

SOO

THE **SPG** JOURNAL

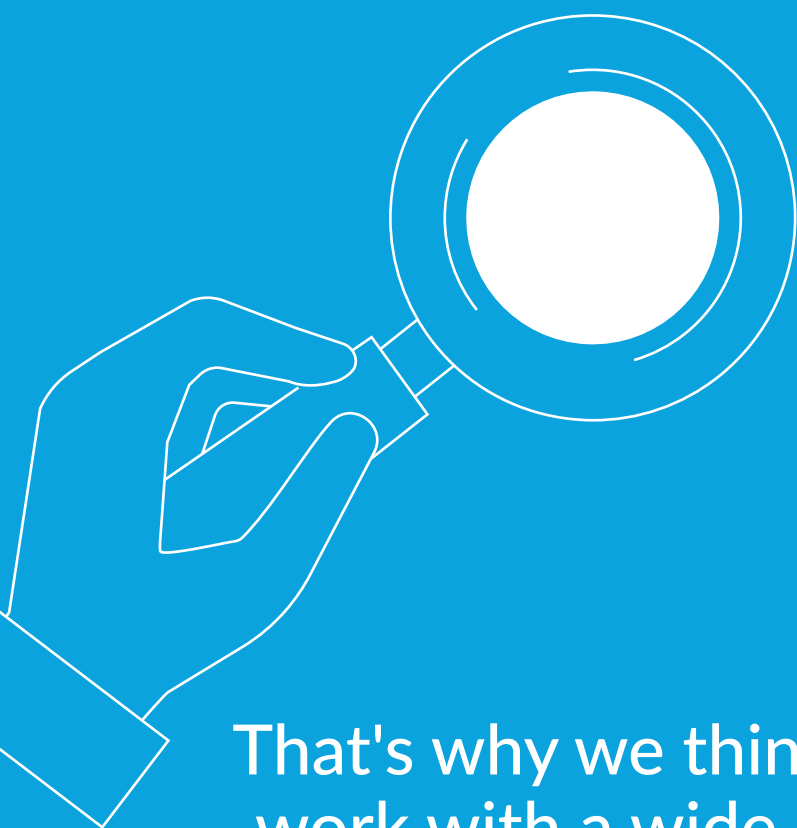
Autumn 2017

TO INSPIRE | TO PROMOTE | TO LEAD
SUPPORTING SOLICITORS IN SOLE PRACTICE

- Your guide to The Criminal Finances Act 2017
- Introducing the Law Society President Joe Egan
- Paul Philip discusses key aspects of Risk Outlook
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FROM THE CHAIRWOMAN

Welcome to our autumn edition of SOLO. As always, I hope you have an interesting and informative read.

An important feature of my term as Chair has been seeking to re-engage with our members with the purpose of building on our values and aims. We were formed as an organisation to principally support solicitors in sole practice, to inspire and to promote. Change, I believe, is inevitable and essential for growth. It is our intention to continue to support you as we meet the challenges ahead.

Our relationship with the Law Society continues to grow from strength to strength. At the start of March 2017, I had a productive meeting at the Law Society with the then incumbent Law Society President Mr Robert Bourns and Barbara Beccles from the small firm's division.

On 24th March, SPG was invited to the annual dinner of The Commerce and Industry Solicitors which was held at the Savoy Hotel where I met with the CEO Mr Bill Graydon and other solicitors from the organisation. We also continue our positive relationship with the SRA and I also met with the Executive Director for External Affairs, Jane Malcolm.

In spring, we submitted a response to the consultation on the modernization of the IT program for the SRA. We were also participated as exhibitors at the annual legal exhibition (LegalEx) in London at the end of March.

The SPG was also invited to a Parliamentary Reception held by the SRA in the House of Commons Westminster together with other BAME chairs during which the SRA invited us to provide them with input



and feedback from our groups on their work in the profession.

I hope you will find that in this issue of SOLO, we continue to find practical and informative ways of helping you, our members to excel at what you do.

Our Annual General Meeting was held on 29 June 2017. This was combined with a networking lunch reception for our members at the Law Society reading rooms. The members joined in thanking Rupert Scrase for his time and service on the SPG executive committee in various capacities including as vice-Chairman, Chairman and as the Treasurer.

“We aim to remain relevant to all our members...”

It was a pleasure to have an appearance at the meeting by the then incumbent Law Society President, Mr. Robert Bourns, who said a few kind words to our members. Amongst other things, the members in attendance were implored to connect with the SPG and bring fresh ideas of how



SPG can best continue to serve and work for sole practitioners. I want to use this opportunity to ask you as Sole Practitioners to take this request on board! We aim to remain relevant to all our members and to facilitate this, we have elected a new Regional Group Coordinator – Penny Raby who has already made contact with some regional groups. Please engage with her.

Thank you to outgoing committee members

We want to thank our outgoing committee members, Ian Lithman a founding member of the SPG retires this year. He has served conscientiously and tirelessly as an Executive Committee member and Law Society Council Member for several years representing sole practitioners. Also, we thank Sue Carter who served the SPG as an Executive Committee member for several years and as a Law Society Council Member for 8 years retiring from the latter role in 2014. We also extend our thanks to Shak Inayat who served as chair of London regional group and Tina Attenborough for their service and time on the SPG executive committee.

I want to take this opportunity to welcome our new Treasurer Kem Masinbo-Amobi who has fitted in seamlessly into the role. We wish you many years of success in the role.

Welcome to our SPG Co-ordinator

We also formally welcome the SPG co-ordinator – Charley Masarati of Byword. She has been working very hard behind the scenes and is a tremendous asset to SPG.

Please also join me in congratulating our Honorable Secretary Clive Sutton, who has taken up the position as the second Law Society Council Member to join Lubna Shuja who is on her second term in the post.

At this point I want to thank Miller for their ongoing support of the SPG. After interviewing a number of insurance brokers, SPG maintains a close relationship with a group of individual insurance brokers previously working through Prime Professions but now incorporated into Miller Insurance Services LLP.

As you know their support enables us to carry out the important work we do on behalf of sole practitioners. The team at Miller has worked closely with The Sole Practitioner's Group since 2000. From sole practitioner start-ups, Miller can provide a helpful guide to help you better understand the PI process. They also can assist you with your PI renewals. Our confidence in Miller is such that we have on occasion requested advice for members' professional indemnity insurance difficulties and they have always been willing to provide any assistance required, for which we are thankful.

Finally, please kindly note that we no longer use the office facilities at Regus in central London but all postal contact with SPG can be sent to our registered office address or directly to me as chair.

Best Wishes

Kemi Mosaku

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SOLICITOR SOLE PRACTITIONERS' GROUP **SPG**

Meet Your Executive Committee 2017/2018



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Kemi was called to the Nigerian Bar as a barrister and solicitor of the Supreme Court of the Federal Republic of Nigeria in 1989 and admitted as a solicitor of the Supreme Court of England and Wales in 2004. She has a varied work experience which includes working in the immigration department of the Home Office, private practice both in legal aid and privately funded matters in the UK. Her last role was head of immigration department in a firm before setting up as a sole practitioner. She specialises in Immigration and Human Rights Law. She also undertakes family law work and landlord and tenants. Outside of work Kemi is a trustee in a thriving charity and enjoys spending time with her three sons. She also enjoys keeping fit, music, networking, reading biographies and current affairs.



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Tahira has been a practicing solicitor for 20 years. She set up as a sole practitioner after being made redundant in 2010. She has found the SPG to be an extremely helpful point of contact on so many issues which are affecting the whole profession whilst paying particular attention to the needs of Sole Practitioners. Tahira understands that being a sole practitioner can be a lonely experience but networking with like-minded individuals makes all the difference. She is glad that there is an independent body outside of the Law Society that is working hard to look after its members interests. Tahira is based in Bury, Greater Manchester where she lives with her family. She has lots of interests outside of the law including politics. Tahira was previously an LEA school governor and has stood as a candidate in the local elections and is passionate about civic duty and putting something back into the community. It is a lot to juggle with but Tahira is proud of the work of the SPG because she believes in better representation for Sole Practitioners!



HONORARY TREASURER

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Kem qualified as a solicitor in November 2002 under the tutelage of Mr Martin Mears (former President of the Law Society). Kem has over twelve years commercial experience gained in a variety of demanding and challenging environments. Kem's employment history includes time spent at some of the most prestigious legal firms in Suffolk and Norfolk. A keen gardener, Kem has completed the RHS Level 2 Certificate in Horticulture and her other hobbies include reading, travelling and cooking in true "Nigella" fashion.



