set out by the House of Lords in *Polkey v AE Dayton Services Ltd* [1987] IRLR 504.

The precise procedure that should be followed will vary from case to case. However, there are 10 key considerations employers should take into account to ensure a redundancy process is fair and reasonable which I outline below.

1

Ensure that there is a proper redundancy

The definition of redundancy as set out in Article 174 of the ERO is that a dismissal must be "wholly or mainly attributable to" the fact that the employer has:

- ceased/intends to cease to carry on the business for which the employee was employed (business closure);
- ceased/intends to cease to carry on the business in the place where the employee was employed (workplace closure); or
- a reduced requirement for employees to carry out work of a particular kind or to do so at the place where the employee was employed (reduced requirement for employees).

It is imperative that employers consider why they are considering redundancies in the first instance and prepare a rationale before making any final decision. Time spent working on a rationale can help determine whether there is a genuine redundancy, the potential numbers affected and selection pool for redundancies.

2

Consider the numbers affected

If there is a need for redundancies, it is important to consider how many roles may be affected.

Where an employer proposes to make 20 or more employees redundant at one establishment within 90 days or less, they have a duty to inform and consult appropriate employee representatives at least 30 days before the first dismissal takes effect.

Where 100 or more redundancies are proposed they must consult for at least 90 days in NI (45 in GB).

They must also notify the Department for the Economy at least 30/90 days before the first dismissal takes effect, depending on the numbers proposed as above.

A tribunal may make a protective award of up to 90 days' pay per employee for breach of the duty to inform and consult duty and a fine may be imposed for failure to notify the Department for the Economy.

This article deals with redundancies of less than 20 employees; Collective redundancies are not within the scope of this article.

3

Consider ways to avoid redundancy

Before embarking on any redundancy process (and indeed throughout the consultation process), an employer should consider whether it can avoid redundancies or reduce the number proposed by considering alternatives such as:

- recruitment freeze
- reduce/remove overtime
- retrain/redeploy staff
- cease/reduce use of agency workers/contractors (assuming not employment status issues)
- seek volunteers for redundancy
- early retirement (if available under a pension scheme)
- temporarily lay off employees or reduce hours (this requires a contractual right or agreement)

If there are no ways to avoid redundancy, this should be documented and it will be necessary to proceed to select which positions may become redundant.

4

Consider the selection pool

It is also important to identify the correct 'pool' of employees to be placed at risk of redundancy. In defining the pool employers should consider any procedure agreed by the Union/employee representatives. The provisional pool should include employees within the area of work changing and:

- employees doing the same or similar work to the employees
- employees working at different sites but doing similar work
- employees whose jobs are interchangeable with any of those in the pool

Employers usually wish to keep the selection pool as narrow as possible, often to limit potential stress and damage to morale. However, if they get it wrong it can render a dismissal unfair. Therefore, employers should carefully consider the correct selection pool and keep a note of their deliberations.

5

Consider the appropriate selection criteria

The selection criteria to be used should be in accordance with any agreed procedure, or where there is none, should be non-discriminatory and, so far as possible, be objective and capable of verification. In practice, most employers use a matrix of criteria taking account of issues such as:

- | | |
|-------------------------------|-----------------------|
| - skills/knowledge/experience | - disciplinary record |
| - qualifications/training | - attendance record |
| - performance | - length of service |

Where using criteria such as skills/knowledge/experience/performance it is important to use independent evidence such as performance appraisals to justify any scores awarded. Caution should be exercised around using subjective criteria such as 'attitude' or 'team player' which can be difficult to justify objectively. Scoring should be completed by at least two managers where possible.

Certain selection criteria can appear fair but nonetheless put certain categories of employees at a disadvantage and therefore be potentially discriminatory. For example, attendance may put women or disabled employees at a disadvantage unless pregnancy-related absences, family leave and disability related absences are discounted.

Similarly 'Last In First Out' may amount to discrimination on grounds such as age, sex or religion as younger employees or females who have taken leave to care for dependents and employees employed as a result of positive action initiatives are more likely to have shorter service. However, LIFO may be acceptable if used as part of a balanced set of criteria or a "tie break" criteria where all other factors are equal. See *Rolls Royce Plc v Unite the Union [2009] EWCA Civ 357*.

6

Carry out a fair Consultation Process

Consultation is crucial to any fair redundancy process. It's essential that consultation is carried out prior to any decision to dismiss.

A fair procedure should involve clear communication with potentially affected employees, one-to-one meetings, with notes taken and follow-up letters. It is good practice to prepare an outline timetable for the redundancy process and matters to be dealt with at each stage (with inbuilt flexibility).

Employers should not forget to consult employees who are on leave such as maternity leave or sick leave. They should be invited to meetings in the same way as other employees but making appropriate adjustments to the process to accommodate their needs.

A fair procedure is likely to involve:

- an initial "at risk" meeting where employees are advised they're at risk of redundancy and reasons for same;
- a letter confirming the above and inviting employee to first consultation meeting, providing details of the selection pool and criteria (if applicable);
- a first consultation meeting where employees may discuss the selection pool and criteria and any suggestions/alternatives to redundancy.
- employer then considers and responds to any issues/queries raised and suggestions made.
- employer applies selection criteria and invites provisionally selected employees to second consultation meeting, providing scores and reasons for selection.
- a second consultation meeting to discuss provisional selection for redundancy, scores, potential alternatives and proposed redundancy terms and any alternative vacancies.
- A follow-up letter on matters raised in second consultation meeting and invitation to further consultation meeting, if necessary.

The consultation process can last for a number of weeks and additional or alternative steps may be required depending on the circumstances.

7

Suitable alternative employment

An employee who is selected for redundancy should be offered any available vacancy they could fill, even at a lower salary or status. This duty continues until the end of the employee's notice period.

If the terms and conditions of any new employment contract differ from the previous contract, the employee is entitled to a 4-week statutory trial period to decide if the alternative position is suitable. The employee may terminate the contract during this trial period and is treated as having been made redundant on the date when original contract ended.

Where an employee's role is made redundant during maternity, adoption or shared parental leave and return to the old job is not possible, the employer must offer a suitable vacancy in priority to other employees who may be candidates for the alternative role. If the employee is not given priority, dismissal will be automatically unfair.

8

Statutory dismissal procedure

An employer must also comply with the requirements of Statutory Dismissal procedures in the Employment (NI) Order 2003 (Dispute Resolution) Regulations (NI)2004. Otherwise any dismissal will be automatically unfair. These require:

- Written notice that the employee is being invited to a meeting to consider termination of employment on grounds of redundancy;
- Meeting to discuss the steps taken as part of the consultation process and consider any further suggestions/alternatives to avoid redundancy. If nothing has changed the decision to dismiss should be confirmed in writing. The employee should be advised of their right to appeal.
- An appeal hearing should be held by someone not previously involved in the process.

An employee has a statutory right to be accompanied by a work colleague/trade union representative at the final meeting and appeal meeting and should be advised of this in the invitation. Whilst this is not strictly required at consultation meetings, it is good practice to permit accompaniment at such meetings.

9

Redundancy payments

Employees with 2 years' continuous employment at the termination date are entitled to a statutory redundancy payment and written details of the calculation. Statutory redundancy pay is calculated according to a formula set out in Article 197 of the ERO, as follows:

- 1.5 week's pay per year of employment over 41;
- 1 week's pay per year of employment between 22 - 41; and
- 0.5 week's pay per year of employment under 22.

