Private Client

www.lawsociety.org.uk/privateclient

# Private Client Section Engagement Programme 2017-2018

# *Foreword*

## Welcome to the Law Society's Private Client Section 2017/2018 engagement programme.

The Section was established in 1997, to promote best practice and address current issues and challenges facing the community. The Advisory Committee's role is to provide expert practitioner input, guiding the Law Society on identifying issues, generating content and a wide variety of events, to ensure the engagement programme is both relevant and practical.

The Section takes guidance from both the Section Advisory committee and the wider membership through surveys, on-line discussions groups and events, etc.

The committee is keen to engage with the wider private client community and to hear from you, our members, to assist us in shaping your Section. To give us your thoughts, seek our support or just to connect, please get in touch at privateclientsection@lawsociety.org.uk.

**Fiona Heald**
chair of the Private Client Section Advisory Committee

# *Our vision*

**To provide our members with valuable support and relevant information across a range of topics including: financial and tax planning, elderly client, wills and probate, estate administration, mental capacity, trusts, charities, family and relationships, and contentious probate.**

**The programme will:**

- address leadership, regulatory developments and legal management through a series of events, member support activities and research
- support, promote and represent private client lawyers by providing opportunities to share and develop best practice, to exchange ideas and experiences and to learn from peers
- provide opportunities for private client lawyers to influence the overall direction of the legal sector
- promote private client lawyers
- help the Law Society to understand and represent private client lawyers better.

# Events

Over the next year the Section will host a range of events on issues that matter to private client lawyers.

Details of these events will be published on our website:
www.lawsociety.org.uk/private-client/events

Membership of the Section includes free access to the Private Client Section regional seminars and the podcast recordings of these events as well as discount on the Private

## New - Private Client Section regional Elderly client convention

**When:** **February 2018, London, Birmingham, Manchester.**
**Time:** **From 16:15 - 19:25**
**Venues:** **The Law Society, 113 Chancery Lane, London WC2A 1PL**
**Birmingham - TBC**
**Manchester - TBC**
**Cost:** **Free for Section members, From £35 + VAT for non-members**

With the support of our Private Client Section advisory committee we design our events to cover the most relevant range of topics focused on practical support for the busy private client solicitor. The first topic to be covered in 2018 will be Elderly Client communications and a case law update, the second will be an inheritance tax law update (April) and the third will be a Private Client Care law update (Sept).

For 2018, based on member feedback, we are piloting a new approach to our elderly client inclusive regional Section support events as members have asked for:

- Practical support in communicating with elderly/vulnerable clients
- Longer events to justify their travel times
- More networking time with their peers

In response we are piloting our new Elderly Client Convention. This (inclusive to Section member) event will include:

- Afternoon soft skills seminar - How to communicate with elderly clients
- Evening case law seminar - Elderly client law update

Speakers:

- Afternoon - TBC
- Evening - Helen Clarke

## Private Client Section: Cross border conference

**When:** **March 2018**
**Venue:** **The Law Society, 113 Chancery Lane, London WC2A 1PL**
**Cost:** **Early booking fee before 2 February 2017**
**£250 + VAT for Section members,**
**£145 + VAT for members working for NFP**
**From £295 + VAT for non-members**

We are currently planning the programme for 2018, however we will typically include:

- cross border issues for English law and across Europe
- offshore tax planning in the current climate

Our panel discussions, plenary sessions and networking with expert leading practitioners will give you an interactive and experience-driven learning opportunity in order to grasp the growing and changing trends in international private client work.

Breakout sessions will offer tailored learning, with input from various lawyers from foreign jurisdictions. The conference concludes with a drinks reception where you can network. More details will be released later this year.

## Regional Seminars: Inheritance and death - a tax update

**When:** **March/April London, Manchester, Birmingham**
**Venues:** **The Law Society, 113 Chancery Lane, London WC2A 1PL**
**Manchester, TBC**
**Birmingham, TBC**
**Cost:** **Free for section members, From £35 + VAT for non-members**

This is the second Private Client Section regional evening seminar topic for 2018 the third will be a Private Client Care law update (Sept).

The content of this seminar will typically follow the changes from the new budget**.**

## Private Client Section Annual conference

**When:** **End June/ Early July**
**Venue:** **Victoria Park Plaza, London**
**Cost:** **Discounts for Section members**

The 2018 Private Client Section annual conference will equip you with the very latest thinking on private client work.