HONORARY SECRETARY

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Clive has been a sole practitioner in Lymington in Hampshire since leaving a partnership in 1998. He specialises in litigation covering most aspects of private and commercial work. His other interests are as Chairman of his local Amenity Society in Lymington and Trustee of the New Forest Centre Museum in Lyndhurst. He has previously served as Chairman of the local Citizens Advice Bureau and Churchwarden and in the early 70s as a Resident Magistrate in the Seychelles. Clive has been actively engaged on behalf of SPG over the past 17 years. He is now one of the Groups two Council Members.



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Sushila has lived in Surbiton, Surrey for over twenty years. She decided to start her own practice locally because she wanted to offer quality and care to the local community. She also wanted to be free from pressure to overcharge clients in order to meet the profit and billing targets set up by some of the bigger law firms. She is married to Matthew a barrister, and they have one son who has also qualified as a barrister. In addition to being wife and mother, running her practice in Surrey, and her role on the SPG Executive Committee, Sushila is also 'Cllr Sushila Abraham', having been elected as Lib-Dem local councillor in the Borough of Kingston in a by-election in February 2013 and then re-elected in May 2014. Sushila was also President of Surrey Law Society and was elected as Law Society Council Member for Surrey. She is also a Board member of the Membership Board at the Law Society and a Trustee of ICLR representing the Law Society. Sushila is a very community minded person and had run cookery classes for local school children, which she called "Suzie's Kitchen", believing in the importance of teaching life skills.



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Moses was admitted as a Barrister and Solicitor of the Supreme Court of Nigeria in 1987. He has also been admitted as a Solicitor of the Supreme Court of England and Wales. Moses is a Sole practitioner and specialises in Human Rights and Immigration. He is also engaged in general civil and criminal matters on a private fee basis. In his spare time he enjoys sailing and has participated in many sailing events around the world. He also enjoys discovering new places and spending time with his family.



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Having worked in some of the most prestigious banking and consultancy organisations, Sukhjit opted to provide a more personal one to one service and believed that this could be best done through his own practice. He has been based in Goodmayes in Ilford since 2003. In his private life, Sukhjit likes to get involved in a number of charitable activities, working with organisation to assist people from all backgrounds and ages in reaching moral excellence either in their private life or in their professional capacity. Whilst he is quite a shy person, Sukhjit has been part of two documentaries exploring the changes that have taken place in the traditional arranged marriage process. His children are still young and take up a great deal of his time but when he does have time for himself, Sukhjit likes to sit, read a good book and watch the world go by.



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Joanna Connolly specialises in the areas of Consumer Credit, Contentious Probate, and Insolvency. Joanna is a solicitor with Higher Rights of Audience who is qualified to represent clients as an Advocate in the higher courts in England and Wales. She was previously Head of Consumer Credit Litigation at MSB Solicitors and has had extensive litigation experience both at County Court and High Court level. Joanna had conduct of the lead Consumer Credit Act High Court case *Carey v HSBC Bank Plc* [2009] EWHC 3417 (QB) as well as cases in the Court of Appeal.

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Josephine became a SP in 1997 and works in Bedford, specialising in family work. She has had a varied career working in London and the Home Counties doing commercial work, then moving to civil litigation. Married with three children, spare time is occasionally spent learning arts subjects. She is a big fan of the Open University. Other hobbies include music and walking.

*Dorcas Falode*

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Dorcas is a Sole practitioner, at home and abroad. She recently celebrated 10 years of being a SP with offices in London and Lagos. She flies in and out of the UK on a regular basis dealing with a variety of cases. She specialises in Immigration Law dealing with entry clearance cases, family reunion, visitors' and students' visa applications. The practice also deals with family and education cases, giving a voice to the weak and defenceless. Dorcas is married with four children. When she is not busy attending to clients, she works as a counsellor, nurse, cook, taxi driver, tutor of her four young adults. She loves to travel and finds shopping very therapeutic.

**SPG WEBMASTER***David Hinde*

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David is a dispute resolution specialist with over 20 years' experience dealing with civil and employment law matters. After reading law at the University of London he trained and qualified in the City of London working at leading law firms before starting his own niche practice as a sole practitioner based in Covent Garden. Acting for individuals and SME companies he has dealt with a wide-range of cases ranging from judicial review in the European Court of Justice to contract and property disputes in the High Court and County Court. He is a member of the Employment Lawyers Association and speaks French. Married with a son who keeps him very busy when not in the office, he is also a school Governor of his local Primary School and enjoys reading, cycling and the cinema.

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Hamish is based in Fulham, London. Having initially specialised in copyright and trade mark work, both in the City and New York City, his practice now includes conveyancing, wills trusts and probate, as well as litigation. Married with three children, when Hamish is not in the office or involved in SPG matters he enjoys open-air swimming, sailing, overnight bike rides, and also has a passion for the theatre.

**HEAD OF CONFERENCE
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Penny has been a SP specialising in family law for 20 years, working with her husband Mike a Forensic Accountant on divorce cases involving business and complex asset and income tracing. She won Worcestershire Family Lawyer of the Year award in 2014 and was nominated for the National Family Law Magazine Family Law Firm of the Year for 2015. She has appeared on radio and television and, with Mike, has toured their networking pantomime 'Snow White and the Seven Small Business People' internationally, including a notable performance at the 2016 SPG Conference in Prague!

**COUNCIL MEMBER***Lubna Shuja*

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Lubna qualified as a solicitor in 1992. She was a partner in a high street firm in West Yorkshire for many years and then started her own practice in Birmingham in 2007 undertaking mediation, family and civil litigation. Lubna became a CEDR accredited Mediator in 2005, and is dual qualified to conduct both Civil and Family mediations. She has done shuttle mediations (where parties prefer not to meet) and also time limited mediations (2-4 hours duration). Lubna is also involved with various regulators and she Chairs a number of Disciplinary/Professional Conduct Committees. She is a Law Society Council member where she represents the interests of sole practitioner.



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Martin was admitted as a solicitor in 1975 after 5 years articles and acquired his sole general practice in Leighton Buzzard in 1985 where he has practised ever since. Martin has been a member of the SPG National Executive Committee since its inception (he believes that only Ian Lithman is still an "original"). Martin lives with his partner in Leighton Buzzard and when he is not working, he enjoys spending time with her. They share a number of hobbies together, including stamp collecting.



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Satnam specialises in education and disability law, including exclusions, admissions and Special Education Needs Tribunal advocacy. He acts for parents, schools and local authorities. His first job was as an elected, full time Vice-President of Cambridge University Students' Union. After qualifying in a large commercial firm, he worked in a London local authority as Head of Litigation. He is also a fee paid Financial Ombudsman. He has been a SP for over ten years, and is based in East Finchley, London.



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Nick was admitted as a solicitor in 1979 and was a junior partner in two firms in London before starting his own practice in the West End in 1987. In 2011 he moved on to create a niche international commercial and family practice in Chancery Lane. He is a Member of the Solicitors Family Law Association and has trained other professionals on family law matters and anti-money laundering. Nick is married with four children and he has a range of hobbies which include travel, music, tennis, reading and photography.



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Charley is the owner of Byword, an event organising and administration company. Specialising in legal administration, Byword has clients including the Employment Lawyers Association, Assurety and Employment Law Bar Association. Byword are also administrators of the Institute of Directors Central London Branch. Byword are delighted to be retained by the Sole Practitioners' Group to manage the administration of the group alongside the Executive Committee, the team looks forward to meeting members and contributing to the group's success.

Would you like to inspire your fellow Sole Practitioners?

SOLO is a bi-annual publication which aims to inform and support sole practitioners and is delivered in both hard copy and digital formats.

The SOLO editorial team welcomes contributions from our members. Do you:

Have a comment to make regarding recent legislation?

Want to update your fellow Sole Practitioners with the latest developments in your specialist area?

Want to share your opinions with fellow members?

Want to share a cultural experience?

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SOLO is your publication, produced by Sole Practitioners for Sole Practitioners.

If you would like to write an article for SOLO, or have any suggestions of content, then please get in contact by **emailing info@spg.uk.com with details.**

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SOLO JOURNAL

Contributions to SOLO are welcome. Editorial or Advertising – **contact details are available on SPG's website www.spg.uk.com.**

Editorial Board – Sukhjot Ahluwalia, Joanna Connolly, Josephine Duchenne, Dorcas Falode, Oluwakemi Mosaku & Tahira Shaffi.

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YOU (AND YOUR BUSINESS) – WHAT YOU SHOULD OR SHOULD NOT BE DOING

BY NICHOLAS WOOLF, DIRECTOR AND PRINCIPAL, NICHOLAS WOOLF & CO,
AND SAM CHEESBROUGH, ASSOCIATE, NICHOLAS WOOLF & CO

On 27th April 2017, the Criminal Finances Act 2017 (“the Act”) was given Royal Assent. Part 3 of the Act, when it comes into force on 30th September 2017, will create two new offences under the heading “corporate offences of failure to prevent facilitation of tax evasion”, which will apply in respect of corporate bodies and partnerships (wherever incorporated or formed) and will cover circumstances facilitating tax evasion in the UK and overseas.

