

# DONCASTER AND DISTRICT LAW SOCIETY

WINTER 2018/2019 NEWSLETTER

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ISSUE 3 FOR DONCASTER AND DISTRICT LAWYERS

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## 2019 TRAINING SCHEDULE



We kicked off 2019 with our new Training Schedule. 'Impressions Count in Law' presented by Susan Willoughby, Risk and Compliance Manager at Atherton Godfrey Solicitors was held on 16th January - the first session to start off a fantastic new year of training!

Alison Kitchman, Training Officer said: " "Excellent" was the unanimous feedback from the first training session of the year. This soft-skills course was entertaining, informative and thought-provoking. We certainly got to know each other better following the icebreaker – beware if your chosen shape is a squiggle – it might say more about you than you think! However, what goes on in the training room, stays

in the training room, so if you feel you are missing out then ensure that you are now there for future sessions.

Training is the Power House of personal improvement and professional development. It enables us to be our best-self and serve our clients well. Available on our doorstep, Doncaster Law Society's training programme enables us to bring our local lawyers together with minimum cost and maximum benefit. "

See the full training programme on our website. To book or if you would like your name adding to the mailing list for training notifications please contact our Training Officer [alison.kitchman@switalskis.co.uk](mailto:alison.kitchman@switalskis.co.uk) or phone 01302 279740

## WHAT'S IN STORE FOR 2019:

- Spring Dinner Dance - March 29th at the Holiday Inn, Warmsworth

## UPCOMING TRAINING:

- February 5th - Trips and Tales in Family Law by District Judge Rogers
- March 5th - Networking Skills by Steve Kitchman, Doncaster Chamber of Commerce
- April 2nd - Social Media Uses and Abuses by Maria Dallas and Rachel Wilkins of Atherton Godfrey
- May 8th - Advocacy Skills and Court Preparation by Megan Rhys of St Johns Buildings
- June 12th - Cohabitation Update by Andrew Lord of St Johns Buildings

## FOLLOW US ON SOCIAL MEDIA



- Instagram: [doncasterlawsociety](https://www.instagram.com/doncasterlawsociety)
- Twitter: [@doncasterlawsoc](https://twitter.com/doncasterlawsoc)
- Facebook: Doncaster Law Society



## SPRING DINNER DANCE

After the great success of last years ball at Doncaster Wildlife Park, Doncaster Law Society invites you to attend their Spring Dinner Dance. Join us to enjoy a drink on arrival, a delicious three course meal in addition to entertainment from violinist Alexandra Parker and a DJ and dancing into the evening.

The event will be held on Friday 29th March 2019, 7pm - Late at the Holiday Inn, Warmsworth. Tickets are £55 per person or £500 for a table of 10. Get your tickets by contacting [rharrison@malcolmcfoy.co.uk](mailto:rharrison@malcolmcfoy.co.uk) and we look forward to seeing you there!



## IN THE NEWS...

- Thirteen people applied online for a divorce on Christmas Day 2018 according to government figures. Over the period between Christmas Eve and New Years day 455 applications were made in England and Wales.
- The MOJ rolled out a new online Probate Application System offering it as a 'simpler way of doing probate' available to the 'public at large'. It is now available to most named executors in England and Wales and allows applicants to apply and swear their declaration of truth online, without any need to visit a solicitor.
- Legal Aid for Welfare Benefit cases has dropped massively over the last ten years. There were 443 legal help matter starts in 2017/18 compared to 135,751 in 2008/09.