The maximum number of years' service to be taken into account is 20 and the maximum amount of a week's pay is currently £560 in NI (£538 in GB) as of 6 April 2020. This is reviewed annually.

Employees will also be entitled to contractual or statutory notice and other benefits such as accrued but unused annual leave.

Employees with 2 years' service are entitled to reasonable time off during their notice period to find alternative employment or make arrangements for training.

In addition, an employee may be entitled to contractual redundancy payments or an employer may offer 'enhanced' redundancy payments. Such additional payments will usually be made conditional upon an employee signing a compromise agreement or non-ET1 agreement through the LRA in full and final settlement of any employment claims that may be made.

10

Unfair dismissal claims

Employees can bring a claim for unfair dismissal to a Tribunal which may award:

- Re-instatement;
- Re-engagement; or
- Compensation comprising:
 - (i) basic award- (calculated in same way as SRP and cannot be claimed twice); and
 - (ii) compensatory award of up to £88,693 (NB: there is no 1 year cap in NI as in GB).

In addition, the employee may allege that the decision was for other reasons, e.g. discrimination or whistleblowing where there is no cap on compensation.

Conclusion

Whilst some redundancies may be inevitable following the Covid-19 pandemic, they should not be seen as a risk-free option. There are many considerations for employers to take into account and the risks of getting it wrong can be significant.



Wonderings of a Wanderer



**Peter Jack,
R G Connell and Son**

How have you coped with Covid-19? Fed up with Netflix? Are you completely fed up with the word "virtual"?!

I don't have a solution to these new problems we all face but perhaps I can offer a momentary diversion. Many of us are now reading more in the extra free time available to us and hopefully you may consider taking my new book. It has 50 self-contained chapters so every 15 minutes, I hope to transport you to some places that you may not have visited or to events that you may not have competed in (yet).

This is my fourth book, and again, all the proceeds are to support the Rotary sponsored Project Rombo, a charity set up in a village in Southern Kenya which is not only on the road to nowhere but slightly beyond that. It is the brain child of an amazing Dublin woman, Elaine Bannon, who has not only transformed lives but also saved them. As the rest of us merely rage at the injustice of people being born in the wrong part of the world with no

access to even primary health care, Elaine has set up health care clinics, maternity services, eye clinics and managed to build wells to provide clean drinking water – all basic stuff we all take for granted.

So, what do you get for your hard-earned tenner? Well, you will read tales of derring-do and of completing Ironmen triathlons and marathons and hiking in places as diverse as Bulgaria, Holland, Spain and the Balkans (7 countries in 7 days). Istanbul, USA, Lanzarote, etc. Hey, there is even an article on the mental health benefits of a simple run up a beach in the dark in winter.

The job we all do isn't easy, it's full of stress. I have found however, in four decades of travelling all over the world whilst indulging my love of marathons, triathlons and hiking in mountains, that we receive huge physical and mental benefits from exercise, no matter how slowly you go, no matter your ability or otherwise. I learnt that when I was nearly 6,000 metres above sea level when I was in Kilimanjaro, that it's more about attitude than altitude. Sometimes stickability, in law or in a race, can be just as important as ability.

The good news is that every single tenner you send me will help children and young adults, whom whilst you will never meet, they will be eternally grateful.

Even better news is that postage is free of charge as I will despatch the book to your office via the DX. Hey, even if you don't like the 360 pages of writing, there's lots of pictures!

Here is an extract from one of the chapters entitled "Crossing Continents" (about last year's Istanbul marathon) and thanks in anticipation.

"I told myself the race finished at 40k and then there was just the 2k victory lap or to be precise a 2195 metres victory lap.



At kilometre 41, the path went from smooth tarmac to rough cobble stones and then it went uphill. Oh, deep joy, but there was the Topkapı Palace which has amazed us yesterday, then we darted through a gap in the city ramparts, then we were in a street where trams normally travel but today, these streets were thronged with cheering crowds all wanting to high five you; there was the Blue Mosque which has been admired for over half a millennia; there was the Hagia Sophia which has had people in awe for fifteen hundred years and here at last, was the finish line in the middle of the Hippodrome which used to host over 100,000 spectators to watch gladiatorial combat but which was now witnessing our shuffling shambolic attempts to put one foot in front of the other and before you can say it was bizarre in the Grand Bazaar, I was over the finish line with a medal round my neck, a goody bag in one hand and a recovery drink in the other, delighted with a 4.48 finish and realising that if you want an epic city centre marathon that spans two continents and bridges the divide between the locals and their international visitors, that combines stunning geography with living history – and if you have got the spare 7 quid entry fee - then the Istanbul marathon has got to be on your bucket list".

**Copies of the book are available from the R G Connell office.
Telephone: 028 7772 2617**





Working with, and supporting, distressed people in the civil justice system¹

Rob Poole

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Catherine Robinson

BA PhD³

Introduction

In this article the authors expand on the successful workshop held earlier this year in Law Society House reflecting the extent to which the civil justice system acknowledges the need for help and advice about how to better respond to people who are emotionally distressed or who appear to have significant mental health problems.

We believe that the starting point for mental health awareness training should be the problems that people face in their work. Information should be offered in such a way as to provide a better understanding of (and hopefully some strategies to deal with) everyday problems. Nonetheless, there is some value in setting out here some of the key points that arose at the workshop.

Distress

Distress and mental disorder are not synonymous. Most people with mental illness will show no obvious sign of this in their everyday behaviour, although a minority of severely affected people do. Most people who show marked signs of distress do so because they cannot cope with the situation they find themselves in, which can happen to anyone. For people with limited coping resources, the threshold for distress is low.

Fear and frustration are a common cause of distressed behaviour. Courts and legal processes are intrinsically frightening and frustrating for the general public. Awareness of this is helpful when trying to support people to calm down. Trying to understand the source of their frustration helps, even when you can do nothing to resolve it.

Distressed people get muddled, and time and patience to allow them to express themselves are important. It is easier to understand the person's behaviour if you can glean background information about them, especially previous reactions to stress, but this is difficult in a brief or hurried interview.

Aggression

Expressions of anger are common, aggressive behaviour much less so. If you are likely to deal with angry people, you must ensure that you can leave the room easily, and that you are able to summon help if necessary. Have your chair near the door and make sure that the person cannot block your exit or lock you in.

If you start to feel frightened, break off the interview, either temporarily or completely. It is impossible to give good advice when you are frightened. There are usually behavioural clues that anger is about to escalate into aggression including changes in posture and behaviour such as clenching fists or rising from sitting.

When people are frightened, they often make threats, such as of suicide or of extreme behaviour. It is difficult to work out how serious threats are when they are made in this way. As austerity has made it more difficult to access help of all types, people have become more likely to say things that they know are likely to provoke a response, such as "if x doesn't happen, I will kill myself and it will be your fault". Assessing suicidal intention is not an appropriate role for the non-specialist. However, calling an ambulance or the police to a legal setting is rarely helpful. If the person is saying that they will harm

themselves in a way that you find worrying, you should make sure that they know how to get help, which is rarely necessary immediately. Time and a sympathetic ear can make a surprising difference.