How is the offence committed?

If a person, acting in “the capacity of a person associated with” the company (which includes employees, agents, or other people performing services for or on behalf of the company, and is acting in that capacity) commits a “tax evasion facilitation offence”, then the company may be liable for an unlimited fine.

This is a strict liability offence. This means that it is not possible to blame your clients (or the provision of information from your clients), even though they are the ones committing the primary tax evasion offence. Nor is it possible to distance yourself from your

employees (or other people “associated with” the company) who are deemed by the Act to have facilitated the tax evasion – your company will still have committed an offence under the Act.

What is a tax evasion facilitation offence?

This depends on whether the tax evasion takes place in the UK or abroad.

UK

1. being knowingly concerned in, or taking steps with a view to, the fraudulent evasion of a tax by another person;
2. aiding, abetting, counselling or procuring the commission of a UK tax evasion offence (defined as (a) an offence of cheating the public revenue, or (b) an offence under the law of any part of the UK consisting of being knowingly concerned in, or taking steps with a view to, the fraudulent evasion of tax;
3. being involved in the commission of an offence consisting of being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of tax.

Abroad

1. conduct which amounts to an offence under the law of a foreign country;
2. conduct which relates to the commission by another person of a foreign tax evasion offence under that law (defined as conduct which (a) amounts to an offence under the law of a foreign country, (b) relates to a breach of a duty relating to a tax imposed under the law of that country, and (c) would be regarded by the courts of any part of the United Kingdom as amounting to being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of that tax; and
3. conduct which would, if the foreign tax evasion offence were a UK tax evasion offence, amount to a UK tax evasion facilitation offence.

Remember, whilst the tax evasion may have been committed by your clients, and that tax evasion may have been facilitated by your employees (or other people “associated with” the company), it is nevertheless your company that will be liable to foot the bill.

Further, it has long been the rule in England and Wales that legal advice privilege will not attach to confidential communications that are made for the purpose of committing a crime or fraud (*R v Cox and Railton* [1884] 14 QBD 153). There is no reason to suspect that the position will be any different in relation to the new offences set out in the Act.

What about if the offence isn't committed by my branch of the company?

English law does not distinguish between different branches of a company, and so one branch may be liable for the actions of another, even though the two have no involvement with one another. By contrast, subsidiaries will usually be considered as separate entities.

However, even companies with subsidiaries ought to be wary. English law has traditionally been very reluctant to lift the corporate veil, and look at who is the ultimate beneficial owner of a company. However, recent regulations in relation to other topical matters (such as anti-money laundering and terrorist financing) have increasingly required an examination of the company structure to determine the ultimate beneficial owners of an entity. It is possible that this approach may filter through into general law and impact on the way subsidiaries are viewed. Whilst this has not yet happened, it is nevertheless possible that, in the future, you may find your corporate structure scrutinised in order to determine who is required to pay any fines.

What should I do about it?

In short, it is no longer possible to turn a blind eye to the tax arrangements of your clients, or the actions of employees (or other people “associated with” the company) when dealing with such clients.

In order to avoid liability a company must be able to show either (a) that it has in place such prevention procedures as it was reasonable in all the circumstances

to expect the company to have in place, or (b) that it was not reasonable in all the circumstances to expect the company to have any prevention procedures in place.

The government is required to publish guidance as to the type of prevention procedures that ought to be put in place. Formal guidance has not yet been published. However, provisional guidance published in October 2016 states that such procedures will likely be based on six principles:

1. Risk assessment – example procedures include oversight of risk assessment by senior management, appropriate allocation of resources to the detection and monitoring of risk, periodic review of risks, and procedures to identify emerging risks.
2. Proportionality of risk-based prevention procedures – example procedures include reviewing and refining procedures for effectiveness, an overview of the strategy and a timeframe to implement prevention policies, a commitment to compliance over profit or bonuses, and monitoring and enforcing compliance with procedures.
3. Top level commitment – example procedures include communication and endorsement of the relevant body's stance on preventing the criminal facilitation of tax evasion, and involvement in the development and review of preventative procedures.
4. Due diligence – the provisional guidance states that due diligence procedures should be proportionate to the identified risk, taking into account the level of control and supervision that the company is able to exercise over a particular person acting on its behalf, and the company's proximity to that person.
5. Communication (including training) – the provisional guidance states that the nature of internal and external

communication may vary depending on the nature of the risk being addressed, and the size, business, and operation of the company. It suggests that, for example, internal communication should make clear the company's zero tolerance policy for the facilitation of tax evasion.

6. Monitoring and review – example procedures include seeking feedback from staff members and looking to other financial crime prevention measures, formalised periodic review with documented findings, and working with other organisations, such as representative bodies or other organisations facing similar risks.

It should be stressed that the prevention policy that suffices for one company may not be appropriate or adequate for another. It is therefore important that companies obtain advice and assistance on the drafting of such policies, so as to ensure (so far as possible) that they are able to rely upon the defence set out in the Act.

If you would like Nicholas Woolf & Co to advise or assist you in that regard, please do not hesitate to call us at +44(0)20 7242 6018 or email us at info@nicholaswoolf.com.

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9th August 2017

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This note comprises the view of the author as at 9th August 2017. This note is not a substitute for legal advice. Information may be incorrect or out of date, and may not constitute a definitive or complete statement of the law or the legal market in any area. This note is not intended to constitute advice in any specific situation. You should take legal advice in specific situations. All implied warranties and conditions are excluded, to the maximum extent permitted by law.



Paul Philip is CEO of the Solicitors Regulation Authority, a post he has held since February 2014. He was previously Deputy Chief Executive and Chief Operating Officer of the General Medical Council (GMC) and has held senior roles in both the Legal Services Commission and the NHS.



RISK OUTLOOK – AN OVERVIEW OF THE PRIORITY RISKS FACING SOLICITORS

PAUL PHILIP, SRA CHIEF EXECUTIVE

It is a fact of life that there is risk in everything we do. However hard we plan for all eventualities, there is always the chance that something could go wrong.

We know that the vast majority of law firms and solicitors are committed to doing the very best for their clients. You provide a good service and manage both responsibilities and risks carefully.

But of course the legal sector is subject to all sorts of pressures and it can be difficult to keep up to date. This is why we produce the Risk Outlook. The Outlook is a key tool firms can use to identify risks to their business and mitigate against the effects. It was first published in 2013 and its format of describing risks and providing supporting papers on more detailed issues has made it a vital resource for the profession.

“...keeping client money safe from criminals...”

The fifth Risk Outlook was published in the summer, and one of our key themes is keeping client money safe from

criminals and chancers. This is perhaps unsurprising as cybercrime is one of the biggest worries for us all, in both our professional and private lives. The Outlook sets out that there have been a record number of reports made to us of cyber thefts from law firms in the first quarter of this year, with house moves the main target.

This amounted to more than double the amount of reports of cyber theft compared to last year, with triple the amount (£3.2m) stolen. Overall, in the year April 2016 to March 2017, we have seen cases involving around £11m of losses.

Around three quarters of the thefts involve some form of email hacking fraud, where criminals modify emails and alter bank details so funds go to the criminal. Around half of cases involve money being used for house moves. The National Fraud Intelligence Bureau has also reported increased risks in this area, with an 85 percent increase in theft of property deposits in 2016. Other targets for cybercriminals include inheritance money and a law firm's own money.

The threats of criminals using IT to steal client's funds is an ever-increasing problem. It is important that – if you have not done so already – you develop a culture where cyber security is treated as a serious priority, and take sensible

steps to warn their clients about the risks.

New priority risk for 2017

We have included one new priority risk this year – questionable investment schemes. While the vast majority of solicitors and firms act properly, a tiny minority are failing to adequately protect the money of investors, most of which are members of the public.

In the last nine months we have taken action in cases where the public have lost more than £50m by investing in questionable schemes that have included the involvement of a solicitor. We have published a range of warnings to make sure everyone is aware of this risk. Please make sure you read them so you can spot the signs that a scheme is doubtful.

Other priority risks in the Outlook include a focus on not allowing independence or integrity to be compromised in light of reports that solicitors have been involved in suspect compensation claims for the likes of payment protection insurance and holiday sickness. The “diversity dividend” for law firms of being an inclusive employer is also highlighted.

We know that many of you find the Risk Outlook a useful resource. There is a link to Outlook on our dedicated small firms

section, and it is one of the top five most visited pages.

