

Bournemouth & District Lawyer



**Harry Redknapp,
Lara Newbold
and Michael Newbold**
BDLS President

INCLUDED IN THIS ISSUE:
Vulnerable Clients – Vulnerable Lawyers?
BDLS Wellbeing Survey
Advising on Restrictive Covenants

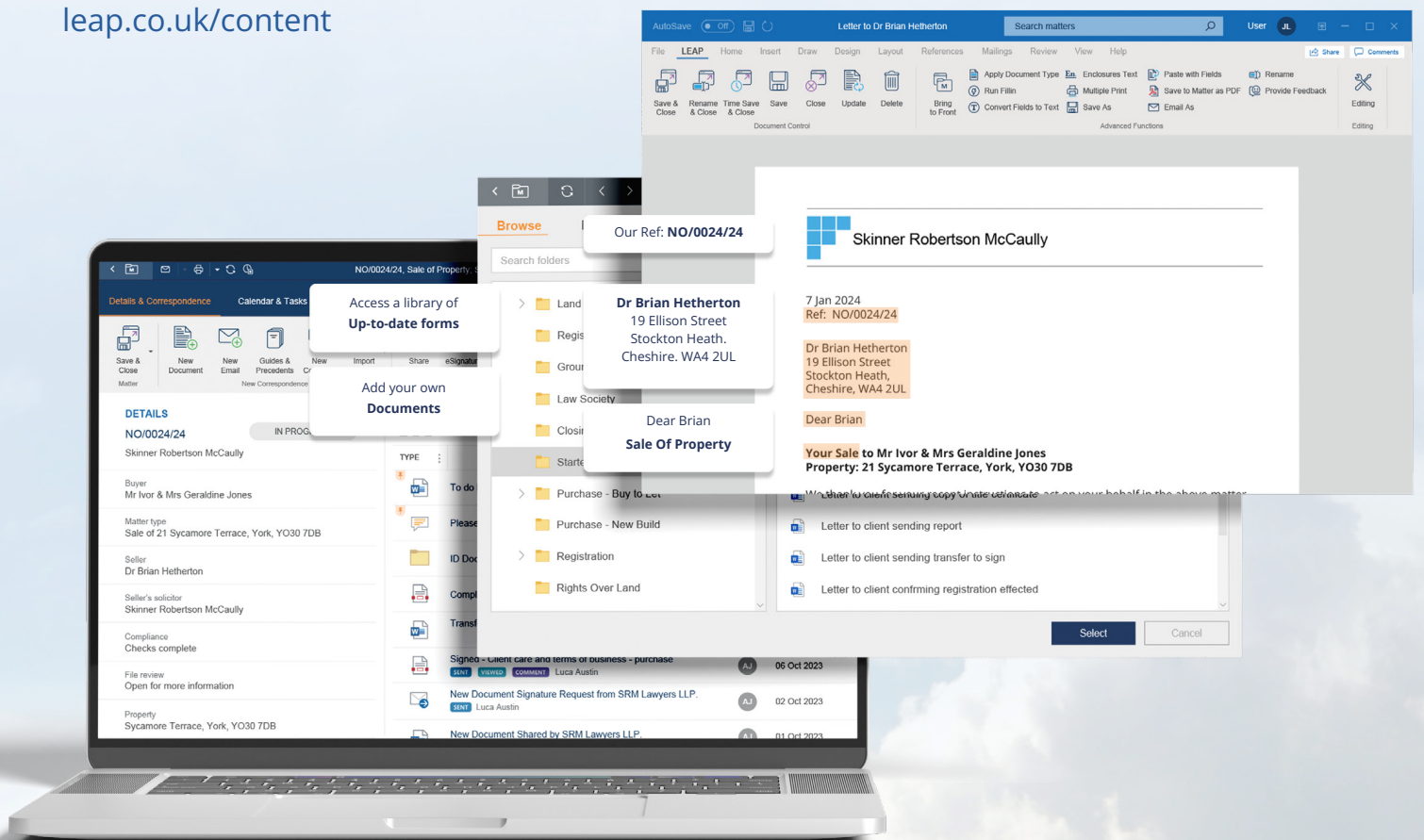


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BOURNEMOUTH & DISTRICT LAWYER Bournemouth & District Law Society Magazine

Members will receive our 'Bournemouth Lawyer' by email.

Our Magazines are sent out quarterly as follows:

EDITION	MONTH	COPY DEADLINE
Summer	June 2024	20 April 2024
Autumn	September 2024	
Winter	December 2024	
Spring	March 2025	

The copy deadline for receipt at the BDLS office for the next edition – the Winter issue – will be **20 April 2024**.

We welcome your firms' news and any advertisements. Please send to office@bournemouthlaw.com.



Follow us on LinkedIn

COVER INFORMATION

Harry Redknapp with Lara Newbold and Michael Newbold, BDLS President

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BDLS DIARY 2024

Fri 19 April	BDLS Annual Dinner at The Highcliff Marriott, Bournemouth
Wed 15 May	BDLS Quiz Night at The Marsham Court Hotel, Bournemouth
Mon 17 June	BDLS Annual General Meeting at Captains Club Hotel, Christchurch
Thu 28 Nov	BDLS Christmas Wine Tasting Evening at The Marsham Court Hotel, Bournemouth

The President's Column

Michael Newbold



The deadline for my writing my Presidential columns seems to be coming quicker and quicker, although it did dawn on me over Christmas that I was now over half through my term – doesn't time fly when you are having fun!

Having had an especially busy October, things have been a bit quieter on the Presidential front since my last column, although there always seems to be lots to do. For instance, Mandy decided that it was only right that we should both visit the venue for the Annual Dinner, the Highcliff Marriott Hotel, in December in order to sample the menu. It was a good job that we did as, apart from making a few small changes to what we had originally decided should be on the menu, everyone who attends will now be able to drink superior wine to that which we were going to have! The only unfortunate thing that resulted from our visit was Mandy sustaining a head injury courtesy of my car boot, which I can assure you was not my fault!! Fortunately, Mandy recovered fairly quickly and did not require medical assistance.

We had our last social event of the year at the end of November, namely the wine tasting evening. This proved to be such a success that the event will be repeated again in November of this year. We had another General Committee meeting in January. The consensus from the Committee was that the venue for this and the next two meetings should be back at the Marsham Court Hotel, which seems to have become the spiritual home of BDLS.

Later in January Theresa Mills and I attended a rural pub just north of Andover for the bi-annual Southern Area Association of Law Societies (SAALS) meeting. Unfortunately, I was unable to attend the last one due to my being on holiday. I hadn't heard of

SAALS until a few years ago. It is a group comprising the local law societies of Berkshire, Buckinghamshire and Oxfordshire (BB&O), BDLS, Dorset, Hampshire, Hertfordshire, the Isle of Wight and Middlesex, where we share ideas and try, if possible, to take a joint approach towards matters that we face as a profession. Recent issues which have been discussed have included indemnity insurance, the SRA and my old favourite, unregulated Will Writers. I was very proud to give my report of what we have done as a Society during my Presidency and there seemed to be general consensus at the meeting that we are very active Society.

The big event of course at this time of year is the Annual Lunch, which took place on 7th February. In the end we had a total of 523 people attending and I am so glad that everyone who wanted to come was able to. It is a real testament to the members of BDLS that this event is as popular as ever and I hope that everyone who attended had a good time.

The next big event is the Annual Dinner on 19th April followed shortly after by the Curry and Quiz Night on 15 May We look forward to seeing you all there. ■

MICHAEL NEWBOLD
BDLS President



Southern Area Association of Law Societies January Meeting

BDLS Christmas Wine Tasting Evening

30 November 2023 Marsham Court Hotel



We were delighted to welcome back wine expert, Gemma Withenshaw, for our Christmas wine tasting evening. Gemma shared with us her passion for wine, guiding us through a tasting of six wines, including champagne and port, perfect for the Christmas season.

It was great to see such a large turnout from both experienced wine tasters and those attending for the first time. The evening proved to be a resounding success bringing wine enthusiasts together to celebrate Christmas in style!

The hotel provided us with delicious cheeseboards and everyone had a fun evening. As always, the service from the Marsham Court was first-class.

A huge thank you to our sponsors – Saffery, 3PB and Iceberg - whose representatives also came along to mingle and enjoy the evening.

We have booked Gemma again for our 2024 Christmas tasting and this will be on Thursday 28 November, back again at the Marsham Court Hotel. Further details will be emailed to members in due course. ■

MANDY HEATH
BDLS Office Manager

Kindly sponsored by:

iceberg

3PB
BARRISTERS

Saffery



Kayleigh Medland, Suzanne Kadziola and Deborah Fenton.