**KNOW ANYONE THAT ISN'T MEMBER? DIRECT THEM TO THE 'JOIN US' PAGE OF OUR WEBSITE...**



## MEMBER BENEFITS

- Connect with the local legal community
- Training FREE for all members
- Automatic enrolment to our quarterly DDLS newsletter
- The opportunity to submit content to the DDLS newsletter and website
- Inclusion in our directory of lawyers published on our website
- A platform for members' opinions to be heard locally and nationally
- Representation at the regional and national law society
- Engagement with our local MPs
- Networking with other professionals
- Access to exclusive discounts and benefits
- Regular social events including quiz nights

# JOHN MCQUATER ON THE CIVIL LIABILITY BILL

"For personal injury and clinical negligence practitioners there are further significant reforms on the way. This article will focus on two key current topics; the Civil Liability Act 2018; and fixed costs in clinical negligence claims.

## Civil Liability Act 2018

This Civil Liability Bill completed its passage through Parliament on 20 November and received Royal Assent on 20 December. That Act paves the way for significant changes to the way some road traffic accident claims are dealt with and also sets up a new machinery for setting the discount rate.

## Road Traffic Accidents

The Act is intended to introduce changes to the way claims for "whiplash" injuries arising out of road traffic accidents are dealt with.

Section 1 (2) defines a "whiplash" injury as:  
"(a) a sprain, strain, tear, rupture or lesser damage of a muscle, tendon or ligament in the neck, back or shoulder, or  
(b) an injury of soft tissue associated with a muscle, tendon or ligament in the neck, back or shoulder."

Section 1 (3) excepts an injury from the scope of Section 1 (2) if:

"(a) it is an injury of soft tissue which is a part of or connected to another injury, and  
(b) the other injury is not an injury of soft tissue in the neck, back or shoulder of a description falling within subsection (2)."

Section 1 (4) defines the type of accident to which the provisions of the Act will apply as being: "...a person suffers a whiplash injury because of driver negligence if—

(a) when the person suffers the injury, the person—

(i) is using a motor vehicle other than a motor cycle on a road or other public place in England or Wales, or

(ii) is being carried in or on a motor vehicle other than a motor cycle while another uses the vehicle on a road or other public place in England or Wales.

(b) the injury is caused—

(i) by the negligence of one or more other persons, or

(ii) partly by the negligence of one or more other persons and partly by the negligence of the person who suffers the injury, and

(c) the negligence of the other person or persons consists in an act or acts done by the person or persons while using a motor vehicle on a road or other public place in England or Wales."

Conventional damages, for claims covered by the Act, are to be replaced by a system of tariffs which will be set by regulations made under the Act and are not expected to reflect the current level of damages awarded by the courts.

At the same time the small claims limit, for road traffic accident claims, will increase to £5,000 (though only to £2,000 for other types of personal injury claim). It is intended the current portal be updated so that can readily be used by litigants in person. Whilst these changes were originally intended for introduction in April 2019 it now seems likely they will not happen until 2020.

## Discount Rate

An overdue correction to the discount rate was made in February 2017 and, since then, there has been debate about how the rate should be kept under review in the future. The Act, in Schedule A1, sets out a new mechanism for review of the discount rate. The first review must start within 90 days of commencement of the Act. Each subsequent review of the discount rate must be started within 5 years of the last review. For subsequent reviews the Lord Chancellor must establish an expert panel, to include the Government Actuary who will chair that panel.



## Fixed Costs in Clinical Negligence Claims

Following recommendations by the Department of Health and, separately, by Sir Rupert Jackson, the Civil Justice Council was tasked with formulating a new procedure, and associated fixed costs, for clinical negligence claims with a value of up to £25,000. The terms of reference for the work being done by the Civil Justice Council are:-

- to consider and recommend an improved process for clinical negligence claims, where the claim has a value of £25,000 or less;
- to draw up (i) a structure for FRC for such cases to attach to the new process, (ii) figures for FRC in the proposed structure, and (iii) figures for the cost of expert reports;
- to have regard to how any improved process or scheme of FRC might affect issues of patient safety, including the way in which case outcomes are reported back to healthcare providers for learning purposes;

- to consider how expert reports should be commissioned and funded, including the feasibility of single joint experts for at least some claims, as part of the improved process; and
- to report with recommendations by the end of 2018.