Language and literacy

Around 20-30% of the UK general public have a problem with literacy. It is much more common in marginalised people and, of course, there are also challenges when English is not a person's first language. Fluent speech and fluent literacy do not always go together.

Literacy problems cause shame, and an assumption of literacy can make people feel humiliated, provoking distress, aggression or unusual behaviour. Literacy problems are usually not mentioned unless you ask in the right way. "A lot of people find official documents difficult to understand. Do you?" is much more likely to lead to an informative response than "Can you read and write?", as the complete inability to read or write is uncommon. Signs of literacy problems include an angry refusal to look at papers.

We all live in social bubbles, and it is easy to forget that people with higher education may sometimes speak in a form of English that is not well understood by the rest of the population. This is exacerbated by specialist legal vocabulary. Using words that people do not understand may cause anger; patronising people even more so. People who are frequently patronised become sensitive to any hint of it.

It is really helpful to be self-aware about the use of language. One way of doing this is to say things twice, one in your

¹ Content of this article developed with Chris Topping, Solicitor, Broudie Jackson Canter, Liverpool

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'normal' way, and the second in a way that eliminates polysyllables. Do not give too much information at once, and get people to tell you what they think you have told them. This is best done both during discussion (as a "capsule summary") and at the end of it.

Relationships

A legal professional's relationship with their client is highly skewed. The legal problem is, at that moment, likely to be the most important thing in the client's life. On the other hand, the professional routinely deals with a large number of similar problems. If the discussion is going badly from a distressed client's point of view, they are likely to see the professional as part of monolithic and unyielding authority. The fact that the professional is there to help them will not stop them from feeling angry.

Boundaries between professionals and clients matter and they demand attention. Some boundaries create inflexible rules. For example, it is impossible to work fruitfully with a person who is intoxicated. Attempts to do so are a waste of time. If someone turns up intoxicated, try to arrange to see them again first thing one morning.

Other boundaries depend on understanding the extent and limitations of your role. The answer to the question "What is my responsibility under these circumstances?" involves two dimensions: firstly, what is my actual responsibility in law and as a professional?; secondly, what is my moral/ethical responsibility for this person as a human being?

Well-meaning people who feel they should try to fix every problem end up in a mess. No one can fix every problem, and some problems have no solution. You cannot rescue people and it is important that you know where your boundaries lie, and what you are and are not prepared to do. There are warnings that boundaries are threatened, such as when people say things like "I see you more as a friend", "you're the only person who understands", "you're the only person I can talk to".

To reiterate, never try and help someone if you are fearful. If you are frightened, the other person will become more agitated. Fear breeds fear. Be prepared to abandon the interview. It is useful to tell people that they're making you feel frightened, as this

is rarely the intention, and distressed people often lack self-awareness.

Adopt a strategy for those who have made another legal professional feel uncomfortable in the past. Have a no-tolerance-of-aggression policy and adhere to it. When the relationship breaks down, starting afresh with a different legal professional can de-escalate the situation, but if it all happens again, give up. Repeatedly moving aggressive clients around helps no one.

Never make expedient promises that you cannot deliver. It amplifies anger the next time around. Set expectations at an appropriate level from the beginning: "there is no certain answer to this, but we can try X and it may work". If something is bound not to work, it is a serious error to collude with it.

As a matter of principle, be explicit over what you are prepared to tolerate. Tell it like it is; people respect straight talking. And always remember that some people simply cannot be helped.

Fixed Paranoid Ideas

If you are told something that is so paranoid that it cannot possibly be true, simply telling the person that they are wrong is likely to make them decide that you are part of the plot. It is important not to collude, so if a case has no chance of success, you should say so. It is usually ok to tell them that, whether their ideas are true or not, they will sound paranoid to the Court. Some people accept this, but others will simply disengage when they do not get the advice they want. As a legal professional, there is unlikely to be anything that you can do to help them with their mental health problem. Some paranoid people go around the legal system for a very long time. Fortunately, very few people do this, but each one interacts with a lot of different professionals.

Anxiety and depression

Anxiety and depression impair the ability to function. Panic attacks are common. They are different to ordinary anxiety in that they involve a sense that something catastrophic is actually happening in the here-and-now, terror rather than apprehension, accompanied by an overwhelming desire to get out. People turn pale, with a pounding heartbeat and shortness of breath. The vast majority of people who are having a panic

attack are hyperventilating (breathing so fast and shallow that their blood chemistry is affected). If you can get their attention and get them to take slow deep breaths ("breathe in...hold...breathe out"), they will calm down. Even if you do nothing, a panic attack rarely lasts longer than 15 mins.

De-escalation techniques

Working successfully with distressed people always requires time. There is no way of cutting corners. Take a break where you need to. Organise your time so that you can give people longer than usual when it is important. Bringing personal warmth into the room eases distress but undermines professional boundaries, as it gives the impression that you are inviting a personal relationship rather than a professional one. Warmth needs to be done carefully. Avoid saying things that amount to "there's a horrible legal system out there but I'm the nice bit". Psychotherapists call this 'splitting' and it exacerbates the problem. The client needs to engage with the legal system and find a way through it; splitting undermines their ability to cope with its flaws.

Be aware of the difference between empathy and platitudes. The latter will leave the client feeling fobbed off.

Remain calm. Shouting at people does not calm them.

Informing Judges about clients' symptoms or behaviour can be important in dealing with the case. It is important to have briefed the client as to what to expect when they go into Court. It can be helpful to suggest that the client watches a case like theirs. Fear of the unknown is often the most difficult thing to cope with. It is always helpful to tell the clerk when the litigant is in distress, as it alerts the Court not to rattle through the case too quickly.

Supervision

Every professional, no matter how senior, needs a supervision relationship. In fact, it is probably more important as you become more experienced. Supervision provides space where you can critically examine problems and reflect on them. This is especially important when you deal with difficult people. Getting proper supportive supervision is a serious professional responsibility. Peer-groups or co-supervision arrangements can work well.

ADVERTORIAL

Covid-19 and Underwriting



Kirstin Nee is Senior Underwriter – Head of Scotland and Northern Ireland, Dual Asset Underwriting.

It was a Thursday afternoon and as usual it was busy for the underwriters at DUAL Asset Underwriting. As such, we decided to grab a team lunch, as it promised to be a late night. At lunch we discussed China and Covid. We were apprehensive, but it was hard to really understand at that point what it all meant. We returned to the office to a request that we all work from home on the Friday and test our VPN and technology “just in case” we faced any restricted access to our office. Our Italian office had been in lockdown since late February, so our operations team were aware this was a possibility. It so happened I was to go home to Scotland on the Saturday, so I wasn’t at all put out by working from home for a day before seeing the family. I packed for a long weekend and headed to Scotland. Little did I know then that my four-day trip would be vastly extended.

The following Monday, DUAL made a decision to go into lockdown with the safety of employees as a priority. One week later and the entire UK was officially in lockdown too and life changed both professionally and personally. Luckily, at DUAL Asset we had invested in robust working from home protocols and equipment; screens, chairs, VPN, etc. We felt, as a business, that we were as ready as any organisation could be for this strange situation. This made the act of working from home seamless and without the challenges many other companies experienced. However, lockdown meant the market literally ground to a halt. Surveyors couldn’t value, buyers couldn’t view and lawyers couldn’t carry out ID checks. Our first reaction in DUAL Asset was that enquiries would also grind to the same resounding halt. Surprising to all of us is that this did not happen. The Land Registry closed, which created a huge issue for the profession. How do you conclude your deal when you are unable get a search, or create priority for your deed? The phones rang off the hook with lawyers looking for a solution to give them, their clients and their clients’ lenders comfort to get the ongoing deals over the line. So whilst people were being furloughed and let go, we at DUAL Asset were busy creating a policy that could enable these deals to complete. Within a (very long) day we had a policy to offer. Our enquiry numbers for March and April ended up higher than any previous March and April.