As risks change, develop and emerge, we hope you continue to use the Outlook to protect yourselves and your clients.

Investment in IT and Evolve

Something else that is changing is the IT we use at the SRA. Investment in our IT now will make it easier to work with us in future, as well as saving costs in the long term. Our priority is to ensure that our new systems meet the needs of our customers – yourselves.

Since presenting our 'Modernising our IT' approach to the SPG Executive Committee in April, we have been encouraging the profession to get involved. I'm already aware that sole practitioners are contributing to both a monthly poll and volunteering and taking part in user testing.

So now I'd like to ask more of you to join our dedicated IT virtual reference group, Evolve. These are early days in the programme, but decisions made in the formative stages of any project can often be the most important taken.

This is why we need you at the heart of this work – to make sure what we build has you in mind. I would therefore ask you to take the opportunity to get involved. Look at the Evolve options, choose one that works for you, sign-up and start shaping the way the SRA does business.

You can do this by going to www.sra.org.uk/getinvolved

So it's a time of change in the sector and for us. We all need to work together to keep up to date and future proof our businesses and the sector. Please don't hesitate to let me know what you think and what more we need to do.

Article submitted on 17th August 2017



The advertisement features a blue background. At the top, the LEAP logo is displayed in orange, with a small icon of a person running to the left of the word 'LEAP'. Below the logo, the text 'Legal Practice Management Software' is written in white. In the center, there is an image of a laptop, a smartphone, and a tablet, all displaying the LEAP software interface. A red circle with a diagonal line through it and the word 'SERVERS' in black is overlaid on the bottom right of the device images. At the bottom of the advertisement, the text 'Everything you need to run a small law firm.' is written in white. Below this, a dark blue banner contains the contact information: '0843 713 0135 | info@leap.co.uk | www.leap.co.uk' in white.

Everything you need to run a small law firm.

0843 713 0135 | info@leap.co.uk | www.leap.co.uk

As a sole practitioner how can you increase your profit?

As always there is a great deal of pressure being placed on sole practitioners, not only does the responsibility for running the practice fall on your shoulders, with the internet offering access to a such a choice of services it is essential to remain competitive and market yourself on a much wider scale. Often without the infrastructure of support staff business owners can find themselves spending hours each week on non-billable, administrative tasks.

LEAP case management software has been designed to allow sole practitioners to grow their profits, without the need to hire additional staff. LEAP is a business improvement solution designed to make you more money, providing everything you need to run a successful practice including a website.

Switching to a cloud based software provider will allow you to work more efficiently, you can continue to work wherever you are and whenever you want via the LEAP Mobile App. Your IT requirements will be simplified, reducing costs and need for support significantly. In addition, with Investment of over £5 million per year into R&D LEAP ensures law firms have access to the best software on the market. LEAP's cloud based legal software solution provides everything your law firm needs to process probate matters efficiently and maximise profit margins.

LEAP were pleased to sponsor the Sole Practitioners Group Annual Conference in Prague last November and welcomed the opportunity to meet SPG members both old and new. For more information visit www.leap.co.uk or contact us on 0843 713 0135.



What's stopping you from becoming Lexcel accredited?

"It costs too much!"

When speaking to people at the last SPG conference, many were surprised at how little it costs for a sole practitioner or small law firm to achieve Lexcel accreditation. Just ask us for a free Lexcel Assessment quotation or book onto one of our comprehensive workshops for just £50.

"The Standard is too difficult to implement"

We work with hundreds of practices year after year and it's our job as a licensed Lexcel assessment body to know the Standard inside out. Through our extensive knowledge and experience, we will help you to gain the maximum benefit from working with Lexcel. Also, if you hold SQM for Legal Aid contract purposes and are thinking of changing over to Lexcel, you will find there are many overlaps.

"How does Lexcel help me and my practice?"

Lexcel covers the main requirements that COLP and COPA have responsibility for – just for starters! There are many other benefits too, such as improving client service and attracting new business.

"Lexcel is like having an audit!"

IBP have a friendly team of Lexcel Assessors and administration staff who are there to support you. Plus, there is no such thing as 'failing Lexcel'!

"I won't get a reduction in my annual PI Insurance if I have Lexcel"

Actually, you should by just having Lexcel. Even if your insurance company doesn't offer you a reduction for being Lexcel accredited, if you implement Lexcel and continue to meet its requirements, your practice will run more efficiently and client complaints will be minimised, which will result in less costs.



IBP Ltd is one of three centres in England and Wales which have been awarded a Lexcel assessment licence by the Law Society. We have been a licensed Lexcel assessment centre for 15 years and have extensive experience in working with the legal sector.

Based in London, IBP work with a team of highly qualified, supportive Assessors from all areas of the country helping you to achieve accreditation. Our clients include sole practitioners, legal firms of all sizes and in-house legal departments from both the private and public sector working with them towards Lexcel accreditation. In doing so, we ensure that the process is cost effective, independent, objective and rigorously quality controlled.

Contact us...

Tel: 0800 612 3098

Email: Lexcel@ibp.uk.com

Find out more about Lexcel at:
www.ibplegal.co.uk

SPG IN ACTION



Martin Smith is leads and co-ordinates the Group's responses to consultations.

Since the last edition of SOLO the consultations issued by the SRA have somewhat reduced in number and SPG has only felt it necessary to respond to one.

This was “Enabling Innovation – consultation on a new approach to waivers and developing the SRA’s Innovation System” – your Executive Committee submitted a response to this prepared by past Chair Sue Carter. The gist of SPG’s response was that whilst there were superficial attractions in the SRA’s ideas for innovation there was a real risk of lowering of standards to the public and that small firms might suffer because of unfair competition. Sue Carter has since resigned from the Committee after a long period of service.

The Law Commission have also announced a consultation on reforming the Law on making of Wills and associated matters apparently to take account, in part at least, of the current digital era. This closes on 10 November 2017 and Clive Sutton has started work on the Group’s draft of the consultation response. Could anyone interested in contributing, please contact him on solicitor@clive-sutton.co.uk.

If any reader wishes to assist the SPG Executive in responding to a consultation, especially one on which the current Executive Committee members have no expertise e.g. criminal law this would be very welcome. Any enquiries in this connection please address to the Secretary.

This of course is in addition to any response the sole practitioner may wish to submit personally.





12,000 WALKED FOR JUSTICE IN LONDON



1 2,000 people, the majority of them lawyers, walked to raise funds for free legal advice services in London and the South East on May 22nd. 700 teams walked together and raised £800,000 to promote access to justice. This money enables Law Centres, local Citizens Advice and advice agencies to continue to help vulnerable people access legal advice.

Those that the advice centres help include families facing homelessness, older people requiring community care, trafficked women and children, people with disabilities, refugees, people who are facing unemployment and those with mental health problems.

Vulnerable people like Willow have suffered most during the recession:

"Living with severe mental health problems is challenging. I didn't know what I would do without my disability allowance. The local Law Centre has given me back my safety and security."

Willow is a young woman living with severe mental illness. She has spent time in hospital being treated for acute mental health problems. In spite of this her disability allowance was taken away when she was moved to PIP. A huge drop in her weekly income left her in an emotionally distressing and desperate situation. With the help of her local Law Centre, Willow fought and won an appeal to reinstate her disability allowance and a payment of £2,500 in arrears. The extra money makes all the difference to

Willow's life and gives her the security she needs to be able to focus on her wellbeing.

Cuts in civil legal aid and council grants have made access to free legal advice in the capital very difficult. There are fewer Legal Aid firms in the high street, some advice centres have closed and others have had to severely reduce casework staff.

Lawyers from all corners of the legal profession came together to raise funds for those in urgent need of legal help. The most senior judges and QCs walked side by side with law students; corporate lawyers; high street solicitors and front-line caseworkers. Many in-house lawyers from multinational companies will be walking.

Sir Terence Etherton, the Master of the Rolls said,

"We walked to raise funds for free legal advice charities supported by the London Legal Support Trust."

"The need for these charities has grown over the past few years while resources for their work have diminished."

"That makes the funds raised by the London Legal Walk more important than ever."

President of the Law Society of England and Wales Robert Bourns said,

"The London Legal Walk is a great way for us to come together to support charities that provide legal advice day in, day out, helping a hugely

diverse range of people, many of them vulnerable and facing frightening legal situations. And remember those least able to afford legal advice can often be in most urgent need of it. Solicitors and the wider legal profession are committed to helping them."

Vicky Ling, Chief Executive of the Trust said

"We are delighted that the legal profession have again risen to the challenge and have turned out in even greater numbers than before."

"Free legal advice services change people's lives, providing them with expert help to reduce debt, poverty and homelessness, and combat discrimination and injustice. LLST work with the charities we fund to ensure every pound raised goes as far as it possibly can."