Mark Proctor, Neil White and Mike Collins



Gemma Withenshaw, Stuart Bell, Ethan French, Anna Curtis, Jean Cross, Julian Heath



Annie Rollinson, Sherrie-Ann Chappell, Natasha Boyland
Mark Kiteley, Jean Cross



Julian Heath and Stephen Bowden

A Festive Stroll: Christmas Pub Walk in Brockenhurst

17 December 2023 New Forest

Just before Christmas, a group of BDLS members and their families, including four dogs, had a leisurely stroll in the New Forest, ending up with a delightful pub lunch at the Forest Park Hotel. It was a crisp winter's day, the rain stayed away and the sun came out for us!

The food and service at the pub was excellent and they even gave us our own dining room – either because we were rather muddy or too noisy!

Watch this space for our next pub walk! ■

ED HOLMES
Past President



BDLS

Annual Lunch

7 February 2024
The Pavilion, Bournemouth

The BDLS prestigious Annual Lunch this year was, once again, held in the Pavilion Ballroom, Bournemouth. With an astonishing 523 guests, this was by far the most attendees we have had at this event!

After a fabulous lunch, BDLS President, Michael Newbold, welcomed the top table guests including the guest speaker, Harry Redknapp, and the sponsors. Michael thanked the guests for supporting the event and recounted when he first met Harry in the late 1980's at a BDLS v celebrities golf match.

Harry gave an entertaining and amusing speech, recounting memorable moments from his football playing days with the likes of legends Bobby Moore and Geoff Hurst. The trials and tribulations of his time as a football manager were also touched upon and had the audience enthralled. Lastly, he was surprised to discover when participating in "I'm a Celebrity, Get me Out of Here!" that there wasn't a canteen off camera and he did, much to his disappointment, have to survive on rice and beans!

Our sponsors were Paragon, Wilson & Roe, PKF Francis Clark, Finders, Search Acumen and Barclays. A huge thank you to them for supporting this event. ■

MANDY HEATH
BDLS Office Manager



Emily Chapman, Ben and Anna Dilling



Tom Scott, Roger Wareham, Rebecca Kefford, Ami Wilkins, Sally Gravener



Lauren Williams, Jack Gordge, Shaun Delahunty, Nicola Lowe, Luke Stace and Mirela Constantin



Dan Blundell, Ryan Senior, Mark Jones and Piers Winton (Paragon)



Emma Hamilton Cole and Suzanne Kadziola



Emily Jackson, Andy Lyalle, Laurence Pipkin, Jayna Patel, Claire Bunton, Melanie Reynolds, Alice Toop and Nadia Choudhury



Ed Holmes, Adele Storey and Eric Roe



Stewart Bulpitt, Steve Gritt, Mandy Heath, James Empson and David Moakes



Tim O'Sullivan, Carol Maunder and Mark Kiteley



Jonathan Davies and Adrian Cormack



Sue Lovejoy, Sarah Townsend and Sophia Davis



Jonathan Talbot, Luke Piper and John Munro



James Braund and Neil White

BDLS Annual Dinner

Friday 19 April 2024
Highcliff Marriott, Bournemouth

Guest Speaker
Michael Mansfield KC
of Nexus Chambers



Our Annual Dinner will take place on Friday 19 April 2024 at the Bournemouth Marriot Hotel.

We are delighted to have secured MICHAEL MANSFIELD, KC as our guest speaker. Michael was called to the bar in 1967 and became Queens Counsel in 1989. Passionate about civil liberties and overturning miscarriages of justice, he represented clients from the Birmingham 6, the Guildford 4 and the Tottenham 3. He has fought for the Orgreave miners and for the families of victims of Bloody Sunday, Hillsborough, the Marchioness, Lockerbie and Grenfell, as well as for the parents of Stephen Lawrence.

Please click here for further details: <https://www.bournemouthlaw.com/res/Annual%20Dinner%20Flyer%202026.pdf>

Please book online at www.bournemouthlaw.com/events or scan the QR code



Kindly sponsored by:



BDLS Quiz & Curry Night

Wednesday 15 May 2024
Marsham Court Hotel, Bournemouth



Our Quiz and Curry Night is back by popular demand! The venue is the Marsham Court Hotel, Bournemouth and it will be on Wednesday 15 May from 19:00.

The ticket price is £18 per person and includes either a chicken or vegetable curry. Teams are for four people. However, if you are individual, then we can allocate a team for you.

Please click here for further details: <https://www.bournemouthlaw.com/res/Quiz%20Night%2015%20May%202024%20flyer.jpg>

Please book online at BDLS | Events <https://www.bournemouthlaw.com/events> or scan the QR code:



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BDLS European Conference

3 – 7 October 2024
to Jersey

This year's European Conference in October is to Jersey. The weekend will be an opportunity to learn about the rich history of the Island being the only part of the British Isles to be occupied during World War Two. We will explore the wonderful island and enjoy the cuisine and sample the fine wines. This trip will be full of unique experiences for which the annual BDLS European Law Conference has become known.

- Return Ferry Travel to St Helier with Condor Ferries
- 3 Nights Bed and Breakfast in the 4 Star Savoy Hotel, St Helier (very good reputation for its food and gin selection!)
- A Tour of the Courts and State Assembly
- Private Tour of Vineyard to include Wine Tasting
- Gala Dinner
- Visit to War Tunnels
- Coach Tour of the Islands
- Dinner on First Night
- Lunch on 2 Days
- Private Coach Transfers throughout Weekend

Please click here for full details and costs: [■](#)



EDWARD HOLMES
European Conference Organiser





Bournemouth & District Junior Lawyers Division

Since last writing, the Bournemouth District Junior Lawyers Division ('BDJLD') has been busy making the most of our new committee members and we have worked hard to host and plan many exciting events.

On 14th December 2023, we hosted a cheese and wine night which we knew would be a success when tickets sold out a few days! Renoufs in Southbourne play a fantastic host and we had a lovely time chatting and stuffing ourselves with good cheese and wine, all of course in the Christmas spirit. The Roche Montagne and Manchego were delightful! A special thank you to General Committee member Joseph Hammond (Lester Aldridge LLP) for his help in organising this event.

Very much different to indulging in the good food and ever aiming to be diverse in the events offered by the BDJLD, we introduced a run club that kicked off on 11th January 2024. We ran every other Thursday in January and February, meeting up just outside Aruba for 6:15pm. Thank you to our Sports Officer, Abba Atkin (Steele Raymond LLP) and our Bar Liaison Officer, Abi Griffin (3PB) for organising our runs.

Mid-January, Elysium Accountants kindly linked up with BDJLD to host a lunchtime webinar – 'Accounts for Solicitors' with particular focus to interpretation of accounts at Companies House and review of service charge accounts in the leaseholder / landlord setting. It was great to offer a webinar for all our property solicitors and the feedback was very positive. Thank you to our general member, Ash Scott (Steele Raymond LLP) for organising with Educational Events Officer, Paige Abbott (Ellis Jones Solicitors).

Keeping the focus on sports for January, we hosted Keep Calm and Golf On at Christchurch Golf Club on 29th January 2024. Christchurch Golf Club were incredibly helpful hosts offering access to the driving range and indoor simulators with access to the professional coaches on hand. This was a fun networking opportunity and makes for a different environment to link up with fellow young lawyers in. The pizza afterwards was certainly a treat for all

our hard work. Thank you to our Sports Officer, Abba Atkin (Steele Raymond LLP) and Vice President, Sophie Rice (Steele Raymond LLP) for arranging this event.

In other news, we have appointed a new Charity of the year. We thoroughly enjoyed working with Sheltered Work Opportunity Project 'SWOP' and can confirm we raised a brilliant £1,300 last year.