This conference will provide a diverse range of expert speakers sharing their expertise on a wide span of topics critical to private client practitioners. Parallel workshops will cover some of the hot topics, such as elderly client care and the Mental Capacity Act 2005, inheritance tax and the family home, the technical side of life policies and pensions, court of protection and contentious probate.

You will also have the opportunity to explore business development opportunities at the event.

This is the one event happening in 2018 that private client solicitors can't afford to miss!

**Programme**

We will provide more information on the programme as soon as we are able.

## Regional Seminars: Recent developments in private client practice

**When:** **Sept London, Birmingham, Manchester**
**Venues:** **The Law Society, 113 Chancery Lane, London WC2A 1PL**
**Manchester - venue TBC**
**Birmingham - Jury's Inn 245 Broad Street, Birmingham, B1 2HQ**
**Cost:** **Free for section members, From £35 + VAT for non-members**

This is the third and final set of Private Client Section evening seminar topics for 2018 and will cover recent developments in private client practice

This one hour seminar will provide a review of current issues in Private Client Practice. The exact detail of this seminar will be based on recent developments coming from judgments and statutes throughout 2018; we will reveal more information as available.

We can already confirm we have secure Professor King as our speaker for these 2018 seminars.

**Speaker: Professor Lesley King**
Professor Lesley King, professional development consultant for the University of Law, is co-author of Wills, Taxation and Administration: A Practical Guide; A Modern Approach to Wills, Administration

## Private Client Section - Elderly client conference

**When:** **20 Oct 2017**
**Venues:** **The Law Society, 113 Chancery Lane, London WC2A 1PL**
**Cost:** **Discounted for section members**

The Law Society is bringing together speakers including lawyers, health and social care experts, policy makers, academics and charities to provide practical advice to solicitors dealing with the unique challenges of elderly clients. This area of law requires an understanding of related sectors in order to provide comprehensive advice to clients and the conference will include cross sector discussion of the recent developments and trends in the law including end of life care.

Principal sponsor

Programme

| | |
|---|---|
| 09:30 - 10:00 | Registration and refreshments in exhibition |
| 10:00 - 10:30 | Charity update<br>Speaker: Catherine Bosworth, director of income generation, Hospice UK |
| 10:30 - 11:20 | Plenary 1: The future of social care funding<br>Speaker: Dr Brian Sloan, College Lecturer & Fellow in Law, Robinson College, Cambridge Affiliated Lecturer, Faculty of Law, University of Cambridge |
| 11:20 - 11:40 | Refreshment break in exhibition |
| 11:40 - 12:30 | Plenary 2: The Office of the Public Guardian practice note relating to professional attorney good practice. What does the note mean and what actions should you take if you receive a complaint<br>Speaker: Ria Baxendale, Board member, Executive and head of investigations and supervision, Office of the Public Guardian |
| 12:30 - 12:50 | Keynote address: Stop the clocks<br>Dame Joan Bakewell takes us on a fascinating and breathless journey through her life.Touching upon patriotism, values, money, loss and death, delve into the world which has shaped her, and the increasingly altered and strange one she will leave behind<br>Speaker: Dame Joan Bakewell |

| | |
|---|---|
| 12:50 - 13:50 | Networking lunch in the exhibition |
| 13:50 - 14:35 | Plenary 3: Advance care planning: The legal framework<br>Advance care planning regime. When conversations take place and how they are supposed to take place<br>Speaker: Gary Rycroft, partner, Joseph A Jones & Co |
| 14:35 - 15:35 | Plenary 4: Practical solution to the 'golden rule'<br>When should you adhere to the golden rule and when not. How do you obtain a medical assessment in a timely manner. How do you sell it to your clients<br>Speaker: Miranda Allardice, barrister, 5 Stone buildings |
| 15:35 - 16:00 | Refreshment break in exhibition |
| 16:05 - 16:50 | Plenary 5: Mental health and wellbeing<br>How to deal with stress at work, how to handle the emotional aspects of the job and how to best advise client about their issues<br>Speaker: Mike Ward, accredited registrant, National Counselling society |
| 16:50 - 17:00 | Closing Remarks |

**Book now**

# *Webinars*

Section members benefit from free access to four topical webinars per year, access to all previous recordings and 20% discount on other relevant Law Society webinars.
Review the Private Client Section inclusive webinars today

## Private Client Section webinar: Testamentary capacity (13 September)

**When:** **13 September 2017**
**Cost:** **Free for section members, £45 to non-Section members**

View this webinar and benefit from an up-to-date overview of the law relating to testamentary capacity plus practical tips for avoiding common pitfalls in practice.