Thank you to everyone who has supported the walk thus far, and please do continue to sponsor your friends, colleagues, family members and clients to help us break the fundraising record!"

THE WALK WILL TAKE PLACE ON MONDAY 21ST MAY IN 2018.

WANT TO JOIN SPG'S TEAM FOR THE 2018 WALK? EMAIL [INFO@SPG.UK.COM](mailto:info@spg.uk.com)

THE SOLE PRACTITIONERS GROUP

"We walk because sole practitioners believe wholeheartedly in access to justice for all".

#WHYWEWALK



HOW TO GET THE BEST DEAL ON SOLICITORS' PROFESSIONAL INDEMNITY INSURANCE

Choosing the right professional indemnity (PI) insurance policy is one of the most important decisions a law firm makes. Every practice is required to have one, but it is so much more than a compulsory hurdle for you to trade. It also protects your business if you have a problem.

You don't even need to have done anything wrong for your business and assets – including possibly your home – to be put at risk. An accusation of negligence against your firm could spark a long and expensive legal claim that, if you're not careful, could ruin your livelihood.

Having a good policy and insurer is so important because, more than anything else, it offers you peace of mind.

At Miller, we recognise that every law firm's needs are different and must be matched with the right insurer for their business. Yet we also understand that the breadth of options for professional indemnity insurance can be difficult and confusing. This is why we commissioned an independent survey focused on finding out exactly what the pain points are for solicitors when it comes to buying PII – and how we can best support you.

Providing clarity on professional indemnity insurance

More than three quarters (77%) of respondents say they struggle to understand the process of renewing their PI insurance. That surprises me, but I think it's something for which the insurance industry must take its share of the blame. It has failed law firms if they

feel they lack the information to make an educated decision about which insurer to choose.

It would be wrong to think that every PI policy is the same. They differ on much more than price: just as every law firm is different, in terms of its size, business mix, claims history and risk appetite, so too is every insurer.

Two-thirds (66%) of survey respondents say they want advice on understanding their PI policy and on which is the best cover for them to buy. That's why we believe it's important to have an experienced broker, who doesn't view buying insurance as a quick transaction but as a partnership, in which the broker is a trusted advisor who helps a law firm to thrive. Yet less than a third of lawyers (32%) we surveyed said their broker understands their business needs.

Responding to our clients' PI insurance needs

It's vital that your law firm gets the help it needs to be able to navigate this complex market, as well as how to present yourself well to underwriters. If your practice is not considered to be a 'good risk', for whatever reason, then you may struggle to get professional indemnity cover – and without a policy you don't have a business.

It's not only the practical challenges of buying PI Insurance that are keeping law firms awake at night. Cyber crime, employee fraud, employment claims and data loss are seen as being the biggest risks to lawyers over the next five years, according to our survey. No wonder why 73% say that having a broker that keeps

them informed about the market is important, yet conversely, only 13% say their broker currently does this.

Richard Brown is Head of Solicitors' Practice at Miller Insurance. He has over 35 years' experience in the insurance industry. He specialises in professional indemnity insurance for solicitors registered in England, Wales and Ireland, predominantly in the volume sector (ten partners and below) and with a focus on sole practitioners and leads the Miller team which looks after both solicitors and Council of Licensed Conveyancers.

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REGIONAL ROUND UP



I am Penny Raby, a Sole Practitioner based in Pershore in Worcestershire specialising in High Net Worth and ex – patriate Family Law cases, and I am delighted to take up the reins as Regional Coordinator. I have been on the Executive Committee for some time, and I also serve as Conference Organiser, so have my work cut out for the foreseeable future!

I am making it my business to get round all the regions with active groups to meet our members and find out how we can help them, and they can feed their opinions and information into the SPG.

I attended the Central London Group on the 19th July, which was hosted most generously by 33 Bedford Row Chambers. An informative talk was given by representatives from the SRA, and Kate Baker from Inspiring spoke about Cybercrime and Lexel, followed by networking for the Sole practitioners attending. The meeting was an excellent example of the sort of informative, business generating and admin boosting group event we can all benefit from, and Sukhjit Ahluwalia and David Hinde deserve great credit for organising it at short notice. Anyone wishing to join this group should contact Sukhjit on Sukhjit_Ahluwalia@ae-law.co.uk, Chairman or David Hinde on david.hinde@hinde-law.com, Secretary.

I am invited to the Birmingham meeting of the Midlands Group to be hosted by No 5 Chambers on the 11th September 2017. Any Midland SP's interested to join us should contact Jerzy Kamrowski on jerzy@renatasolicitors.com

I am looking forward to meeting members in the East Midlands on the 14th September at 10am until 12 noon, at one of the offices of Nelsons Solicitors in the region. Please contact Tina Attenborough for final details on tina@attenboroughlaw.co.uk.

And I will be attending the meeting of the South London Regional Group on 22nd September, at 6 pm, 151 Rye Lane Peckham London SE15. Any local members interested in attending the meeting should contact Adjoa Djan-Krofa on adjoa@pishongold.co.uk.

I am intending to set up a new Regional Group for Cotswolds and Area SP's, of whom there are many! Do contact me if you are interested to join, or host a meeting, to give a talk, and of course to help with organisation.

And finally – if you are interested in setting up a Regional Group within your own area, then do please contact me. SPG may be able to assist you with expenses, venue and a speaker.

August 2017

I can be reached on penny@harmony-house.co.uk or 01386 55114.

Five marketing mistakes THAT SOLICITORS OFTEN MAKE WITH **facebook**

Until 2015, Rachel was a practising Solicitor with more than 15 years' PQE gained at both large city firms and smaller regional practices, overseeing much of the wider Business Development work that was undertaken at each firm. Rachel left practice to set up her own award-winning business, *Links2Leads*, which offers sole practitioners and high street law firms a comprehensive, insightful, outsourced and flexible Marketing and Business Development service.

Here, Rachel explains why Facebook is such a valuable tool for marketing your law practice, while also sharing her top 5 tips on the things to avoid.

The first and biggest mistake is not having a Facebook page for your business. Facebook now attracts 2 billion monthly users, it is the most popular social media site with 76% of its members logging in daily to search for individuals, businesses, brands, news, jobs and subjects that are trending online.

Although you may think that Facebook is just a site for individuals who want to post pictures of where they have been and what they are doing, it is actually an invaluable marketing platform for attracting new clients to your practice, particularly in relation to Conveyancing, Family Law, Personal Injury and Wills and Trusts.

A second mistake is failing to post consistently to your Facebook page. If it has been months since your last post, people could assume that your practice is no longer open or that you are simply outdated. Posting on Facebook at least once a day takes a matter of minutes and you can even prepare and schedule your content in advance, thereby saving yourself even more time.

As a Sole Practitioner, you are your brand. Prospective clients often research a law firm before deciding to make an enquiry about a specific service, and they will start to form an opinion about you from looking at your Facebook posts. Prospective clients will be looking to assess your legal knowledge and whether or not they would like to work with you. It is therefore within your power to take control of what your clients see, learn and believe about you.

It is always a good idea to employ a professional photographer to take some group and individual photographs of you at work. You can use the images across your social media sites, website and in other promotional literature. Clients engage with brands because they believe a brand shares their values and there is a 'connection'. Social media is the gateway to that connection.

A third mistake relates to the content of your posts. Creating compelling content can be very time-consuming, which is why many Solicitors choose to outsource this task. You need to find interesting, relevant content in the form of an article, case report, discussion etc. that is related to your subject area. Much of this can be taken from the national press but you should add a sentence or two of your own, promoting your own viewpoint and then link back to your firm's blog or website in order to promote your brand.

It is a fact that Facebook posts containing images get 2.3% more engagement than those without, and photos of people tend to attract more clicks than photos of objects. How about sharing your own top tips, such as "Top 5 Considerations before drafting your Will", alongside an engaging, carefully chosen image? Don't forget that you are looking to build trust and a reputation as an expert within your chosen field.



A fourth mistake is not making the most of video, and specifically Facebook Live. Video plays an increasingly important role on Social Media, having become the preferred way to communicate an engaging, authentic and powerful message to anyone and everyone. It is quick, easy and inexpensive to create an educational, informative and interesting video that contains an element of Q&A or introduces the viewer to your practice and what you can offer.

A fifth mistake is failing to capitalise on Facebook Advertising, which allows you to promote your Facebook business page, boost your posts, advertise seminars and link to your website. Facebook's targeting capability is very precise, allowing you to target users based on their age, gender, interests, connections, relationship status and much more. If you have an email list, you can also create look-alike audiences, which targets other users who are 'similar' in a number of ways. For a small investment of £150 upwards a month, you have the ability to reach thousands of local, potential clients who all fit nicely within your ideal target market.