We are well under way in terms of planning our Annual Summer Ball. We are pleased to confirm we are hosting at the Hilton Hotel this year and a 'save the date' for 12 July 2024 has been released. We hope to see as many of you there as possible at our flagship event; get those dancing shoes dusted off! ■

Emily Chapman
President for BDJLD 2023-2024
<https://www.bdjld.co.uk/>

BDLS Lecture Programme 2023/2024

KEY:

LIVE WEBINARS
FACE TO FACE LECTURES



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DATE AND TIME	LECTURE	FORMAT	LECTURER	VENUE
15 March 2024 10:00 – 11:00	Getting to Grips with Microsoft Word	Live Webinar	Matt Smithson (BCP Skills & Learning)	Zoom
19 March 2024 14:00 – 17:15	Family Law Update	Face to Face	College Chambers	Bournemouth Carlton Hotel
16 April 2024 13:30 – 16:45	Residential Conveyancing Update	Face to Face	Richard Snape	Marsham Court Hotel
24 April 2024 12:00 – 13:00	Corporate Law Roundup	Live Webinar	Chris Beanland	Zoom
25 April 2024 14:00 – 16:45	Leadership and Influence: Leading people to create success in your organisation	Face to Face	Warren Munson	Marsham Court Hotel
1 May 2024 10:30 – 12:00	Effective tax planning for businesses and farms in a changing environment	Live Webinar	John Bunker	Zoom
8 May 2024 14:00 – 17:15	All Change – the last 12 months in Civil Procedure	Face to Face	Andrew McLoughlin	Marsham Court Hotel
16 May 2024 14:00 – 17:15	Dealing with Small Family Trusts	Face to Face	Lesley King	Bournemouth Carlton Hotel
11 and 12 June 2024 (two days) 09:30 – 17:00	Residential Conveyancing for Support Staff	Face to Face	Ian Quayle	Marsham Court Hotel
13 June 2024 09:30 – 12:45	Client Complaints in Residential Conveyancing	Face to Face	Ian Quayle	Marsham Court Hotel
13 June 2024 13:30 – 16:45	Commercial Property Update	Face to Face	Ian Quayle	Marsham Court Hotel
25 June 2024 14:00 – 16:30	Family Law - -Update and More	Face to Face	HHJ Chris Simmonds and DJ John Bridger	Bournemouth Carlton Hotel
27 June 2024 10:30 – 11:30	Inheritance Tax and Lifetime Gifts	Live Webinar	Helen Brander, Pump Court Chambers	Zoom
3 July 2024 09:30 – 16:30	Compliance Conference	Face to Face	Various	Marsham Court Hotel
4 July 2024 14:00 – 17:15	Wills and variations in IHT planning	Face to Face	John Bunker	TBC
10 September 2024 10:00 – 11:00	Key Considerations for advising LGBTQIA client son Wills, LPAs and other private Client Matters	Live Webinar	Kirsty Limacher	Zoom
12 September 2024	Topic to be confirmed	Live Webinar	Richard Snape	Zoom
8 October 2024	Private Client Conference	Face to Face	Various	Marsham Court Hotel
15 October 2024 Time TBC	Topic to be confirmed	Live Webinar	Ian Quayle	Zoom
7 November 2024	Property Conference	Face to Face	Various	Marsham Court Hotel
14 November 2024 14:00 – 17:15	Topic to be confirmed	Face to Face	Andrew McLoughlin	TBC

All lectures are to be booked online. For further details please visit Bournemouth and District Law Society Website.

www.bournemouthlaw.com/lectures or scan here: ■



Course Notes

For environmental reasons, BDLS will no longer be providing printed course notes at lectures. Lecture notes will be emailed to delegates in advance for either printing or accessing via their laptop or alternative device on the day.

Payment for lectures

Please note: Payment must be received at the office before the lecture takes place. All payments are to be paid by BACS. Course bookings will only be confirmed upon payment. Webinars are charged per person and not for group bookings.

Cancellation Policy

No refunds will be given for any booking cancelled within two days of the lecture/webinar taking place.

We strive to offer our members a range of lectures not just covering competency “B” – Technical Legal Practice but also to meet the wider competencies which all solicitors need to state annually they are meeting. The 4 competencies are:

A – Ethics, Professionalism and Judgement

B – Technical Legal Practice

C – Working with other people

D – Managing yourself and your own work

For further information:

<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>. ■

Summary of Upcoming Webinars and Lectures

WEBINAR Friday 15 March 2024 – 10:00 – 11:00

Topic **GETTING TO GRIPS WITH MICROSOFT WORD**

Lecturer **Matt Smithson, Skills and Learning: Adult Community Education**

Cost **£35 – Member and Associate Members of BDLS/Trainees** (Solicitors; Cilex; Apprentices)
£55 – Non Member of BDLS

■ This webinar will be delivered by Matt Smithson of Skills and Learning: Adult Community Education <https://www.skillsandlearningace.com/>

Following our recent successful Excel workshop, Matt will be guiding us through tips and tricks using Microsoft word. Topics to be covered:

- Useful shortcuts and tips
- Text & paragraph formatting options
- Reviewing documents - comments and tracking changes
- Creating templates

Summary of Upcoming Webinars and Lectures

LECTURE Tuesday 19 March 2024 – 14:00 – 17:15

Topic **FAMILY LAW UPDATE**

Lecturer **Anthony Hand, Derek Marshall, Elizabeth Bowden and Molly Mifsud – College Chambers**

Venue **Carlton Hotel, Bournemouth**

Cost **£50 – Member and Associate Members of BDLS/Trainees** (Solicitors; Cilex; Apprentices)
£75 – Non Member of BDLS

■ College Chambers will be covering the following topics in this Family Law Update:

1. Arbitration and ADR in Family Proceedings
 - Arbitration and ADR has been brought into the mainstream for family finance, TLATA and Inheritance Act cases - what's not to like?
2. Practical guide for financial remedy hearings
 - When should you use the stick, and are there any carrots? A look into the real-world options for getting the information you need when one party will not provide it.
3. The Role of the Guardian at Fact-Finds. The angel or devil brief?
 - How to make sure you are your Guardian's angel at fact-finds.
4. Private Child Update
 - Barbie or Oppenheimer....What are the nominees for best private law case of the last 12 months, and who will win the Oscar?

LECTURE Tuesday 16 April 2024 – 14:30 – 16:45

Topic **RESIDENTIAL CONVEYANCING UPDATE**

Lecturer **Richard Snape**

Venue **Marsham Court Hotel, Bournemouth**

Cost **£75 – Member and Associate Members of BDLS/Trainees** (Solicitors; Cilex; Apprentices)
£100 – Non Member of BDLS

■ The Leasehold and Freehold Reform Bill is the most significant piece of property legislation in a generation. In addition, the Building Safety Act continues to cause major problems. Topics covered include:

- Changes to the Fire Safety Order 2005;
- Building Safety Act 2022 and registration of higher-risk buildings;
- Building Safety Act 2022 and Leaseholder protections;
- Building Safety Act 2022 changes to leasehold extensions;
- Mortgage Company requirements;
- Recent case law;
- The Renters (Reform) Bill and the abolition of assured shorthold tenancies;
- Ground Rent Issues including case law on solicitors liability;
- Law Society guidance on climate change;
- The Leasehold and Freehold Reform Bill: changes to lease extensions, ground rents, service charges, estate charges, rent charges and leasehold houses.

Summary of Upcoming Webinars and Lectures

WEBINAR Wednesday 24 April 2024 – 12:00 – 13:00

Topic	CORPORATE LAW ROUNDUP
Lecturer	Chris Beanland
Cost	£35 – Member and Associate Members of BDLS/Trainees (Solicitors; Cilex; Apprentices) £55 – Non Member of BDLS

■ This webinar will include:

- A general corporate update including cases of interest in the last year with practical application;
- Recent developments regarding W&I insurance;
- Updates in relation to warranties, indemnities and disclosure;
- Market practice regarding financial limits re warranties, indemnities and tax;
- An update regarding restrictive covenants and confidentiality provisions

LECTURE Thursday 25 April 2024 – 14:00 – 16:45

Topic	LEADERSHIP AND INFLUENCE – LEADING PEOPLE TO CREATE SUCCESS IN YOUR ORGANISATION
Lecturer	Warren Munson, Evolve
Venue	Marsham Court Hotel, Bournemouth
Cost	£75 – Member and Associate Members of BDLS/Trainees (Solicitors; Cilex; Apprentices) £100 – Non Member of BDLS

■ This course will help you develop your leadership abilities and enable you to apply the right approach to get the results you want. Why attend and what to expect:

- Understanding Leadership & Influence
- Defining the qualities of good leadership
- Getting the right balance of support & challenge
- Situational leadership.
- Create personal goals and actions

Advising on Restrictive Covenants in Residential Conveyancing Transactions



Having spent many years perusing and drafting reports on title in residential conveyancing transactions and examining case law and claims on this topic I thought it useful to explore what are the choices available when advising on restrictive covenants and at the same time to share a recent summary judgement application that found its way to the Court of Appeal .