This webinar is inclusive to Private Client Section members.

**This session will cover:**

- the refinement of the Banks v Goodfellow test
- a review of recent case law and what constitutes incapacity
- the impact of the Mental Capacity Act 2005 on testamentary capacity
- a review of the 'golden rule' as a means of avoiding disputes
- practitioners' duties
- practical tips for avoiding common pitfalls
- the statutory will alternative where a client lacks testamentary capacity.

**Participants will benefit from:**

- obtaining an up-to-date overview of the law
- practical guidance on identifying when testamentary capacity is an issue and how to address it
- alternatives where the client lacks testamentary capacity..

**Speakers: Claire van Overdijk and Jennifer Seaman, Outer Temple Chambers.**

Claire van Overdijk is a barrister at Outer Temple Chambers where she practises in mental capacity law and private client law generally. She has extensive experience in mental capacity law, has published a number of books on the subject, and is ranked by Chambers and Partners for her expertise in the property and affairs jurisdiction of the Court of Protection. Claire sits on the STEP Mental Capacity Global SIG Steering Committee.

Jennifer Seaman is a barrister at Outer Temple Chambers where she practices in chancery related litigation including testamentary issues, trusts, probate disputes, insolvency and professional negligence related issues. She was appointed to the Attorney General's B panel in June 2016 and has been recognised in the legal directories as a leading junior for a number of years.

**Listen now**

# Webinar: Ilott v Mitson - 1975 act claims (10 July 2017)

**When:** **10 July 2017**
**Cost:** **Free for section members, £45 to non-Section members**

Join this webinar to understand the implications for probate claims following the Supreme Court judgment in Ilott v The Blue Cross and others (formerly known as Ilott v Mitson).

This webinar, inclusive to Private Client Section members, will help you deal with challenges to wills brought under the Inheritance (Provision for Family and Dependants) Act 1975.

**The session will cover:**

- an overview of the Supreme Court judgment
- the key decisions which impact cases going forwards
- how the case will affect claims of adult children in the futur
- the Supreme Court guidance on appeals
- how awards will be structured.

**Participants will benefit from:**

- a better understanding of how to assess claims under the 1975 act
- knowing how to advise clients on the law when making their wills
- an understanding of the guidance of how to conduct claims under the 1975 act.

**Speakers: Penny Reed QC and Hugh Cumber**

**Penelope Reed QC** is a member of chambers at 5 Stone Buildings, Lincoln's Inn, specialising in trusts, wills, contentious probate, family provision claims and tax. She is the co-author of a number of private client books, including A Practical Guide to the Trustee Act 2000 and Inheritance Act Claims. Her notable recent work includes acting for the appellant charities in their successful appeal to the Supreme Court in Ilott v The Blue Cross and others [2017] UKSC 17.

**Hugh Camber** joined chambers in 2015 after successfully completing pupillage in chambers from October 2013 to October 2014. He was seconded to the Supreme Court and the Judicial Committee of the Privy Council for the 2014/15 legal year to act as judicial assistant to Lord Neuberger, the President of the Supreme Court. His notable recent work includes supporting Penny Reed QC in acting for the appellant charities in their successful appeal to the Supreme Court in Ilott v The Blue Cross.

**Listen now**

## Webinar: Pricing strategies to attract clients and minimise compliance issues for private client practitioners

**When:** **28 April 2017**
**Cost:** **Free for section members, £45 to non-Section members**

This webinar provides guidance on how private client firms can grow their profits and client base while also complying with the regulators direction on pricing transparency.

Richard Burcher offers practical guidance on increasing profits and clients.

**This practical one hour webinar will provide:**

- a guide to why consumers do not buy or get confused
- how to structure your pricing so it works for your business and the consumer
- how to communicate your pricing and services so they are transparent for both the consumer and the regulators
- how to differentiate yourselves from your competitors both regulated and unregulated
- strategies to win more or new business
- what to tell clients and at which stage
- how to encourage clients to give feedback and to respond to reviews
- how to explain, how and why the fee can grow so that the client appreciates the amount of work (and respects the related fee).

Richard Burcher is a former practicing lawyer from New Zealand and managing partner with over 30 year's experience in private practice. Although he now consults to some of the largest law firms in the world, Richard spent part of his career as a private client practitioner in two small law firms in rural New Zealand and understands the challenges acutely.

Richard has been based in London since 2012 as the Managing Director of Validatum (UK) Limited.