Therefore, it is a good idea to think about how you want the general public to perceive your practice. Will your Facebook business page resemble a clean suit and a crisp white shirt, or will it resemble an old stained jacket and an un-ironed shirt? It is vital to invest the right amount of time and effort into polishing your Facebook presence as it will help to develop your practice's brand, reputation and visibility online. Can you afford not to?

Rachel Tombs, *Links2Leads*



A NOTE FROM THE HONORARY SECRETARY

Having started my note in the last edition by saying that the Honorary Secretary's job normally runs very smoothly, and then setting out all the problems that we had over the past year, I am glad to report that matters are getting back to normal again. This follows an Executive Committee meeting held at The Law Society again followed by an AGM held in the splendid surroundings of the Reading Room. This may be something we can't afford every year but on occasions, possibly at least once a year is important in my view for us to physically connect with our Society.

The experiment of an autumn conference, which became a successful Christmas conference in Prague, will not continue at the moment and we will revert to the spring conferences, which seem to be more in keeping with the expectation of our members and the lead time required for their preparation. They need an enormous amount of work by a dedicated group of people, and if they are to be in the spring that can be done over the winter period, but if they are to be in the autumn then that has to be done over the summer period when one cannot expect volunteers, particularly with families, to give their time as freely.

On that basis the next residential annual conference will be on the weekend of the 20th, 21st and 22nd of April 2018 and I hope you will all be putting that date in your diary and reserving it.

Kemi Mosaku will continue as chairman until that conference. This was confirmed by a resolution of the executive committee effective

immediately after the last AGM to elect Kemi as continuing chairman until then. At the same time Tahira Shaffi was re-elected vice-chairman and Kem Masinbo-Amobi was elected our new treasurer.

In the absence of anyone else contesting the post of Honorary Secretary I continue in that post the moment. However it is with the admirable support of Charley Masarati of Byword who with her organisation, is providing secretarial services and will provide support services for the conference on the future.

In reporting a change of Treasurer I have to give acknowledgement to the previous work of Rupert Scrase who has held the post for the last few years and recently through difficult times. He has resigned as treasurer and as executive committee member to concentrate on his practice.

There has been a smooth transition to Kem as treasurer but of course all the usual bureaucracy of changing of accounts and signatures has to be gone through.

Also at the annual general meeting we acknowledged with thanks the long service provided by Ian Lithman in many roles including chairman and recently nominated Law Society Council member for the Group. Readers will know of his early days from his anecdotes in Solo about "articles of clerkship" before they received the non-descript soubriquet of "trainee contracts". He recently celebrated 50 years of legal practice and has served the Group with distinction in his own characteristic way.

Others who have recently left the committee are Sue Carter who has been a very long term member of the committee and an ex-chairman and also long time Council Member for the Group.

We also say goodbye to more recent committee members Tina Attenborough, Shak Inyat and Naveen Galal.

Ian Lithman's departure has left vacant the second post for Law Society Council membership for the Group. I have been nominated for that by the executive committee, and as from July and the annual general meeting of The Law Society I am your council member with Lubna Shuja, whose advice and guidance to date has been a great support.

I will be pleased to join Lubna in reporting to you in the next editions of Solo as to the activities of the meetings and activities of The Law Society. I have been fortunate enough to be able to join the Scrutiny and Performance Review Committee of the Law Society.

Finally can I say that for many years I have been Chairman of the Insurance Subcommittee liaising with our preferred brokers, recently Willis, but now Miller Insurance Brokers through their representative Richard Brown who has been a good friend to the Group for many years. Due to the departures of the previous members of the committee, Karen Purdy and now Rupert Scrase, the committee now comprises myself, together with Nicholas Woolf and Kem Masinbo-Amobi, the latter in her capacity as treasurer.

Can I encourage anyone who would like to take an interest in the running of the Group to come to any of our Executive Committee meetings as an observer and then decide if they would like to be formal members of the executive committee which can happen by an informal appointment between meetings and with a formal nomination at the AGM. Travel expenses are paid for all meetings.

Clive Sutton
Honorary Secretary



Goodbye EMPLOYMENT TRIBUNAL FEES

Many will have seen in the news, but for those who may not be aware, there has been a landmark ruling by the Supreme Court in *R (Unison) v Lord Chancellor*, that employment tribunal fees are unlawful. Before I embark on what this means moving forward, let me take you back to when it all started.

A potted history

Employment tribunal fees (fees) were initially introduced in the Employment Tribunal on 29th July 2013 by the Fees Order 2013 (Employment Tribunal and the Employment Appeal Tribunal Fees Order 2013 (SI 2013/1893)). There were two fees payable (the issue fee and the hearing fee), depending on the type of claim (Type A and Type B). There were also additional fees such as submitting a counterclaim, applying for a review or and appeal.

In addition, subject to the claimant's financial circumstances, there was a fee remission scheme, in respect of either all or part of the fee.

If the fee was not paid (or remission application made) the claim was rejected.

Judicial Reviews

Since July 2013 there have been a number of challenges on the lawfulness of introducing fees in respect of it preventing access to justice. Put simply, arguments were advanced that employees would be financially put off from raising claims against their employers because of the cost to sue.

Indeed, the number of claims rapidly dropped following the fee introduction

and therefore employers have been relatively robust in their position on defending claims, knowing that in all likelihood, the individual employee was unlikely to pay to proceed with their complaint.

The trade union Unison first applied for judicial review of the fees in the High Court in February 2014 but it was dismissed. At the time the Court felt that the challenge had been brought prematurely and lacked robust evidence to show the fees were preventing access to justice. Later that year (December 2014) a second application was made and again this was struck out, on the basis that there was insufficient evidence to support a drop in claims since the introduction of the fees.

Moving into the Spring of 2015, Unison appealed the two decisions to the Court of Appeal who dismissed the appeal finding the decline in cases was unlikely to be entirely due to Claimants not being able to pay.

Fast forward to the present, and Unison applied for judicial review at the Supreme Court who, on 26th July 2017, in a unanimous decision, found that the Employment Tribunal fees were unlawful and quashed the Fee Order 2013 requiring fees to be paid. In so deciding, it was held that: the fees had prevented access to justice; it was indirectly discriminatory, putting primarily women at a disadvantage (as it was found there was a greater proportion of women than men having to pay the higher fee due to the majority of discrimination claims were brought by women); it went against the Parliamentary legislation granting employment rights; and it was contrary to EU law.

Where we are now

The effect of the Supreme Court's decision is that all fees paid since their introduction on 29th July 2013 must

be reimbursed. Equally all fees moving forward are no longer payable. As such the employment tribunal service is already updating the online system to lodge a claim so in the interim period, applications will be made by post.

In practice, Employment Tribunal claims are going to rise and we have already seen a number of claims come through the Tribunal system in the last couple of weeks.

All claims brought in reliance of this decision have been stayed by the Presidents of the Employment Tribunals in England and Scotland. This is to await the decision from the Ministry of Justice and Her Majesty's Court Service in respect of the implications of the Unison decision. This means those who want to reinstate claims there were dismissed or struck out for non-payment of the fees. Needless to say, if these claims are permitted to be reinstated, the life of an employment solicitor is going to become very busy.

In respect of processing refunds, the Employment Tribunals are working on this as we speak. It will be somewhat of a mammoth task as part of the process will be to ensure the correct people are refunded, as there are no doubt claims involving multiple claimants and those where the Respondent was ordered to pay the Claimant's fees. We are advised we should hear more in September.

Finally, there was discussion over whether a replacement fee regime would be put in place, i.e. a fee requirement albeit on a much lower value, however, this is unlikely to happen in the short term given the Government's present position with a slim majority.

Kirsty Swan

Swan Craig Solicitors

Article submitted on 17th August 2017

AN INTRODUCTION TO THE NEW PRESIDENT

By Joe Egan, President of the Law Society of England and Wales

The first job of the president, it always seemed to me, is to make sure the ship is going in the right direction and is properly resourced rather than trying to set it on some new course I might fancy.

A good deal of the work as president is set in stone. Apart from chairing the five or six council gatherings, the president is expected to attend many other meetings such as the management and membership boards. And every year there will be foreign delegations which the president hosts at Chancery Lane, such as those from China, Malaysia or India booked in for this autumn.

The export of legal services is a huge and important part of our economy – which is why the role also requires some foreign travel. In October, the International Bar Association conference is being held in Sydney. Other trips to Russia, Japan and Korea are pencilled in. Given the pre-eminence of the law of England and Wales the Society feels it is vital that we keep a high profile and network at such events to assist our lawyers in building and servicing these markets.