1. The Basics

Firstly a reminder of some basic points –

- For a restrictive covenant to be enforceable it must be negatively worded and negative in scope.
- It must benefit identifiable parcel of land
- It must burden an identifiable parcel of land
- It must be worded so that the benefit and burden run with the land
- And, of course, it must be protected by DII Land charge or agreed/unilateral notice in the charges register

2. What do we advise clients:

- when buying land burdened with a restrictive covenant

I think you have three choices and the choice made should be explained to the client when scoping the retainer

a) To explain and advise the client in the retainer that you will simply be drawing to the attention of the client those restrictive covenants referred to in the registered title , relevant conveyance, or registered as a Dii Land Charge but then explaining to the client that you have not investigated with the covenants are enforceable or not and if they are enforceable who can enforce them

b) To explain and advise in the retainer that you will investigate whether any restrictive covenants are enforceable and if so who can enforce.

c) To explain and advise in the retainer that given the objective of the client there is or are restrictive covenants that will potentially prevent that objective being achieved and that those restrictive covenants will be investigated to ascertain enforceability.

- When buying land that benefits from a restrictive covenant

I think it is important to explain the terms of the covenant and to explain and advise whether you have investigated whether in fact and law the covenant is enforceable and which land is burdened by the covenant or not.

No matter I think you should explain to the client that even though a covenant appears to be enforceable –

1. The owner of the burdened land could apply to the Land Tribunal under Section 84 of the LPA 1925 to vary or remove the covenant.

2. The owner of the burdened land could approach your client at some point in the future to buy out the covenant.

3. The right to enforce the covenant could be lost by your client due to an estoppel or waiver arising due to inactivity in the face of an apparent or potential breach of the covenant.

The above issues should also be considered when acting on the sale of land where the land is being subject to new restrictive covenants.

All of these issues should be identified in the retainer and the scope of your activity in connection with these issues identified.

3. Investigating restrictive covenants

If we refer back to the basic points mentioned in 1 previously a question that commonly arises is to what extent a conveyancer should carry out investigations as to the enforceability of restrictive covenants. Once again it is important to identify –

- a. Those covenants which are clearly enforceable by another landowner.
- b. Those covenants which are clearly not enforceable by another landowner
- c. Those covenants where it is difficult if not impossible to confirm enforceability or otherwise.

I would invite practitioners to exercise caution with regard to enforceability and as a result let us focus on C and decide what course of action would be appropriate where as in most cases it is impossible to determine whether a covenant is enforceable or not.

An investigation or review of the basic features of an enforceable restrictive covenant would be a starting point followed by –

- a) A limited investigation of old title deeds, old files and the undertaking of searches such as land charges searches or examination of old deeds might be beneficial. A word of caution is required as a thorough and extensive investigation might run the risk of invalidating a defective title insurance policy that might be required at a later date. For the same reason enquiries of neighbouring landowners, former owners of the land in question etc might also raise problems.

- b) A careful consideration of the wording of the covenant is required combined with an awareness of recent case law. Counsel's opinion may be well be appropriate where wording requires interpretation. Also do not focus on the wording of the covenant in question but look at the wording of other covenants which might shed light on what the covenant means or the extent of the restriction being imposed.

- c) If you are going to rely on defective title insurance it is probably best to do so early on in the process to avoid the



potential disclosure issue mentioned in a) above. Warn clients about what a defective title policy does, the duties the client owes to the insurer and the extent of the cover provided.

A recent case highlights the issue of the interpretation of restrictive covenants. Albeit an appeal of a summary judgement *Mackenzie V Cheung* [2023] EWHC 220(Ch) This case concerned a standard restrictive covenant “, that no building be erected except one detached dwelling house and outbuildings” and a provision in the Third Schedule of the conveyance which is less common providing “The Governors [i.e., the vendors] reserve the right to deal with any of the plots situated upon this estate or any of their adjoining or neighbouring land without reference to and independently of these stipulations and also reserve the right to allow a departure from them in any one or more cases.”

The case concerned whether a deed of modification varying the restrictive covenant was permissible given the existence of the covenant and the provision.

On an application for summary judgement by the Respondent the Deputy Master construed the provision to mean only that the vendors had no obligation, when dealing with subsequent conveyances of the retained land, to impose restrictions in the terms of the Third Schedule.

The Respondent appealed and on appeal Miles J disagreed, holding that the second part of Third Schedule, paragraph 11 was broad enough to encompass a waiver or release of restrictive covenants entered into in respect of land already sold. In doing so he highlighted the word “also”, and the presence of other provisions giving the vendors a continuing role in the management of the land, and the desirability of the vendors having to seek permission from one entity, rather than a large number of parties with the benefit of the covenants.

The Court of Appeal upheld Miles J’s judgment. Newey LJ, giving the lead judgment, decided that the ordinary and natural meaning of the second part of Third Schedule, paragraph 11 had a distinct function conferring an additional right. This was evident from the use of the word “also” and the meaning of “departure” being most obviously that the vendors could allow the purchaser to do something which otherwise they could not. In short allowing the vendors to vary existing covenants with the restriction not only applying to new covenants. The word any being particular significant ■

Ian Quayle

Ian Quayle will be presenting the following courses for BDLs members:

11 and 12 June 2024
(two days)

13 June 2024

13 June 2024

Residential Conveyancing for Support Staff

Client Complaints in Residential Conveyancing
Commercial Property Update

Please visit <https://www.bournemouthlaw.com/bournemouth-district-law-society-lectures> for full details

The Council Member's Report

PETER WATSON-LEE
Law Society Council Member for Dorset



60 Carey Street – Love it or List it?

On the opposite corner from the Law Society in Chancery Lane, stands a charming old gentleman's house built in 1731. For the last hundred years it has been owned by the Law Society. It includes a flat for the President, committee rooms that once bustled with activity (for a time used by the Solicitors Disciplinary Tribunal), a flat for the servants and even cellars for the President's personal wines. There is also dining room where over the years many politicians and senior judges have been entertained – guests range from Margaret Thatcher to Putin (some years ago). But apart from still housing a flat for the President, all the rest has long gone – even the dining room has fallen silent since the lock-downs hit.

The big question is whether it should be retained or sold. Retaining would require some significant updating – and sale would incur a significant capital gains tax bill. Is it a historic and important part of the Law Society's soft power – or is it out of step with the modern and inclusive organisation that the Law Society seeks to be?

Passions are high on both side of the argument but all are agreed a verdict is needed and a series of debates are underway to decide its fate.



Axiom Ince – Claims on the Compensation Fund to be covered?

The Legal Services Board have confirmed there will be a review of the collapse of Axiom Ince and the executives at the SRA (Solicitors Regulation Authority) are likely to be summoned to explain their actions as the enquiry tries

to get to the bottom of how it could have happened. The Serious Fraud Office are already conducting a criminal investigation into the firm. But the position remains that there is likely to be a shortfall of £60 million plus which we solicitors may well have to cover by making further contributions to the compensation fund. At the same time, stories are beginning to surface as to the problems the collapse is causing the firm's many clients who have been left in limbo in the middle of transactions and estate administrations. This is a disaster story that is going to run and run.



A picture at the end of a recent Council Meeting. Outgoing President Lubna Shuja with the camera phone, standing next to Vice President Richard Atkinson (with me obscured behind him!)

Legal Heroes 2024

After the triumphant inauguration of Legal Heroes last year, the 2024 edition is now being launched. The previous year saw seven exceptional winners celebrated for their diverse backgrounds and impactful contributions. Many were early-career solicitors who stood out for their remarkable work. Imagine the possibility of a Legal Hero emerging from the Bournemouth area! Keep an eye out for announcements and consider whom you could nominate. ■

Peter Watson-Lee
Law Society Council Member for Dorset



Vulnerable Clients – Vulnerable Lawyers?

As you will have read elsewhere in this edition our wellbeing survey results are in – and make interesting (and worrying) reading. Just over half of our respondents to the survey said that they are working with vulnerable clients. This got me thinking about what a vulnerable client is. As a family lawyer I know that probably the majority of my clients are vulnerable in some way, whether that be as a victim of abuse or controlling behaviour, or through issues with decision making which might be as a result of illness (such as dementia) but also through trauma and depression which can reduce our decision making abilities. I regularly suggest or refer clients for counselling and other support to help them move forward for example.

But it's not just family clients who are vulnerable. Our colleagues with probate/wills and elderly care practices regularly deal with older people who might have capacity challenges, but also bereaved people who are psychologically vulnerable. Personal injury clients might have suffered damage which leaves them vulnerable – not just mentally, but physically too.