In the event discussions on the proposed new procedure are still taking place and hence no recommendations had been made by the end of 2018. It is to be expected that during 2019 some firm proposals for a new process, and associated costings, will emerge."

John McQuator



### CALLING ALL MEMBERS

Do you have any legal news from your area of expertise? Either local or national? Contact us via social media so that we can feature your comments in the next issue!



## SWITALSKIS

Doncaster Family Law Solicitor, Alison Kitchman, has been appointed to Switalskis Solicitor's team based at Sidings Court as part of plans to broaden the firm's private client offering in South Yorkshire.

Alison has more than 28 years' experience specialising in family and matrimonial work, and is committed to helping couples 'divorce decently'. As a member of Resolution and trained collaborative lawyer, Alison helps separating couples deal with the practical and legal issues surrounding their decision to live apart in an amicable way.

In addition to this, Alison has been recommended in the Legal 500 for family law; has held an Assessor's role in Children Accreditation for the Law Society; chaired

South Yorkshire Resolution; and is currently an HM Coroner's Assistant for South Yorkshire (East).

Clare Peckett, director and solicitor in Switalskis' family law department, highlights that: "Alison is compassionate, caring and down to earth, and always has clients' best interests and well-being at heart. We believe that Switalskis offers excellent opportunities for progression and we are delighted that she has chosen our firm for her next move."

## ATHERTON GODFREY LLP

Atherton Godfrey welcome Matthew Gascoyne, Solicitor, to their growing Clinical Negligence Department.

Atherton Godfrey also congratulates Caroline Johnson on her promotion to Senior Licensed Conveyancer and Maria Dallas and Vicky Sellers on being admitted as Fellows of the Chartered Institute of Legal Executives.

Has your firm had any new starters? Do you know anyone that has taken up a new position? Let us know!



## NOVEMBER - GREAT LEGAL QUIZ

November 1st saw the return of the Great Legal Quiz in support of the Access to Justice Foundation.

The proud winners were Graywoods Accountants - the second time in 2018 that a non law firm won a Law Society quiz!

To top it off £80 was raised for the Access to Justice Foundation, a fantastic cause.

## COMMITTEE SPOTLIGHT: TONY RAWLINGS

**What would you be if you weren't a lawyer**

A Minister of Religion; although probably not Christianity as if I was struck on my left cheek, I probably wouldn't offer my right.

**Where do you work and what do you do?**

I am a partner at Paul Bullen and Co. I specialise in Probate and have traditionally done Family work. I also sit on mental health panels to decide whether or not detained patients should remain sectioned.

**Tell us about your role on the Committee?**

President-this role is largely ceremonial but I am dedicated to expanding other firm involvement which is surely crucial to our long term future and also wider partnership working and I am spending a lot of time trying to ensure that separate office holders work together in a co-ordinated way ; this is perhaps the major issue for us as a Society going forward.

Parliamentary Liaison Officer-this role is to meet with our three local MP's and / or their staff with a view to working together where possible and to generally try and develop a relationship with our three MP's and their staff. I am also reaching out to councillors with the same aim in mind.

**Tell us an interesting fact about you?**

I was a Mind Befriender for ten years before my duties as a dad made it impossible to continue in this role; I hope to start doing this again from next September.

**Why do you think #DoncasterIsGreat?**

I think Doncaster is great because anyone with any talent who is not afraid of hard work will do well here; progress is not dependant on who you know but rather on an employer's assessment of what you might contribute on the basis of your apparent talent.



## DONCASTER FREE PRESS

PR Officer, Maria Dallas and President, Tony Rawlings met with David Kessen of the Doncaster Free Press to explore the possibilities of forging new relationships with the local newspaper. Tony was interviewed to be part of a feature piece in the newspaper's business section – keep your eyes peeled for the article in the coming weeks!

## VISIT OUR WEBSITE

For more DDLS news visit: <https://doncasterlawsociety.com/>