After this, we saw what we would expect, as deal numbers dropped to under 50%

of our normal volume. However, what we have seen over the last few months is “quirky” deals come alive again, as the profession dug out those tricky technical matters and looked to alternative solutions.

As we ease out of lockdown, transaction numbers are rising. Thankfully, due to our “people first” philosophy at DUAL Asset, we have the underwriters in place to facilitate those transactions and ensure that deals with defects move as fluidly and easily as they can. Unfortunately, we anticipate that there could be many distressed assets following the impact of the Covid pandemic and those transactions come with their own challenges for which insurance can be used to assist.

No defect is too big, or small. If you are a lawyer with a problematic deal, title insurance can be a useful tool. There may be an insurance solution for you and your clients. Kirstin Nee (Head of Scotland and NI at DUAL Asset Underwriting) and her colleagues are at the other end of the phone or an email to assist in making deals happen during this “new normal.”

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0207 3379875



Editor’s Invite

THE
WRIT

We are keen to welcome contributions from our Members for the Writ Ezine. Our next edition, which is due out in the Autumn, will have themed articles on *Adapting to the New Normal*, and will profile firms on how the Covid-19 pandemic has led them to adapt and how they now function in what is a very challenging and transformational year in all aspects of business. This will be the last in our series of Covid-19 Writ Ezines.

If you would like to contribute to this topic, or provide an article on any other topic, please contact the Editor, Heather Semple (heather.semple@lawsoc-ni.org)



Protocol for Clinical Negligence Litigation



Paddy Mullarkey,
Chair, Board of the
Clinical Negligence
Practitioners Group

**Having reached the end of
the Court term that never
was and with thoughts
turning towards holidays**

**and stay-cations on the island of Ireland, the Board
of the Clinical Negligence Practitioners Group thought
it timely to advise our members and the wider
profession of progress in relation to the revision of the
Protocol for Clinical Negligence Litigation.**

As our Membership will be aware, we canvassed your views in relation to the reform of the Protocol about this time last year. We are grateful to the many of you who took the time to complete that survey. Based upon the responses and comments submitted in August and September 2019, the Board then undertook the task of re-drafting the Protocol in accordance with the expressed wishes of the membership.

The current iteration of the Protocol for Clinical Negligence Litigation dates from 2012, and it is fair to report that the document, in the intervening years, failed to keep pace with legislative and practice changes. We are pleased to report that after undertaking detailed review of the Protocol from late 2019, we presented a final version of a revised Protocol for Clinical Negligence Litigation to the Council of the Law Society in May 2020. The Protocol was reviewed and approved by the Society, and was thereafter submitted to the Senior Queen's Bench Judge, Mr Justice Maguire, as Chair of the Clinical Negligence Sub Committee, the body which commissioned the review in the first place.

Whilst the final terms of the Protocol have yet to be formally approved, and, taking into account the fact that the document is likely to be subject to amendment as it goes through that process, we can say that the guide is now fit for modern clinical negligence practice. The advices in relation to medical notes and records have been updated to reflect the impact of the General Data Protection Regulations and the Data Protection Act, both of 2018. The Protocol recognises the need for direction in relation to the preparation of expert evidence, and a section has been introduced to deal with same. It is intended that that section will be read in conjunction with a new Practice Direction in relation to expert evidence in clinical negligence cases. In relation to the commencement of proceedings, provision has been updated to reflect measures that may be taken to allow for flexibility in association with same including the execution of Standstill Agreements. Of interest to Practitioners will be the fact that the membership recommended the imposition of sanctions and/or penalties for non-compliance with the Protocol. It is appreciated by the Board that that will require rule change and/or legislative change in order to render such sanctions enforceable.

The Protocol has been expanded to include provisions in relation to the pleading of the case, reviews before the Master and the Judge, and the exchange of expert evidence/ expert meetings. In other words, we believe that the Protocol has been updated to reflect current practice and to provide a guide to our profession in respect of best practice in this particular area of work.

We hope, by doing so, that the Protocol will once again become a relevant and helpful guide to Practitioners engaging in litigation associated with medical accidents. We will keep you advised in relation to the progress towards publication of the Protocol and, in the meantime, we would thank everyone who participated in the review and made helpful and instructive comments in association with same.

Statutory Employment Rights payments increased

The Employment Rights (Increase of Limits) Order (NI) 2020 (S.R. 2020 No.42) revises, from 6 April 2020, the limits applying to certain awards of industrial tribunals, the Fair Employment Tribunal or Labour Relations Agency statutory arbitration, and other amounts payable under employment legislation, as specified in the Schedule to the Order - see Table below for further details.

Under Article 33(2) of the Employment Relations (NI) Order 1999 ("the 1999 Order"), if the retail prices index (RPI) for September of a year is higher (or lower) than the index for the previous September, the Department is required to change the limits, by Order, by the amounts of the increase or decrease (rounded as specified in Article 33(3) of the 1999 Order as amended). The increases made by this Order reflect the increase in the RPI of 2.4% from September 2018 to September 2019.

The increases apply where the event giving rise to the entitlement to compensation or other payments occurs on or after 6 April 2020. Limits previously in operation under the Employment Rights (Increase of Limits) Order (NI) 2019 (S.R. 2019 No.63) are preserved by Article 4 of the Order in relation to cases where the relevant event was before that date.

Table of increase of limits

Relevant statutory provision	Subject of provision	Old Limit	New Limit
1. Article 40(6) of the 1995 Order	Minimum amount of compensation awarded by the industrial tribunal where individual expelled from union in contravention of Article 38 of the 1995 Order and where, when the application is made, the applicant has not been re-admitted to the union.	£9,982	£10,222
2. Article 23(1) of the 1996 Order	Maximum amount of "a week's pay" for the purpose of calculating a redundancy payment or for various awards including the basic or additional award of compensation for unfair dismissal.	£547	£560
3. Article 63(1) of the 1996 Order	Limit on amount of guarantee payment payable to an employee in respect of any day.	£29.00	£30.00
4. Article 77E(3) of the 1996 Order	Amount of award for unlawful inducement relating to union membership or activities, or for unlawful inducement relating to collective bargaining.	£4,401	£4,507
5. Article 154(1) of the 1996 Order	Minimum amount of basic award of compensation where dismissal is unfair by virtue of Article 132(1)(a) and (b), 132A(d), 133(1), 134 or 136(1) of the 1996 Order.	£6,655	£6,815
6. Article 158(1) of the 1996 Order	Limit on amount of compensatory award for unfair dismissal.	£86,614	£88,693
7. Article 231(1) (a) and (b) of the 1996 Order	Limit on amount in respect of any one week payable to an employee in respect of debt to which Part XIV of the 1996 Order applies and which is referable to a period of time.	£547	£560

How to find the best IT suppliers for your next generation software

A guide for Practice Managers tasked with pulling together a short-list

By Brian Welsh, Chairman at Insight Legal

If you're reading this then you won't need telling about the winds of change blowing through the legal landscape. It's a familiar tale. Everyone it seems is expecting twice as much to be done, in half the time for no more money! The rising expectations of clients, the requirements of the regulators and the growth of 'volume' providers are akin to a perfect storm affecting many firms' financial performance.