Of course, those same people might want to sell a property, or a business, or deal with employment issues or get into trouble with the police and those lawyers are meeting with them too. Where we sense a client is particularly vulnerable for any reason, the natural instinct is to want to make sure that we protect them and help them, even more acutely than those clients who appear more resilient.

As we know, not all vulnerability is obvious. Neurodiverse clients can be adept at making the challenges they have in an effort to 'fit in'. Bereaved or separated clients can sometimes present as angry (and not just bereft or sad) and those with physical and mental injury the same.

Dealing with clients who are experiencing these challenges can be very difficult for lawyers. It can take some time, and experience, to develop coping strategies to help us deal with the work we must do in a way that is as helpful as possible for our clients but also prevents us absorbing their emotions and suffering additional consequent stress and anxiety. Recognising

the client's challenge and acknowledging it can help them feel heard and reduce the need for continual reassurance on that front. Seeking support from team members and managers with an 'open door' policy can also be beneficial. Having the ability to take a break after difficult meetings or calls can be useful to prevent the stress of that client leaching into the rest of the day.

I have previously talked about the importance of support networks and feel this is one of the key elements to coping with what can be stressful and difficult cases. It is up to leaders in firms to give their colleagues at every level 'permission' to take steps to protect themselves from the sometimes debilitating effects that this sort of work can cause. The ability to discuss or simply let off steam after challenging interactions is so helpful and will often lead to alternative approaches or solutions being considered. This will all enable us to do a great job for our vulnerable clients but perhaps feel the stress of that situation a little less.

I invite you to consider over the coming weeks whether you are dealing with vulnerable clients – and whether in fact it really is only just about half of us doing so - and whether the challenges presented by dealing with those clients is properly managed for you, and your team. ■

Emma Hamilton Cole
BDLS Litigation and Dispute Resolution Sub-Committee Chair

LEAP and WillSuite launch new end-to-end digital solution for estate planning and management



Seb Shakh, founder and CEO of WillSuite and Craig Matthews, CEO of LEAP Estates

LEAP, the global provider of legal practice management software, and WillSuite, the estate planning innovator, have joined forces to launch LEAP Estates, an end-to-end digital solution for estate management, probate and lifetime planning professionals.

LEAP Estates is a specialist practice productivity solution that equips Private Client practitioners with the tools they need to manage matters on a single platform. Previously, many departments had to use multiple applications for practice management, wills, LPA applications, trusts and probate applications. However, the new solution from LEAP and WillSuite provides a single location for all these functions, improving and simplifying both the practitioner and client experience.

The mission of LEAP Estates is to continually elevate the provision of private client service through innovative technology. Both based in Nottingham and benefiting from the city's booming technology scene, the two pioneers of legal cloud technology have developed LEAP Estates to support practitioners navigate the changing legal technology landscape. The solution benefits from the shared knowledge, development capabilities and operational resources from both businesses, which is essential in delivering highly effective software with estate management, probate and lifetime planning professionals in mind.

As a specialised division, LEAP Estates offers intuitive information and processes that can be shared with clients, facilitating dynamic and proactive estate planning. LEAP Estates users will also have access to the software provider's extensive content library, including new recent additions for Private Client practitioners.

One recent addition to the content library is a document that provides hyperlinks to all the legacy settings on social media. This document is designed to be shared to clients. It offers advice on how to enable legacy settings on platforms like Twitter, Facebook, and Instagram for individuals considering their legacy and making a will.

"Estate planning and Private Client practice probably evolve more rapidly than any other area of law, because it responds to how we live our lives today," says Craig Matthews, CEO of LEAP Estates. "As a society our attitudes to estate planning are changing, with healthier and younger people considering lifetime planning. Each new generation brings a different asset portfolio, and family structures now vary, impacting wills and probate services. Assets have also evolved, with elements like cryptocurrency, NFTs and digital banking now playing a role. We've developed LEAP Estates to support Private Client practitioners in meeting the evolving needs of individuals in their lifetime planning."

LEAP Estates also includes key functionality for will writing, available through WillSuite. This includes mirroring across wills and LPAs, as well as LPA copying. The will writing software provider works in partnership with the Institute of Professional Will Writers and The Society of Will Writers, with over 3,500 wills and 2,500 LPAs drafted on the WillSuite platform each week.

Seb Shakh, founder and CEO of WillSuite comments, "Since inception in 2015, WillSuite has grown from strength to strength. Our software is now firmly a market-leader, and simplifying the delivery of Private Client work for thousands across the profession is what we do best. This collaboration with LEAP is the next logical step in our journey and pairing our expertise with the world's largest legal tech platform ensures we can deliver even greater advancements and efficiencies within the sector together through a single integrated solution."

LEAP Estates can sit within a specialist private firm or a department of a firm. It is also available to accountants offering lifetime planning and probate services, will writers, estate planners and IFAs. For more information, please visit www.leapestates.co.uk. ■

About LEAP Estates

LEAP Estates occupies a unique position in the legal software market, providing specialist software for probate solicitors and estate planners.

With powerful features and functionality, the innovative solution provides everything you need to manage your client's wills, LPAs and estates efficiently, including case management, accounting, document assembly and management, will building and legal publishing assets in one integrated cloud solution.

For more information, please visit www.leap.co.uk.

About WillSuite

WillSuite offers cloud-based software that simplifies the process of drafting Wills, LPAs, and other documents for Will drafters, Financial advisers, Solicitors, and Estate planners. With innovation at its core, WillSuite aids efficiency, minimising errors, and improving client service and has allowed practitioners to generate over 600,000 Wills and 1 million documents since inception in 2015. Partnered with The Society of Will Writers and the Institute of Professional Willwriters, WillSuite includes document automation tools delivering up to date content and clauses written in plain English, seamless integrations, and improved client communication via custom workflows and automated branded channels. Learn more at <https://willsuite.co.uk/contact>.



BDLS Wellbeing Survey 2024

A huge thank you to everyone that took the time to take part in our Wellbeing Survey. The results are available here. https://www.bournemouthlaw.com/res/wellbeing_2024_report.pdf

When we first asked our members for feedback in September 2019 (the results published as our 2020 Wellbeing Survey) we were not quite sure what to expect. We knew from the work carried out by the Junior Lawyers Division and others that elements of the profession were struggling, but we did not know whether our own members were experiencing similar issues. The results were clear, and those who read the report will recall that 88% of those that replied had experienced stress at work, and nearly one in five had experienced physical symptoms.

There were reasons to suspect that overall levels of anxiety and mental ill health may have increased since 2019, with the covid pandemic being an obvious factor. However, that led to a significant increase in flexible working. For the first time we are able to see the impact of these changes and where it is possible to do so the results are presented together with those from 2019 as a comparison.

There is a move in the degree of symptoms escalating slightly from mild to moderate. The single largest cause of stress remains clients' expectations and management, and the number of members highlighting this has risen notably, as have issues with a high workload.

The consequences remain a huge concern. MOST people lost sleep. Nearly half made or nearly made a mistake. Many experienced problems in their relationships or looked for another job.

One reason to run the survey is to give an opportunity to share strategies members have put in place to manage or reduce stress levels. Talking to family is amongst the most mentioned, together with exercise and taking a proper break. Unhappily some report they have had to seek counselling or are leaving the profession altogether.

Although we do so cautiously given the range of variables, our results allow us to draw some comparisons between groups. For example, members may be interested to know that those who work mainly in the office are more likely to answer that they are never stressed, and less likely to answer that they are regularly stressed, but this is at the cost of a bump in the occasionally stressed category. Interesting, but perhaps not enough to argue a case strongly in favour of the benefits of either.

Members may have considered whether partners/directors suffer higher or lower levels of stress than others within the organisation? Do additional responsibilities to the regulator and to the bank outweigh an assumed ability to more directly

influence their working life? The answer appears to be that a partner/director is less likely to never be stressed but is just as likely to respond that they are regularly stressed.

Of course, the most important question when given these results is for the Society to ask "what can we do to help?" If as stated, the two biggest triggers for our members are managing client expectations and a high workload, then what can we do? The committee are sourcing courses that may assist members in managing expectations and details will be made available shortly. As to a high workload, perhaps the best we can do is to carry out exercises such as this, so that managers can see the issues that are occurring, and the many adverse and severe consequences that follow. Ultimately, it is clear that members will vote with their feet and leave an environment that is not supportive of their wellbeing.

A number of responses referenced the role of Mental Health First Aiders within their organisation. Since our 2020 report we have offered and repeated workshops that lead to this accreditation, and our Magazine offers the contact details of MHFAs who may be willing to speak to members who work for firms with no MHFA of their own.