Whilst I have no desire to divert staff or other resources to my particular interests, there is the ability to influence matters going forward. Projects started by my predecessors such as placing access to justice high on the agenda or the “Pride in the Profession” initiative started by Robert Bourns are very important and I intend to continue backing them.

Whichever government is in power, we will continue to deliver the message that access to justice is a fundamental

part of a truly democratic society. The fact that solicitors keep an increasingly creaky system going by our goodwill and pro bono work will also be highlighted.

Our outgoing president regarded social mobility as very important and that too is a priority. I was very fortunate, although, like many, did not realise it at the time, in that all my education was free and I got a grant.

It is much more difficult, if not impossible, nowadays for people from my kind of background to join our profession and I intend to back the work the Society is doing to remove any such barriers to entry.

The Law Society exists to serve it's members and I know that many solo practitioners are focused on issues like the General Data Protection Regulation and the Data Protection Bill.

We have already done work on these topics which I'd like to highlight to you – <http://www.lawsociety.org.uk/communities/the-city/articles/whos-afraid-of-the-gdpr/>



Who's afraid of the GDPR? – The Law Society

www.lawsociety.org.uk

Time is running out to prepare for what is being described as a major overhaul of the EU data protection regime. The General Data Protection Regulation (GDPR) will ...



The Law Society

– and more information will be forthcoming over the coming months. And of course there's a raft of material on this and other issues available on our website – lawsociety.org.uk.

Our Practice Advice Service offers support and advice on areas as diverse as anti-money laundering, conveyancing, private client, litigation and solicitors' costs.

Finally, I was elected on a platform of reminding Chancery Lane that there is life outside London.

One of the great delights of being an office holder is being invited to attend, and often speak at, local law society dinners. I have always regarded it as a small sacrifice to give up my Saturday morning lie in to travel back from such splendid evenings.

I intend to continue accepting as many such invitations as I can during my presidency and hope to gather the vast experience and knowhow of these societies together in a handbook to assist all societies big or small. I look forward to meeting as many of you as possible in the coming months.

WHY GETTING A GOOD PROFESSIONAL INDEMNITY INSURANCE BROKER COULD **SAVE YOUR LAW FIRM MONEY**

Finding a professional indemnity insurance (PII) broker who understands your business is the first step to securing the best deal for your law firm.

Most PI insurers will not sell directly to solicitors, but only through brokers, and a good broker will be able to advise you on which is the right deal for you, by explaining the relative merits of what each insurer offers.

Be aware that some PII brokers will work exclusively with one insurer while others will be able to do business with a number of insurers. Regardless, your broker should be willing to tell you if a particular insurer is the best option based on your needs even if it cannot directly access that company itself.

What to look for in your professional indemnity insurance broker

A competent PII broker should:

1. Ask you what your law firm's requirements are and source insurance terms to meet those requirements. This could include
 - Price
 - Excess
 - Limit
 - Financial security rating
 - Insurer reputation and track record

2. Approach professional indemnity insurers to obtain the most appropriate deal for your solicitor's practice. In providing terms they are required to disclose the extent of this exercise:

- Single market means that the broker has only approached one PI insurer
- Limited means that the broker has only approached a small number of PI insurers
- Fair means that the broker has approached PI insurers which it considers to be a fair reflection of the market

The ability of your PII broker is vitally important and it is not a level playing field. If a broker doesn't have direct access to the market or they are tied to a single insurer then they are not able to undertake a market exercise. Our general advice would be to choose a broker who has the relationships and direct access to insurers to enable it to approach the market as a whole.

Finding a trusted PII adviser is priceless

A PII broker's role shouldn't only be to find you a new policy each year. It should also be able to:

- Answer any questions you might have about your cover

- Advise you on what measures you can take to reduce your risk, and therefore potentially lower your premium in the long term;
- Explain the potential insurance implications of business decisions you're considering, such as branching out into a different line of work or changing your practice's legal status
- Support you if you have a claim. Some brokers have an in-house team of specialist that can handle and manage the claim on your behalf with the insurer

How your PII broker will help you choose an insurer

A good broker will be able to give you the benefit of their insight and experience when explaining which PII insurers cover your type and size of law firm, their relative financial strengths and track records, and just as importantly, their attitude and approach to paying claims so you can make an informed decision about which insurer to choose.

When deciding on a professional indemnity insurer ask what matters most to your law firm: is it price, their longevity in the market, its financial strength (reflected in its rating), customer service or claims paying record?



But when it comes to accepting an offer it's important you remember that it isn't just about price. PI insurance is one of the most expensive purchases a law firm has to make, it's true, but the quality of your insurer is crucial. Insurance is a promise to pay on your behalf if the worst ever happens, so it's essential that your professional indemnity insurer is around to keep that promise when you need it. Also, you don't want to be in a position where you're forced to buy two PII policies in one year, if your insurer unexpectedly exits the market.

Take your time before deciding which broker you use. Find one that suits your law firm's needs, based on your size, work and history, and build a relationship with them to ensure you get the best advice for your business.

Miller Insurance has produced a guide help you understand the process for purchasing professional indemnity insurance and to give you the essential information you need to make the right decisions. You can request a copy at www.miller-insurance.com/solicitors

Scott Thorne is a Client Advisor at Miller Insurance. His insurance career in 2006 previously working for Prime Professions Ltd within legal services, specialising in the 1 to 3 partner law firms and licensed conveyancer. He is responsible for managing and renewing the 1 to 3 partner book of business which contains over 1000 clients.

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UPDATE FROM LAW SOCIETY – LUBNA SHUJA



I attended the Law Society Council meeting on 5 and 6 July 2017 in my capacity as Council Member representing sole practitioners. I attach below an update on some Law Society activities together with a summary of the key issues discussed by the Council during that meeting. Updates are also available on the SPG website. If you would like to discuss or raise any issues affecting sole practitioners with the Law Society, please do not hesitate to contact me on info@legalswan.com or on 0121 551 7866.

Changes to governance for 2018 January

2018 is planned to see the roll-out of the first phase of the new governance arrangements agreed by Council. The governance review has been under way for some time, and the implementation of the initial set of changes has now been agreed. The new Main Board, intended to facilitate efficient and agile decision making, will meet at least every two months. Feeding in to this Board will be one board covering policy and regulation and another covering membership and operations. Chairs of these boards will sit on the Main Board. The specialist committees who bring their expert advice and perspective to the policy work of the society will report to the policy and regulation board. Work is also under way by the Council

Membership Committee to consider whether Council is fully representative, and recommendations will come to Council in due course.

Law Society – planning and finance

Financial plans for next year are based on a further reduction in the practising certificate fee, reflecting the Society's continuing drive to secure value for money for its members. As part of the business planning process for next year and beyond, a fresh look is being taken at the purpose of the Society and its objectives and culture. This will come together in plans for the next financial and business year which begins in November. The Law Society Group's Annual Report and Accounts for the previous year were also presented and can be found on the Law Society website: <http://www.lawsociety.org.uk/about-us/annual-report/>.

Praise for unsung pro bono Council discussed the great work done by Law Society members to support victims of the London Bridge, Finsbury Park and Manchester atrocities as well as the Grenfell Tower disaster. The Law Society worked behind the scenes to help connect solicitors offering pro bono help with clients in desperate need.

SQE – representing our views

SQE was also discussed, with the Society preparing its response to the latest SRA consultation which is due to close this month. The need for rigour and clarity in the definition of "degree equivalent" will be flagged up as there should be no drop in standards, especially in light of Brexit and the need to retain the global standing of the profession.

Brexit action

The Society has been working hard to help the government as negotiations

begin and ensure that issues including mutual recognition and access rights are central to discussion. These were set out in the Law Society's manifesto for justice and have shaped dialogue with the government. The Society has also been working with other European bars to protect our mutual interests as the process moves on. The Society has a dedicated web page on its work to support the profession and the reputation of England and Wales as a global legal centre: <http://www.lawsociety.org.uk/policycampaigns/campaigns/global-legal-centre/>

Greater diversity

Council discussed diversity in the profession and noted the work done by the Society to help increase this at all levels. This includes the Society's Diversity and Inclusion charter for firms, as well as the Society's social mobility ambassadors, showcasing people who have come to the profession from non traditional backgrounds as well as the Divisions for women, ethnic minority, LGBT lawyers and lawyers with disabilities. The Society will continue to focus on activities to support career progression and wellbeing for under represented groups and help firms tackle these issues.

Changes to the Gazette

You will see a new approach in the Gazette which is now featuring the outcomes of Council meetings and giving more visibility to the outputs from the Society's expert committees.

(HMCTS) that the scheme could heap more pressure on an already fragile system.