Is efficiency, productivity and profitability important to your firm? If so, then a modern legal IT system, meeting the needs of the practice and its clients is vital for long-term sustainability. Sadly, the efficiencies that need to be found no longer exist by just improving existing methods. As Henry Ford, a true innovator, said: "If I had asked people what they wanted, they would have said faster horses."

It may be time that your firm looked again at what IT software solutions can deliver.

The challenge for Practice Managers tasked with scouring the supplier market, is whittling down a long list of 'possible' IT suppliers to a sensible short-list of 'suitable' IT suppliers. Only by finding the right supplier for your firm will the efficiency, productivity and profitability benefits be unlocked.

Sadly, unscrupulous suppliers do exist in the legal IT market. Sales tactics and retention strategies can be at the sharper end of what law firms are used to. Some suppliers see firms as soft targets; they are perceived to have deep pockets and are not as IT savvy as some other businesses.

Any independent evidence available about the quality of a software supplier is valuable.

Accreditations or approved supplier status are two examples.

Our commitment is to deliver an honest, proudly independent, approachable and technologically flawless service in an ever-competitive legal IT sector. Insight Legal is already the software of choice for many law firms in Northern Ireland, all supported by the team in our Belfast office.

Our guide about choosing a reputable supplier is designed to help Partners, IT Directors and Practice Managers through the process of identifying a supplier short-list and then how to select the right partner.

To download our White Paper on how to choose a reputable software supplier visit: www.insightlegal.co.uk/community/white-papers

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MIB is making it easier for you to submit your claims under the Untraced Drivers Agreement by launching our new digital service. It means since 1st July we are longer accepting paper claim forms for these types of claims.

What you need to do

To start making a paperless claim, you will need to register with us. Please register by visiting our website www.mib.org.uk, select 'Making a claim' and follow the registration process.

If you have already registered and are using our service for claims under the Uninsured Drivers Agreement, then you can use these credentials and do not need to register again.

Once you have submitted a claim you will receive an MIB reference number which can be used in all future communications with MIB for that claim.

We are also working on rolling this out to cover claims under the Cross-Border applications. Please refer to our website, so you can keep up to date with further information on the status of the future release date.

If you have any questions about the changes, please refer in the first instance to our FAQs also on the website.

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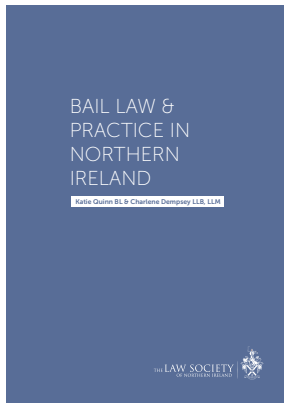
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Bail Law & Practice in Northern Ireland

Katie Quinn BL and Charlene Dempsey LLB LLM

Book review by John F O'Neill, Solicitor, PPS

Northern Ireland is a small jurisdiction with its own unique legal system. Whilst there can be positive aspects to this, it can also create problems in certain areas. Historically the publication of textbooks has been one such area. Authoring and publishing a legal text book is difficult at the best of times, but in a small jurisdiction the limited potential audience makes matters particularly testing from a business perspective. SLS Legal Publications sought to address this problematic area over many years, but sadly dissolved in 2014. Happily the Law Society took on the role left vacant by SLS and has since published a range of high quality practitioner texts, successfully maintaining what in my view is a vital aspect of our legal system – the availability of jurisdiction specific legal textbooks, encouraging informed, correct and uniform practice.

The Law Society's most recent book is *Bail Law and Practice in Northern*, published in December 2019. Co-authored by Katie Quinn and Charlene Dempsey (two highly experienced lawyers) this book deals with every aspect of bail in a text that covers the legal, procedural and practical aspects of this important area of law.

As McCloskey LJ notes in the foreword to the book, bail is an area of law in Northern Ireland that lacks a central governing instrument of legislation. Such areas of law can present problems for practitioners, who have to seek to determine the legally correct approach from a patchwork of varied legislation, case law and local practice. Bail law is also an area of law that relates to the immediate liberty of those who find themselves a party in the early stage of legal proceedings, with the final determination of the actual case often resting at some unspecified point in the future (sometimes the distant future). For these reasons this book, within which the authors have diligently drawn every strand of bail law and practice in this jurisdiction together into one volume, is of significant importance.

The book is divided into seven chapters, beginning with a chapter covering general principles and human rights then chapters on police bail, court bail, bail conditions and breach of bail. The book concludes with chapters on bail and remand in respect of children and extradition and immigration bail. Each chapter contains insightful commentary on the issues, as well as instruction on the legal and practical matters arising for practitioners. Legislation and case law are comprehensively cited in footnotes throughout the text. In relation to bail in criminal proceedings, each tier is dealt with clearly and usefully – Magistrates' Court, Crown Court and High Court. The book has several appendices containing the current forms for applications in relation to bail in different courts.

It is difficult to think of any issues relating to bail that are not addressed within the book. This is of course the value of a text dedicated to a specific area of law. It serves those who need to identify key or basic points, but also those who need to dig a bit deeper into more obscure areas.

In my view this is an important and useful text, essential for any practitioner who deals with matters relating to bail.



ORDER FORM

Books can be collected from the Law Society Library and paid for by card or cheque

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PSNI CYBER CRIME CENTRE



INFORMATION SHEET - 07/08/2020

This information sheet has been compiled by the Police Service of Northern Ireland Cyber Crime Centre and is intended to raise awareness of current threats and available guidance: **Contact us: cyberprotect@psni.pnn.police.uk**

The return of EMOTET

Over recent weeks, security blogs across the Internet have reported a noticeable rise in Emotet activity after what has been described as a distinctly quiet few months. Your first thought may be, well what is it?

Emotet is a piece of malware primarily distributed by malicious emails using the contact list of a compromised organisation. In a typical attack, a user opens an attachment or clicks a link leading to the deployment of Emotet and exposure to additional malware Emotet is associated with such as Trickbot.

Designed as a banking Trojan, Emotet is known for its ability to use a victim's email contact list to distribute itself and to use genuine email subject lines to entice the recipient to click the link. The current campaign however has revealed a new side to Emotet. It can now apparently capture and use genuine attachments, meaning you could receive an email from a contact you know, which contains attachments you created and sent, something that may reassure some that the email is genuine and the link or extra attachment is something that can be opened safely.

Advice

Staff Awareness

As with most phishing-based campaigns, Emotet distribution concentrates on enticing the end user to click a link or open an attachment. Educating staff on current trends, encouraging users to challenge email attachments / links and promoting a positive reporting environment, are crucial steps in preventing Emotet getting a foothold in your network. [NCSC SME guidance](#)

Protect your accounts

Whether it is an email account or RDP, stolen credentials linked to an organisation are of value and as a result, they can be traded amongst organised crime gangs specialising in attacks such as ransomware. Protect your accounts with strong passwords and just as importantly, 2FA / MFA to minimise the risk of outside parties gaining unauthorised access.