29% of members did not know of an organisation that they could talk to or approach for help. We are pleased to give details of some organisations at the end of the report, but any of our Mental Health First Aiders can offer details of other organisations and resources that may help.

Suggestions for events to take place in 2024 already include yoga and meditation sessions, more pub walks, and even a sauna! As usual, further details will follow in the magazine, email and BDLS social media. We propose to hold regular open meetings through the year to discuss wellbeing issues, strategies and solutions and all are welcome to attend.

The Society now enjoys over 700 members. With that wealth of shared knowledge and experience we look forward to tackling the challenges posed by stress and mental ill health together, and doing all that we can to improve the wellbeing of all of us. ■

Mark Kiteley,
Chair, BDLS Wellbeing and Diversity Sub-Committee

LawCare

Supporting the Legal Community

LawCare is the mental wellbeing charity for the legal community. They offer free, confidential, emotional support to anyone working in the law.

Call their helpline: 0800 279 6888
Monday to Friday, 9am to 5pm*

Online chat is available Monday to Friday, 9am to 5pm whenever you see the red 'Chat Online' button on their website <https://www.lawcare.org.uk/>

*If you can't call during these hours, please email their support team support@lawcare.org.uk and they will do our best to make alternative arrangements for you. ■

Free, confidential, non-judgemental emotional support for anyone working in a legal environment. We provide a space for you to talk through whatever is on your mind. We can also signpost you to other support agencies. Please contact any of the following:



Mark Kiteley
mkiteley@rawlinsdavvreeves.com
Tel: 01202 558844



Nicola Lowe
Nicolalowe@hgwalker.co.uk
Tel: 01202 881454 or 07854 787358
(outside office hours)



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BDLS MEMBERS' BENEFITS

Did you know as a member of BDLS, you can take advantage of the corporate rate with BH Live leisure centres? The monthly cost is £36, as opposed to the usual fee of £42. This includes use of the gym, swimming pool, spa and classes across all their sites in Bournemouth and Poole. Please visit their website for full details <https://bhliveactive.org.uk/join>

If you would like to join, please email me at mandy@bournemouthlaw.com and I will provide you with an email to confirm your membership with BDLS.

We hope to soon be able to offer further membership benefits so watch this space!

Firms' News

Kelly Greig elected as worldwide Chair of STEP

Kelly Greig, Partner and Head of Estate Planning and Tax team at Steele Raymond, has been elected as worldwide Chair of STEP.

STEP is a global professional body, comprising lawyers, accountants, trustees and other practitioners that help families plan for their futures. With more than 21,000 members worldwide, STEP's mission is to inspire confidence in families planning their assets across generations. Full STEP members, like Kelly, are known as TEPs. They are internationally recognised as experts in their field, with proven qualifications and experience. ■



Kelly Greig

SteeleRaymond

Fretten joins forces with Kemps Solicitors

Fretten are delighted to announce that they have joined forces with specialist employment law firm Kemps Solicitors. Michelle Kemp has become partner and Head of our Employment and Kate Fretten has rejoined them as a Consultant in the department she founded 17 years ago. ■



Kate Fretten



Michelle Kemp



Firms' News

Coles Miller Raises £1,485 At Business Come Dancing

Coles Miller Solicitors were thrilled once again to take part in this year's annual Business Come Dancing contest organised by Pavilion Dance South West - not only on the dance floor but also behind the judges' desk!

Wills and probate solicitor, Kerry Hay, took to the floor with professional dance teacher Julie Wathen and although they weren't victorious this year they wowed the judges with their tap dancing routine.

Last year the firm's Head of Commercial Property, Kerry Houston-Kypta and her professional dance partner Marek Lynch won with their Argentine Tango and Kerry was very pleased to be asked back this year as a judge and to be able to revisit her Tango routine.

Huge congratulations to everyone involved in such a sensational evening. Well done to 3rd place Oonagh McKinney from Frettns Solicitors (Bollywood), 2nd place Sam Rowe from Clarke Rowe Solicitors Ltd (Charleston) and 1st was #Willdoes charity (musical theatre).

The Business Come Dancing black-tie fundraiser took place in November 2023 at the Highcliff Marriott Hotel on Bournemouth's West Cliff and has so far raised a staggering £15,907! Kerry Hay's contribution to this total was a phenomenal £1,485.

Pavilion Dance South West develops and aims to transform lives through dance - delivering dance-based targeted health and wellbeing programmes in Dorset schools, care homes, community settings, and its own venue in the centre of Bournemouth. ■



Kerry Houston-Kypta with her dance partner, Marek Lynch



Kerry Hay and Julie Wathen

Firms' News

Promotions at Ellis Jones



L:R Conor Maher, Florence Newton, Luke Hunt, Nigel Smith, Tim McMahon, Sophie Webster, George Patey and Rebecca Goudy

Ellis Jones Solicitors has made a raft of promotions as it shapes the next generation of its leadership team. It has announced seven appointments across a range of departments in its six offices. The firm – with more than 170 staff including 21 Partners – rewarded the rising stars as it continues to develop talent from within for senior roles.

Tim McMahon, from Banking and Finance Litigation, and Conor Maher, from Dispute Resolution, have both been promoted to Senior Associate.

Rebecca Goudy, from the Employment team, and Florence Newton from Dispute Resolution, have both been made Associate.

Sophie Webster, George Patey and Luke Hunt from the Residential Conveyancing department have also been promoted to Associate. Sophie and George work in the firm's Swanage office and Luke is based in Ringwood. ■

**ELLIS
JONES**
SOLICITORS

Migrant Support Handbook

LEGAL ACTION GROUP

The access to justice charity

By Shu Shin Luh and Connor Johnston

AN INDISPENSABLE HANDBOOK FOR SPECIALISTS IN IMMIGRATION LAW, YET ACCESSIBLE TO ALL INTERESTED READERS

An appreciation by Elizabeth Robson Taylor MA of Richmond Green Chambers and Phillip Taylor MBE, Head of Chambers, Reviews Editor, "The Barrister", and Mediator

Migrant Support Handbook

Shu Shin Luh and Connor Johnston

LAG

Is there a new law text out there that is more topical than this? Not to mention more vital than this? Probably not -- although many may well argue the point. It is indisputable, however, that mass migration, whether legal or illegal, has become an international problem, particularly for the UK -- and in the view of many -- it is a problem that is well-nigh insoluble.

It is fair to say, however, that immigration lawyers in particular -- as well as anyone involved in, or committed to, achieving viable solutions to the problems inherent in migrant support -- will welcome the publication of this book by the Legal Action Group.

Authors Shu Shin Luh and Connor Johnston have noted that the book (conceived some six years ago) was painstakingly researched and written to 'replace the irreplaceable' "Support For Asylum-Seekers" by Sue Willman and Steve Knaffer QC, published by LAG in 2009. It is sobering to recall how much and how quickly and relentlessly the world has changed since then -- making the problem of asylum seekers ever more acute.

The publication of this book is therefore all the timelier. And certainly, the almost insoluble complexity of its subject matter is reflected in its more than 1,200 pages of scholarly and thorough research presented (in the tradition of the LAG) in a clear, accessible style; accessible, that is, not only to lawyers, but to anyone interested in, or involved with, this detailed and certainly controversial and difficult subject, which has occasioned so much debate.

With its focus on the welfare and legal rights of migrants, the book provides in-depth coverage of, for example, housing and welfare, benefits, NHS access and provision and social services, as well as support for failed asylum seekers with reference to special cases; notably unaccompanied children and -- most heart-rending of all -- the victims of human trafficking.

This is a handbook you could almost call encyclopaedic. Certainly, it offers specialists in this wide-ranging and many-faceted and complex area of law, a gateway to further research. Note that the first 150 or so pages contain tables of cases... statutes... statutory instruments... immigration rules... and a table of European and international legislation. Also, for a volume its size, it is remarkably easy to navigate, containing as it does, copious footnotes, a detailed table of contents and an even more minutely detailed index of at least 115 pages. A handy handbook? Absolutely.