Wales

The Law Society Wales office held a panel discussion at the National Eisteddfod for Wales in Anglesey which focused on the law and the Welsh language. The panel was chaired by Judge Meleri Tudur, Deputy Chamber President of the Health, Education and Social Care Chamber. The panellists were Iwan Evans, Head of Legal Services, Gwynedd Council; Dylan Jones, Director, R Gordon Roberts Laurie & Co; and Parry Davies, Clwyd-Jones and Lloyd. The discussion was well-attended and well-received by members, the judiciary and key stakeholders.

And finally

New President and Officers Following the Council meeting, Joe Egan became the new President of the Law Society. Christina Blacklaws became the

Vice-President and Simon Davis the Deputy VicePresident. SPG congratulates them all and looks forward to working with them over the coming year. A number of new Council members were elected including Clive Sutton who will represent sole practitioners alongside me. He takes the place of Ian Lithman who retired from Council this year after many years of service. On behalf of SPG I would like to thank Ian immensely for his tireless efforts to put sole practitioners at the forefront of Council's Agenda for so long and I am sure you will join me in wishing him all the best in his retirement. I would also like to congratulate Clive on his appointment. I have no doubt he will continue with the good work and build on the excellent relationship we have with the Law Society.

Lubna Shuja

Law Society Council Member
(July 2017)

HMCTS proposals for a flexible operating hours pilot

Speed, ease and efficiency are laudable objectives for the court system in England and Wales, but current proposals for a flexible operating hours pilot raise far more concerns than solutions. When the plan to pilot extended court opening hours was first announced in May, the Society warned HM Courts & Tribunals Service

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ANTI-MONEY LAUNDERING REGULATIONS – FOUR PRINCIPLES TO GUIDE SOLE PRACTITIONERS THROUGH THE MINEFIELD

BY NICHOLAS WOOLF, DIRECTOR AND PRINCIPAL, NICHOLAS WOOLF & CO, AND SAM
CHEESBROUGH, ASSOCIATE, NICHOLAS WOOLF & CO

The Money laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (“the Regulations”) came into force on 26th June 2017, and impose a number of obligations on solicitors’ firms. The following are four principles, which appear to set out the intentions underpinning many of the Regulations, that sole practitioners may wish to consider when putting in place the various measures required by the Regulations.

1. Get it in writing, and put it somewhere accessible

Regulations 18 and 19 set out the requirements regarding risk assessments and policies that your firm must put in place. Importantly, such risk assessments and policies must be reduced to writing. It will also be necessary to produce the risk assessments, together with the information on which it was based and an up-to-date written record of your risk assessment steps, to the SRA upon request.

Similarly, Regulation 39 makes clear that you must keep records of checks on clients for at least five years after the business relationship has come to an end. Keeping a centralised, electronic record, rather than a paper record, may (in this instance) be preferable, not only as it keeps the office free from clutter, but also because it is easily accessible if you are required to produce such records to the SRA.

2. Don’t rest on your laurels

The risk assessment and policies must be reviewed and updated, and so a date should be diarised for this (potentially) laborious task. Looking ahead, it may become increasingly important to keep on top of your risk assessment and policies as Brexit approaches, and in the aftermath.

The Regulations implement the EU’s Fourth Money Laundering Directive, and it is possible that once the UK has left the EU, they may review these (and other similar) Regulations. Getting into the habit of reviewing risk assessments and policies may, apart from ensuring

compliance with the Regulations, also help to avoid being caught out, in what may become a rapidly moving regulatory landscape.

Similarly, in addition to the various factors set out in Regulation 18 that must be taken into account in any risk assessment, it will also be necessary to take into account any *“information made available”* by the SRA. The SRA has not yet provided guidance on this issue, so watch this space.

3. Tailor the templates to your circumstances

It is very tempting to download one of the many specimen policies and risk assessments, and leave it unchanged. However, this may cause a number of problems for sole practitioners. The Regulations require your policies to be *“proportionate with regard to the size and nature of the relevant person’s business”*. What is appropriate for a multi-national firm is unlikely to be appropriate for a sole practitioner. Similarly, what is appropriate for a firm that does mainly private client

work may not be appropriate for a firm dealing mainly with companies in other jurisdictions.

Specimens are a good springboard to drafting your policies and making your risk assessments. However, where a specimen has not been designed with your particular circumstances in mind, there is a risk of either (1) breaching the Regulations by not doing enough, and so not complying with your obligations, or (2) expending too much time and money in complying with policies and undertaking assessments that far exceed what is necessary for your firm.

4. Keep up-to-date

It is not unusual for people to accuse the legal world of being behind the times, or not up-to-date, with technology. However, if the recent spate of cyber attacks shows anything, it is the importance of ensuring that you, who must be approved by the SRA, and your employees, who you must train, are up to

speed with the Regulations. Regulation 24 makes clear that you must take measures to ensure that you and your employees are made aware of the requirements of data protection.

As above, what constitutes “*appropriate measures*” will depend on the size and nature of your firm. However, there are many conferences and talks that are designed to inform participants of any changes in the law, and on steps that can (and should) be taken to ensure compliance with the law. Law Society guidance should be followed. It may be that further measures need to be taken to comply with the Regulations. Attending such conferences and talks is a useful starting point.

Conclusion

It is very easy to become lost in a regulatory minefield, particularly where the regulations are prescriptive, and yet also ambiguous. It is hoped that the above four principles, broadly speaking,

may help to guide sole practitioners through this minefield, and to safer shores.

© Nicholas Woolf, Director and Principal, Nicholas Woolf & Co, and Sam Cheesbrough, Associate, Nicholas Woolf & Co.

8th August 2017

DISCLAIMER

This note comprises the view of the author as at 8th August 2017. This note is not a substitute for legal advice. Information may be incorrect or out of date, and may not constitute a definitive or complete statement of the law or the legal market in any area. This note is not intended to constitute advice in any specific situation. You should take legal advice in specific situations. All implied warranties and conditions are excluded, to the maximum extent permitted by law.



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For those wishing to explore further afield or extend their stay, other attractions include Blenheim Palace, Warwick Castle, Batsford Arboretum and for shopping there is the designer outlet at Bicester Village.

Full details of the conference programme will appear in the next edition of Solo and on our website. Early booking is recommended to avoid disappointment. We do hope you will be able to join us in making the Annual Conference a success.



Would you like to inspire your fellow Sole Practitioners?

SOLO is a bi-annual publication which aims to inform and support sole practitioners and is delivered in both hard copy and digital formats.

The SOLO editorial team welcomes contributions from our members. Do you:

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Want to update your fellow Sole Practitioners with the latest developments in your specialist area?

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Contributor Guidelines

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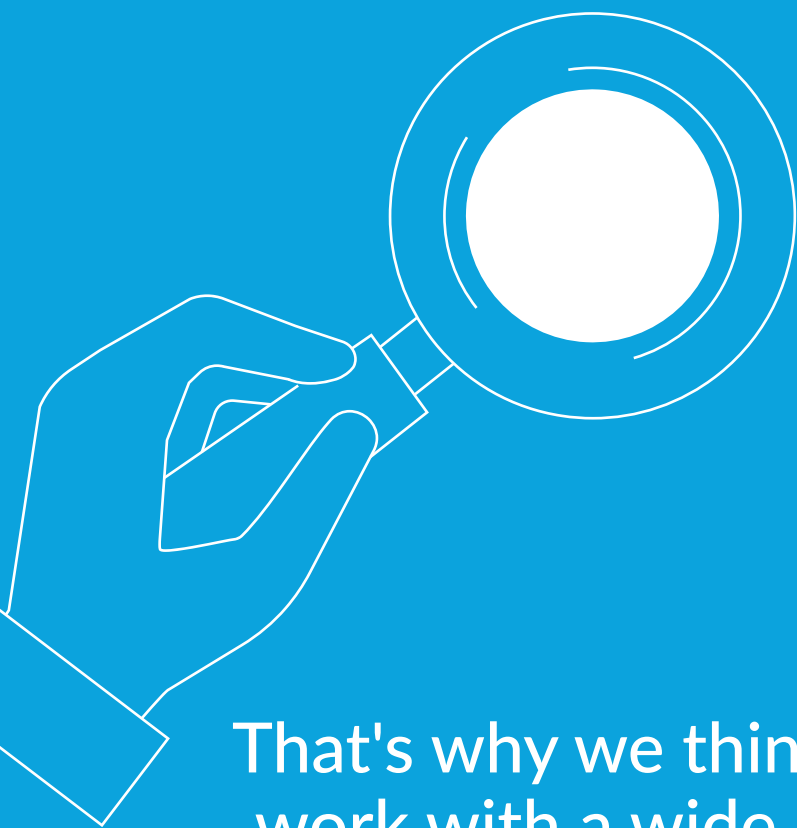
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