[NCSC Malware Mitigation Advice](#)

Patch your end points

Described by the NCSC as 'the single most important thing you can do to secure your technology', ensuring your organisation undertakes this basic step will help prevent malware exploiting known vulnerabilities. Are your end points up to date with the latest Microsoft patches and software updates? [NCSC Patching Guidance](#)

IN THE NEWS

[New CEO for the NCSC](#)

The NCSC have announced that NI born Lindy Cameron will become its new Chief Executive Officer, a role that will see Ms Cameron leave the Northern Ireland Office and replace current CEO Ciaran Martin (who also hails from NI!). We wish both well in their new roles.

[NCSC - Cyber Insurance Guidance](#)

Is cyber insurance right for you? The National Cyber Security Centre has released their first guidance document in respect of Cyber Insurance. Focusing on the cyber security aspects of cyber insurance, the guidance aims to support any organisation considering this option by discussing questions they may wish to consider in advance. The guidance also outlines the roll the NCSC Cyber Essentials scheme can play in assisting an organisation protect itself.

[Never too young to report](#)

What would your child do if they spotted a suspicious email or sms? This week a keen eyed 14yr old in NI reported a phishing attempt containing a link to a spoofed banking webpage indistinguishable from the genuine article. A great piece of detective work which lead to steps being taken to block access to the webpage.

Suspicious emails can be reported to the [NCSC Suspicious Email Reporting Service](#) - report@phishing.gov.uk

Useful websites

www.actionfraud.police.uk
www.cyberaware.gov.uk
www.nicybersecuritycentre.gov.uk

Social Media

@PSNIBelfast
[@cyberawaregov](#)
[@NICyberSC](#)

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Stephen Maitland Patrick Cross 3 April 1943 to 24 June 2020



Patrick Cross was born in Belfast and educated at Brackenber House School, Belfast, St George's School, Windsor and King's School Bruton. He

qualified as a solicitor in England & Wales in 1965 having been apprenticed to his uncle, John Cross, in the London firm of Metson Cross, returning to Belfast in 1965 before marrying Patricia in 1966. As there were then no reciprocal arrangements Patrick had to become a solicitor's apprentice again. His Master was Lander Ringland of John Johnson & Son. Having successfully passed all the LSNI examinations he requalified in 1968 and moved to Cleaver Fulton & Rankin where he became a partner on 1 January 1970 along with the late Peter Rankin. They both retired on 31 March 2005 having seen the firm grow to be one of the largest practices in the province.

While working in London Patrick was a member of the Inns of Court TA and on returning to Northern Ireland joined the Royal Ulster Rifles TA, later becoming a captain in the Ulster Defence Regiment. He was the UDR ADC to Lord Grey of Naunton, the last Governor of Northern Ireland.

Patrick was elected to the Council of the Society in 1970 serving until 1987 and was elected President in 1980. He was involved in establishing the complaints and disciplinary systems following the implementation of the Solicitors Order 1976, the introduction of the master policy for professional indemnity insurance and the establishment of the Institute of Professional Legal Studies. These reforms were resisted by many in the profession including the Belfast Solicitors Association but are all now well established. He represented the Society at the oral hearings of the Royal Commission on Legal Services in 1979 (the Benson Commission) and on the UK delegation to the CCBE from 1982 to 1990. He also represented the Society and later Cleaver Fulton Rankin at many meetings of the International Bar Association.

An early interest in employment law resulted in this area of law being a significant element of his work load in Cleaver Fulton Rankin where he was joined by his younger brother William in 1988 and his eldest son Stephen in 1996. William and Stephen both became partners on 1 April 2001 so there were three members of the Cross family in the partnership but only two Rankins though there have been four members of the Rankin family as either partners or directors over the years. His interest in employment law resulted in him becoming a fee-paid chairman of Industrial Tribunals from 1992 to

2013. He was also Vice Chairman/Chairman of the National Appeal Panel for Pharmacies.

Among his many outside interests, he was a member of MCC (travelling to London at least once a year to watch a test match), a founder member of the Ulster Architectural Heritage Society, a founder member of the Alliance Party and President then Honorary Secretary of Lecale & Downe Historical Society. He was also a trustee and past president of the Ulster Reform Club and wrote the chapter on The Ulster Club in "The Ulster Reform Club Past and Present" published in 2009. His love of birds and the countryside resulted in him being involved in the RSPB bird count days and challenging building in the countryside. He also found time to act as chairman of the board of trustees of the Southwell Trust and to be Secretary of the Select Vestry of Inch Parish Church from 1984. He was High Sheriff for County Down in 2015.

Patrick enjoyed a long and happy marriage to Patricia née Hume who survives him together with their four sons, Stephen, Philip a commercial manager who both live in County Down, Matthew a public sector consultant who lives in Devon and Daniel a music executive who lives in Barcelona. He is also survived by 13 grandchildren. The family plan to hold a Service of Thanksgiving in Down Cathedral when circumstances permit.

Alastair J Rankin

Lord Hutton 1932 - 2020



The death of Lord Hutton, former Lord Chief Justice of Northern Ireland, was announced on 14 July 2020.

James Brian Edward Hutton was born on

29 June 1932. The son of a railway executive, he won a scholarship to Shrewsbury School before gaining a BA in Jurisprudence at Balliol College, Oxford. After further legal studies at Queen's University Belfast, he was called to the Northern Ireland Bar in 1954.

He was made Junior Counsel to the Attorney General for Northern Ireland in 1969, later becoming Senior Crown Counsel after taking Silk in 1970. He was appointed a High Court Judge in 1979.

He became Northern Ireland's sixth Lord Chief Justice in 1989, succeeding Lord Lowry, and served in that capacity until January 1997, when made Baron Hutton of Bresagh and becoming a Lord of Appeal in Ordinary. He was a member of the Appellate Committee of the House of Lords until his retirement in January 2004.

An essentially private and devoted family man, he belatedly became a public figure when appointed to chair a Public Inquiry

into the death of the Government Scientist David Kelly in 2003. Having presided over the Inquiry in an exemplary and characteristically courteous manner, it was unfortunate that when his report was published in January 2004 it did not meet with universal acclaim, having largely exonerated the Government from involvement in the events leading up to the scientist's death.

While outwardly his demeanour suggested a certain flintiness, in keeping with his deep religious convictions he was in private a generous and kind man who was devoted to Mary, his wife, and their daughters Louise and Helen. He is survived by his second wife, Lindy Nickols.