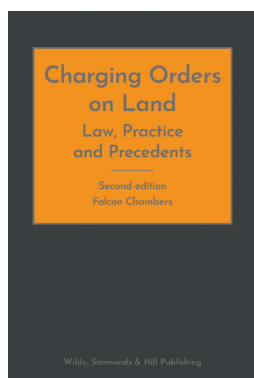
As immigration -- both legal and illegal -- will undoubtedly emerge as a prime issue during elections and beyond, this scholarly yet eminently readable volume will prove indispensable, not only to practitioners, but to anyone interested in the wide-ranging issues inherent in this undeniably difficult area of law. ■

Charging Orders On Land Practice and Precedents

2nd Edition

By Cecily Crampin and Michael Ransom and members of Falcon Chambers

CHARGING ORDERS ON A DEBTOR'S PROPERTY: CLEAR, AUTHORITATIVE AND PRACTICAL ADVICE FROM FALCON CHAMBERS



An appreciation by Elizabeth Robson Taylor MA of Richmond Green Chambers and Phillip Taylor MBE, Head of Chambers, Reviews Editor, 'The Barrister' and Mediator

“Charging Orders on Land” has now arrived as a second edition from Falcon Chambers for 2024 -- an event which will certainly be welcomed by counsel embroiled in the specifics of charging orders, which, more often than not, present special problems.

What we have here is a highly specialised and quite narrow area of law in which attention to minute detail is all too often imperative. The precedents at the back of the book are of great

assistance to those involved in drafting orders.

Fortunately for practitioners and judges dealing with the challenge of changing orders, this distinguished text published by Wildy, Simmonds & Hill, presents up to date and authoritative help in what is now regarded as the definitive work on the subject.

Editors Cecily Crampin and Michael Ransom are assisted by nine contributors from Falcon Chambers, known as the set which specialises in land law and landlord and tenant work. Practitioners seeking guidance from this new and updated edition can be confident that they are in good hands. For example, there's a new chapter on insolvency regimes, plus the inclusion of new CPR procedures and precedents.

This then, is an ample and detailed compendium of practical advice and guidance on 'the enforcement of money judgements by means of obtaining a charging order.' Initially, this may sound straightforward, except that all too often it isn't, as any number of complications can occur within the various stages of enforcement on which there is a special chapter. Also read the chapter on priorities and problems and note the specialist advice on sanctions, tenanted property, overseas entities and much more, including the new chapter on corporate and personal insolvency.

Certainly the book can be depended upon to explain or clarify the various -- and seemingly endless -- snags and contingencies that frequently occur within this particular category of law, including (probably the most frequent of all) the cases which come under the heading of 'Personal Circumstances: the family home' which typically is balanced against the claims of the judgment debtor's spouse... or possibly former, or divorcing spouse... or 'any children who live in the property to be shared.'

It is also carefully pointed out that sometimes in such cases, the charging order can be withheld, or the interest of one party, for example, can be transferred to the other. Small wonder then that, in the opinion of quite a few practitioners, the concept of the charging order all too often presents a serious impediment to selling a house and clogging up the already stretched housing market.

Considering the often complicated and sometimes controversial area of law, it is reassuring for the busy practitioners that this comprehensive and carefully researched legal text is easy to navigate. The table of contents is almost minutely detailed, and the extensive appendices offer more than 100 pages of statutory material and precedents -- an invaluable resource which will be of special interest to counsel charged with drafting orders. Also note the tables of cases, statutes, and statutory instruments, plus tables of European conventions and other material.

Any practitioner involved in this highly specialised area will find this comprehensive and carefully researched legal text well-nigh indispensable. ■

Turnaround Management 2nd Edition

Unlocking and Preserving Value in Distressed Businesses By Alan Tilley

A SECOND CHANCE FOR ENTREPRENEURS FACING INSOLVENCY? CHECK OUT THIS IN-DEPTH ANALYSIS OF 'TURNAROUND MANAGEMENT' FROM GLOBE



An appreciation by Elizabeth Robson Taylor MA of Richmond Green Chambers and Phillip Taylor MBE, Head of Chambers, Reviews Editor, "The Barrister", and Mediator

If you are a lawyer with a corporate client -- or clients -- facing financial distress and ultimately insolvency, you need this book, published recently by Globe Law and Business.

Note the usefully descriptive subtitle: 'Unlocking and Preserving Value in Distressed Businesses'.

This says it all, you may say, but as its processes

are linked to a complex area of law, there is a lot more to be said, especially when multi-jurisdictional complications emerge.

With lengthy and detailed experience in this specialised area of consultancy, author Alan Tilley provides a broad range of authoritative advice, aimed specifically at those who are confronted with the undeniably challenging task of advising and managing companies teetering on the sharp edge of insolvency, with its intimidating spectrum of possible consequences.

The book and the wealth of advice therein is aimed primarily at those who find themselves in the role of turnaround manager. Such a role, as the author explains 'usually involves operating in an executive rather than a consultative role' and as such, 'exposes the professional to the risks of personal liability.' You have been warned.

However, no need to despair -- as Tilley adds that operating through a limited liability entity, with a properly constructed engagement contract reduces the risks. Proper professional performance is the ultimate guarantee of risk avoidance.

Anyone in the legal profession or accountancy and/or financial services, might well wonder how this increasingly obvious need for 'turnaround management' got started and whether or not it is proving itself effective.

The author's positive answer is that turnaround management is becoming 'increasingly recognized as an important part of business' and that the understanding of its obvious benefits is growing. Tilley is confident that the concept has more than likely evolved as a result of the influence of Chapter 11 of the United States Bankruptcy Code of 1970, which is based on the concept of 'giving entrepreneurs a second chance' primarily by creating the concept, so called, of 'debtor-in-possession' (DIP) -- usually by means of a restructuring plan while the company is protected from creditors. Better results for shareholders certainly loom large here as a distinct possibility.

Although a complex subject, 'turnaround management' is explained in this book with admirable clarity, covering as it does, the risks involved, as well as the potential rewards. Based in the author's 40-plus years of experience in this field, the consultancy, advice, and guidance contained in this compact volume is high-value indeed. Note too, the handy appendix which contains over 20 pages of useful guidelines and policy recommendations.

With its international orientation, as well as its straightforward advice, this book should be considered as an essential purchase for business and law professionals worldwide. ■

Situations Vacant



HEPPENSTALLS

SOLICITORS

SINCE 1893

Head of Conveyancing

We are looking for an experienced and highly motivated conveyancer practicing as a Solicitor, Legal Executive or Licensed Conveyancer, at least 5+ PQE and a proven track record of supervision and development as there is a requirement to train and mentor. Heppenstalls offer a professional, yet down-to-earth environment where traditional values meet modern application. We are growing and expanding our business which will be able to offer many avenues for progression and innovation. As a family first law firm we are mindful of the needs of a work life balance and do what we can to manage that while also achieving the high standards we set ourselves.

Role Description:

- Manage own caseload and supervise/develop a team
- Be motivated and enthusiastic to thrive in a busy environment
- Have great customer care and maintain good relationships with stake holders
- Identify new client and referral partners and other beneficial relationships

Benefits:

Competitive pay
On-site parking
Christmas shut down
Flexible working opportunities
Engaging and supportive environment

Please apply with a CV and Covering Letter to enquiries@heppenstalls.co.uk

Situations Wanted

WORK EXPERIENCE

Year 12 St Peter's 6th Form student. Keen to study Law at university is looking for 1 week's work experience. 1st July 2024. Please email: owenmatthews@gmail.com

WORK EXPERIENCE

Darcey Garner, a student at Avonbourne Academy (Year 10) is looking for work experience in a legal practice for the period 17th – 21st June 2024. This would ideally be within the Bournemouth area. She has a keen interest in the law and would be looking for an apprenticeship at a later date.

Please email Darcey at darcey48@icloud.com for further information.

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To advertise in Bournemouth & District Lawyer please call **Catherine McCarthy** our Business and Features Editor on **0151 236 4141** or email: catherine@benhampublishing.com

Family Law Arbitration at 3PB



Photo by Ante Hamersmit on Unsplash.com

The family team at 3PB is one of the leading sets in progressive non-court dispute resolution within family law. Within our 80-strong team of family barristers, we have four highly-skilled IFLA arbitrators: two of whom are qualified to arbitrate in financial remedy and property disputes, and two in private children law disputes.

Our members often serve as ENE specialists and Arbitrators in Private law Children Act matters and Financial remedy matters encompassing, private FDR hearings, family property disputes (TOLATA) and Child related matters.

The 3PB family team is strongly dedicated to helping parties resolve their cases outside the courtroom when appropriate. With a backlog of 110,000 cases in the family courts and six-month delays for first hearings 3PB's commitment to providing an alternative is unwavering.

3PB views non-court resolution as a better way when used for cases that are suitable, Clients can handpick their Judge and have their undivided attention at a venue and time of their choosing with no danger of late adjournments and lost fees.

Chambers provides dedicated suites across four of our six centres in London, Birmingham, Bristol and Bournemouth, equipped with hearing rooms and private conference/breakout rooms. While these appointments are typically held in chambers, we can accommodate remote sessions for parties located at a distance or internationally. We also offer "special measures" to ensure parties do not come into direct contact with each other, where requested. Our members are flexible and willing to attend appointments at mutually agreed locations.

For an operational overview of the process and its many benefits please visit our website at www.3pb.co.uk ■



3PB
BARRISTERS

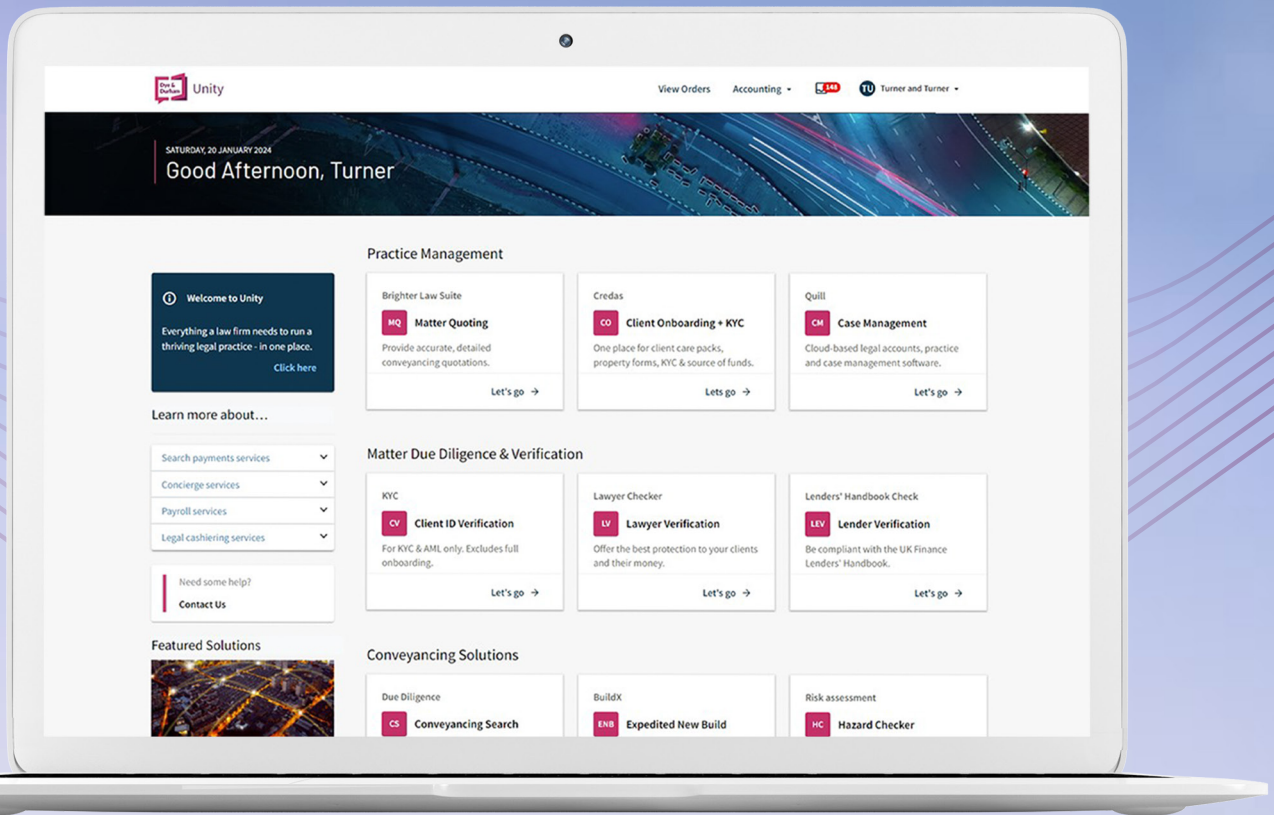
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For more information, please contact our specialist family clerks on:
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The Future of Legal Tech

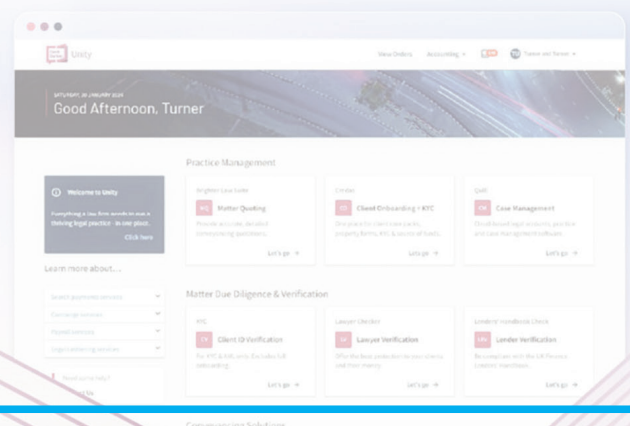
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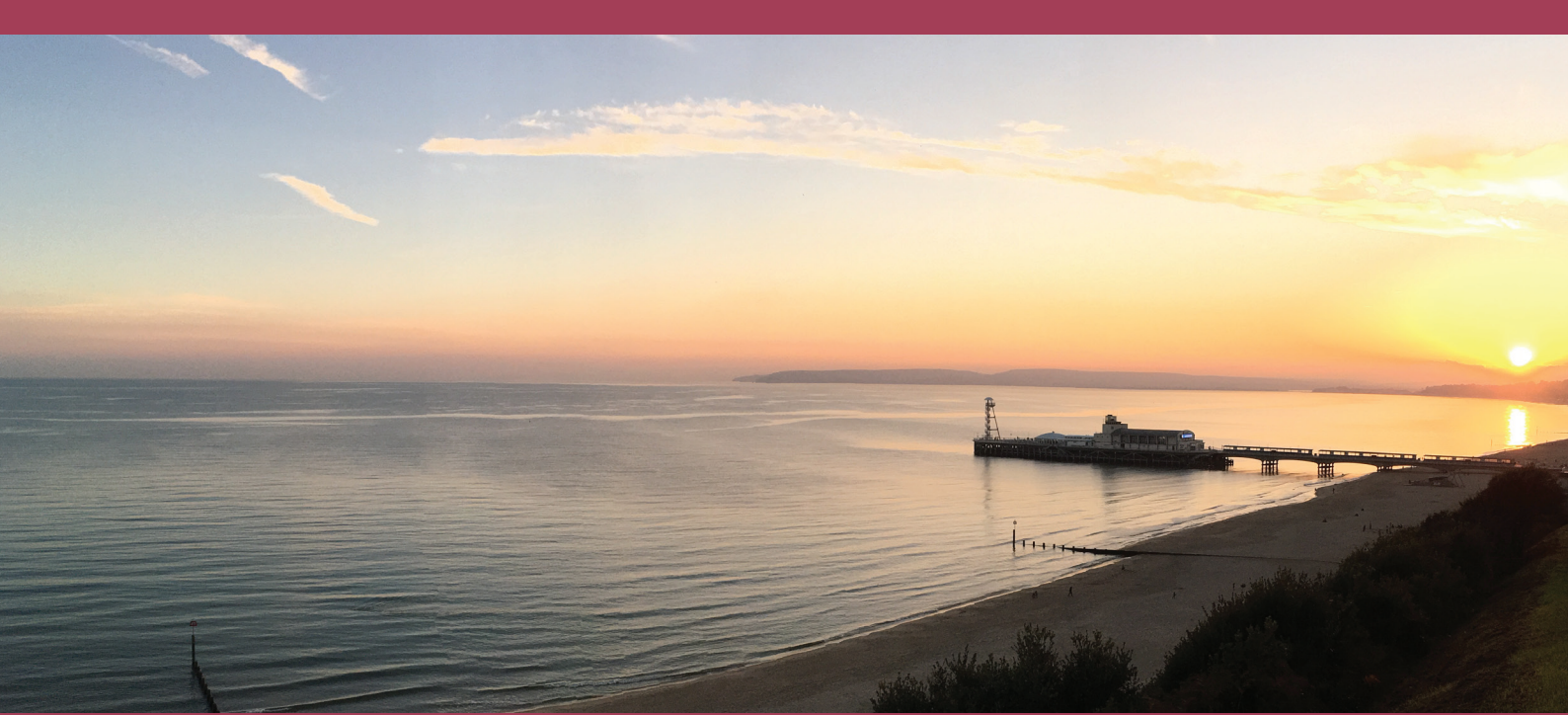
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