From the High Court and Court of Appeal – abstracts of some recent case law

The full text of these decisions is available on the Libero Database in the member's section of the Law Society Website at www.lawsoc-ni.org

ACCESS TO JUSTICE

IN THE MATTER OF AN APPLICATION BY JANE McCracken FOR LEAVE TO APPLY FOR JUDICIAL REVIEW
Applicant challenged a decision of the Legal Services Agency ("LSA") to refuse a financial extension under the Green Form scheme for a medical expert report in order to advise and assist the applicant. – LSA stated that the Advice and Assistance Scheme does not fund the cost of any reports in medical negligence cases. – Civil Legal

Services (General) Regulations 2015 ("the Regulations"). – pre-action protocol in clinical negligence cases. – funding now secured and point academic. – whether the case should proceed on the grounds of public interest. – whether the LSA's position of excluding medical negligence reports from the Regulations is unlawful. – HELD that application to proceed with the case dismissed
HIGH COURT
20 DECEMBER 2019
KEEGAN J

ADMINISTRATION OF JUSTICE

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW BY LINDA KETCHER AND CAROL MITCHELL
Appeal against refusal of application to quash an order made by the coroner pursuant to s. 17A(1)(b) of the Coroners Act 1959 that the appellants should disclose to the coroner an expert medical report obtained by them from a consultant psychiatrist in connection with inquest proceedings in which they were properly interested persons. – applicants are mothers of soldiers who died by hanging at their barracks. – litigation privilege. – whether coronial proceedings constitute litigation for the purpose of a claim for privilege. – HELD that appeal

dismissed and the requirement to disclose the report was not reasonable or judicial review is neither a criminal cause nor a criminal matter
COURT OF APPEAL
3 JUNE 2020
MORGAN LCJ, STEPHENS LJ, TREACY LJ

CHARITIES

TREVOR McKEE AND JOSEPH HUGHES AND ATTORNEY GENERAL FOR NORTHERN IRELAND V CHARITY COMMISSION FOR NORTHERN IRELAND
Whether the Charities Act (NI) 2008 ("the 2008 Act") permits the discharge of the Charity Commission's statutory powers, duties and functions by its staff. – composition of the Charity Commission and adoption of extra-statutory instruments. – applicants are all trustees or managers who had been affected by decisions of the Commission ("the impugned decisions"). – interpretation of regulation and delegation of functions. – decisions made by caseworkers acting alone rather than the Commissioners. – HELD that the 2008 Act does not empower any member, or members, of staff of the Charities Commission to exercise any of the Commission's statutory powers or to discharge any of its other duties or functions and appeal dismissed

COURT OF APPEAL
19 FEBRUARY 2020
MORGAN LCJ, MCCLOSKEY LJ, HORNER J

CONTRACT

BRENNAN ASSOCIATES, THE MULHERON PARTNERSHIP, IVAN SCOTT ASSOCIATES, GILLESPIE AND CUMMINGS AND SAFETY PROFESSIONALS T/A THE INTEGRATED DESIGN TEAM
Plaintiffs entered into a contract with the Bloody Sunday Trust for the provision of design and project management services in connection with the development of an extension to the Museum of Free Derry. – plaintiff now seeks to enforce an adjudication award relating to the provision of those services for £266,913.59. – defendant refuses to pay the award, arguing that the plaintiffs are guilty of fraud and that an accurate reconciliation would result in a payment to it. – construction adjudication. – challenge to adjudication. – meaning of fraud in law. – HELD that the plaintiffs are entitled to summary judgment for the full sum claimed
HIGH COURT
5 NOVEMBER 2019
HORNER J
<https://judiciaryni.uk/judicial-decisions/2019-niqb-96>

CRIMINAL LAW

DIRECTOR OF PUBLIC PROSECUTION'S REFERENCE (NUMBER 5 OF 2019) HARRINGTON LEGEN JACK
Offender was sentenced on 8 counts of fraud totalling £78,500. – sentence imposed of concurrent community service orders and a compensation order made against Santander, his employer. – Director of Public Prosecutions sought leave to refer the sentences to the Court of Appeal on the grounds they were unduly lenient. – guidelines

on sentencing for fraud and theft where the offender is in a position of trust including fraud by abuse of position. - aggravating and mitigating factors. - whether the charge was determined within a reasonable time in accordance with a.6 ECHR. - HELD that the sentence was unduly lenient but, given the wholly exceptional fact of the case the Court exercises its discretion not to quash the sentence

COURT OF APPEAL

8 JANUARY 2020

MORGAN LCJ, STEPHENS LJ,

MCCLOSKEY LJ

<https://judiciaryni.uk/judicial-decisions/2020-nica-1>

EDUCATION

IN THE MATTER OF AN APPLICATION BY ELM BY HER MOTHER AND NEXT FRIEND LM FOR JUDICIAL REVIEW

Challenge by the applicant to the legality of the decision of the Education Authority's Expulsion Committee ("the Committee") not to expel a male pupil who had sexually assaulted the applicant during class. - the Committee were of the view that the School had failed to provide evidence that it had instigated and tried a range of alternative strategies to resolve the male pupil's behaviour. - whether lack of consideration of the best interests of the applicant. - whether breach of Education Authority policy. - whether breach of a.3 ECHR. - whether reasons adequate. - whether there was a failure to take into account relevant considerations. - whether the Committee ought to have enquired further before making its decision. - HELD that the decision is unreasonable and the decision not to expel HD is quashed and referred back to the Education Authority to be considered afresh by a differently constituted Committee

HIGH COURT

12 DECEMBER 2019

HUDDLESTON J

<https://judiciaryni.uk/sites/judiciary/files/decisions/ELM%27s%20Application%20by%20her%20Mother%20and%20Next%20Friend%20.pdf>

FAMILY LAW

IN THE MATTER OF A AND B (CARE ORDER: FREEING ORDER: POST ADOPTION CONTACT)

Applicant Trust a care order in respect of each child, aged 4 years and 18 months, and a care order in respect of each child and orders freeing them both for adoption on the basis that their mother is unreasonably withholding her consent to them being adopted. - lack of emotional warmth, insight and commitment on the part of the mother. - failure to respond to efforts and offers to help and rejection of the need for her to change. - HELD that children should be freed for adoption and that only indirect contact should happen after the freeing orders are made

HIGH COURT

8 MARCH 2019

O'HARA J

IN THE MATTER OF K (A MINOR)

Application brought by the plaintiff for return of child K to the Netherlands under the provisions of a.12 Hague Convention 1980 ("the Convention") as enacted by the Child Abduction and Custody Act. - plaintiff seeks declaration that the removal of minor child K to Northern Ireland was wrongful and in breach of the rights of custody of the plaintiff; a declaration that the courts in Northern Ireland do not have jurisdiction in matters of parental responsibility regarding this child; and an order that the child be returned to the Netherlands. - defendant opposed the return on the grounds that there is a grave risk that return would expose the child to physical or physiological harm or otherwise place him in an intolerable situation. - whether the plaintiff

can establish the grave risk exception under a.13(b) of the Convention. - defendant does not accept any responsibility for domestic violence. - efficacy of protective measures. - HELD that the return of the child ordered by the court

HIGH COURT

10 JULY 2020

KEEGAN J

RACHEL ELIZABETH PITMAN V PHILIP JOHN PITMAN

Appeal from decision of Master. - ancillary relief proceedings. - side agreement to matrimonial agreement signed by Mrs Pitman in full and final settlement of the case part-way through proceedings. - Master was not informed of side agreement to the matrimonial agreement which was drawn up in order to protect Mrs Pitman from being reported to the PPS. - Mrs Pitman did not honour the terms of the matrimonial agreement. - matrimonial agreement was made a rule of court and the side agreement was not. - whether, on the disclosure of the side agreement, the matrimonial agreement falls. - interpretation of contractual provisions. - HELD that appeal dismissed and decision of the Master stands.

- Mrs Pitman subsequently ordered to pay costs

HIGH COURT

7 FEBRUARY 2020

O'HARA J

MENTAL HEALTH

R V DANIEL MCGIBBON

Defendant charged with a single count of causing GBH. - defendant is a detained person and is a paranoid schizophrenic. - fitness to plead under the Mental Health (NI) Order 1986. - Pritchard criteria on whether the defendant is able to understand the allegations against him, whether the defendant can effectively communicate instructions to the defence team throughout the trial process, whether the

defendant has capacity to give evidence in the court to the jury and whether the defendant can appreciate the nature of the trial and the role of the jury. - HELD that unless the defence adduce evidence in compliance with this ruling the court will be precluded from reaching a determination consistent with the statutory requirements

CROWN COURT

1 NOVEMBER 2019

MILLER J

REAL PROPERTY

ERNEST GRAHAM V MATTHEW GRAHAM AND KAREN GRAHAM

Plaintiff is a retired farmer who applied for and was granted an ex parte injunction restraining his son from interfering with the lands they had previously farmed together. - plaintiff issued a writ seeking damages for trespass to lands and a declaration that he is the sole legal and beneficial owner of the lands. - first-named defendant issued a counterclaim in which he claimed that he had an equitable interest in the lands by reason of proprietary estoppel and a declaration that the lands vested in him absolutely together with damages and injunctive relief. - whether the defendant can establish an interest in the lands on the basis of proprietary estoppel and if so, what relief the court should grant. - evidence of proprietary estoppel. - what, if any, promise was made to the first-named defendant. - whether the defendant sustained any detriment. - HELD that an order made granting the farmhouse and outbuildings to the first-named defendant and all other lands are owned absolutely by the plaintiff. - injunction granted restraining the defendants from entering into, occupying or farming lands owned by the plaintiff

HIGH COURT

28 APRIL 2020

MCCRIDE J

FOLIO: the Northern Ireland Conveyancing and Land Law Journal

Folio contains up-to-date and authoritative comment and information on conveyancing and land law. The journal is packed with practical and topical articles, case notes and information from leading practitioners and academics. Its unique focus on Northern Ireland law makes Folio an essential information resource for local practitioners. Folio is published twice a year and is priced at £60 per annum (inc p&p).

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The Child & Family Law Update

The Child & Family Law Update is a multi-disciplinary journal published by the Law Society of Northern Ireland. It is designed to keep lawyers, medical practitioners, social workers, advice workers and others involved in the field of child and family law up-to-date with legal developments. In addition to case notes, the Update contains articles on topical issues relating to children and families that will assist professionals across a range of disciplines discharge their responsibilities. Articles and cases notes are written by practising professionals and academics. The Update is published twice a year priced at £60 per annum.

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CLASSIFIEDS

Missing Wills

Re: Annie Ethel Kennedy (deceased)
Late of: 41 Cullyburn Road, Newtownabbey, County Antrim BT36 5BN
Date of Death: 2 August 2018

Would any person having any knowledge of the whereabouts of a Will made by the above named deceased please contact the undersigned as soon as possible.

Alastair McCrossan
JW McNinch & Son
Solicitors
 5 The Square
 Ballyclare BT39 9BB
 Tel: 028 9332 2217
 Email: amccrossan@jwmcninch.co.uk

Re: Edith Susan Jones (deceased)
Late of: 1 Doctor's Hill Cottages, Bessbrook, Newry, County Down BT35 6LB
Date of Death: 26 July 2019

Would anyone having any knowledge of the whereabouts of any Will made by the above named deceased please contact:

Eoin McConville
Fisher & Fisher
Solicitors
 9 John Mitchel Place
 Newry BT34 2BP
 Tel: 028 3026 1811
 Fax: 028 3026 6695
 Email: eoin.mcconville@ffsolicitors.com

Re: Gerard Madine (deceased)
Late of: Strangford Court, 26 Strangford Road, Downpatrick BT30 6SL and previously residing at Windmill Street, Ballynahinch, County Down
Formerly of: 434 Antrim Road, Belfast
Date of Birth: 9 August 1935
Date of Death: 5 May 2020

Would any person having any knowledge of the whereabouts of any Will made by the above named deceased please contact:

Adrian Travers
Solicitor
 40 Rathfriland Street
 Banbridge
 County Down BT32 3LA
 Tel: 028 4062 9990
 Fax: 028 4062 9991
 Email: adrian@adriantravers.com

HEART TRUST FUND

(ROYAL VICTORIA HOSPITAL)


The main object of this established and registered charity is the support and furtherance of the vitally important treatment, both medical and surgical, provided primarily for patients in the Cardiology Centre in the Royal Victoria Hospital Belfast, and the equally important work of research into heart disease carried on there. The charity is authorised to use its fund to provide that support, or achieve that furtherance when (but only when) public funds are not available, or are insufficient, for the purpose.

The Royal's splendid record in the fight against heart disease is too well known to need advertisement, and by an immediate cash gift or a legacy or bequest to this charity in your will, you can help directly to reduce the grave toll of suffering and death from this disease in Northern Ireland. The grim fact is that the incidence of coronary artery disease in Northern Ireland is one of the highest in the world.

The administration of the charity is small and compact and the Trustees are careful to ensure that its cost is minimal. As a result donors and testators can be assured that the substantial benefit of their gifts and bequests will go directly to advance the causes of the charity.

Further details about this charity and its work will gladly be supplied by the Secretary, The Heart Trust Fund (Royal Victoria Hospital), 9B Castle Street, Comber, Co Down BT23 5DY. Tel: (028) 9187 3899.

(Registered Charity No: XN52409).
 (Inland Revenue Gift Aid Scheme Code: EAP76NG).
 (Registered with The Charity Commission for Northern Ireland: NIC100399)
 Web: www.hearttrustfund.org.uk
 Email: hearttrustfund@btconnect.com



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Missing Wills

**Re: Teresa Ann Hughes (nee Foley)
(deceased)**

Date of Birth: 4 November 1946

Date of Death: 9 May 2020

Would any person having any knowledge of the whereabouts of any Will made by the above named deceased please contact:

Neil Mulholland

Elliott Duffy Garrett

Solicitors

40 Linenhall Street

Belfast BT2 8BA

Tel: 028 9024 5034

Fax: 028 9024 1337

Email: neil.mulholland@edglegal.com

Re: Daniel Black (deceased)

**Late of: 3 Manse Court, Millisle, County Down
BT22 2TW**

Date of Birth: 8 July 1945

Date of Death: 28 March 2020

Would any person having any knowledge of the whereabouts of any Will made by the above named deceased contact:

Neil Mulholland

Elliott Duffy Garrett

Solicitors

40 Linenhall Street

Belfast BT2 8BA

Email: neil.mulholland@edglegal.com

Tel: 028 9024 5034

Fax: 028 9024 1337

Missing Will/Title Deeds

**Re: Thomas Joseph (Tommy Joe) McGuigan
(deceased)**

**Formerly of: 33 Torrens Gardens, Oldpark,
Belfast**

**Late of: Apartment 44, Laharna Building,
136-148 Main Street, Larne, County Antrim**

Date of Birth: 4 April 1953

Date of Death: 19 November 2018

Would any person having any knowledge of the whereabouts of any Will made by the above named deceased or the whereabouts of Title Deeds belonging to property situate at 33 Torrens Gardens, Oldpark, Belfast, belonging to the above named deceased, please contact the undersigned as soon as possible:

Patrick J Cole

Solicitor

12 Duke Street

Warrenpoint

County Down BT34 3JY

Tel: 028 4177 2021 (2 lines)

Email: info@pjcsolicitors.com



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