In 2016, the CMA carried out a study which looked into whether pricing in the legal services market could be clearer for consumers. The Law Society and the Private Client Section represented members throughout the consultation process and have produced a Price and Service Transparency Toolkit for kit members. This toolkit brings together information and resources on price and service transparency which will help you provide the best possible cost and service information to clients.

**Listen now**

## Webinar: Effectively managing digital assets for wills and estates

**When:** **Sept 2016**
**Cost:** **Free for section members, £45 to non-Section members**

As most people now own a smartphone or other electronic device, much of our clients' lives, both professional and personal, is finding its way into the digital sphere. This webinar will explain how to deal with digital assets after death.

How will you benefit from this webinar:

- Gain an understanding of how to assist your clients in planning for the administration of digital information after their deaths
- Know how to advise on what will happen to their digital estate on their death
- Find out what can be done to ensure that such information is accessible after death
- Learn the relevant provisions to be included in wills
- Understand the important questions to consider and discuss with your clients in relation to their digital assets.

This session will cover:

- An overview of both the practical and the legal aspects of a 'digital demise'
- Help to identify what is a digital asset and how to spot the difference between a digital asset and an asset that is represented in digital form
- What the law says on who actually owns digital assets
- Confirmation on who has access to those digital assets on death
- Explaining how the law in this area needs to be updated to keep pace with technology.

Who should attend?

- Private client practitioners, those dealing with the preparation of wills or dealing with the administration of estates

**Speakers:** Lucy Obrey, partner, and Ian Bond, partner, Higgs & Sons Solicitors

Lucy specialises in all aspects of private client work, focusing on wealth and succession planning and the administration of estates of all sizes. Lucy's expertise in inheritance tax and estate planning, notably for the entrepreneurial client base of the firm, has been recognised in Chambers & Partners and the Legal 500 where she is noted as a leader in her field.

Ian specialises in trust formation and administration, wealth planning and the administration of estates. With wide ranging experience dealing with high-value and complex estates, especially intestacy matters. Ian is a member of STEP. Ian is a vice-chair of the Law Society's Wills & Equity Committee

**Listen now**

# Webinar: A practical guide to trust administration

**When:** **Sept 2016**
**Cost:** **Free for section members, £45 to non-Section members**

This webinar will focus on best practice in trust administration, accompanied by case studies looking at practical day-to-day trust administration issues.

The webinar will cover:

- Regulatory compliance, (including SRA professional compliance, AMOL and FATCA)
- Relationships with beneficiaries
- Book keeping and preparation of annual accounts
- Arranging the payment of trustee expenses, and general trust administration
- Taxation of trusts, including the preparation of tax returns, correspondence with HMRC and inheritance tax
- Maintenance of bank accounts
- Monitoring and distribution of income
- Trust policies
- Relations with investment mgrs
- Administration of investment and investment and property portfolios.

You will benefit from:

- A stronger understanding of how to best use your time to administrate trusts
- Practical solutions to minimise compliance risks
- Identifying common errors to avoid
- Exploring ways to maximise trust revenue on behalf of clients
- An opportunity to ask your specific questions to our expert speaker.

Who should participate:

- Private client lawyers
- Trust administrators.

**Speaker: Simon Leney, director, Cripps Trust Corporation Ltd and partner, Cripps LLP**

Simon provides wealth planning services and support to individuals and not for profit organisations, including advice on tax, and professional executor/trustee services as a director of Cripps Trust Corporation Ltd.

He is a member and former chair of the Private Client Section committee

**Listen now**

# *Member Offer*

## E-newsletter

The Private Client Section has a dedicated e-newsletter for its members. As part of your Section membership, you will receive regular e-newsletters, with recent private client news, selected cases and legislation provided by LexisNexis, and commentary on developments in the field by Professor Lesley King and Roman Kubiak, partner and head of the Contested Wills, Trusts and Estates team at Hugh James

## Magazine

Our PS magazine focuses on the issues that matter in private client practice through features, commentary and updates from leading practitioners. 'Back to Basics' is a practical feature that deals with one key issue in extensive practical detail.
Here are some examples of our previous editions

September 2017


August 2017


May 2017


February 2017


November 2016


September 2016


July 2016


May 2016


March 2016


January 2016

November 2015

September 2015

## LinkedIn

The Private Client Section enables members to share news, features, events and other relevant activities in a private environment. Increase your private client legal network and join our LinkedIn group. Keep an eye out for more information soon.

## Website

The Private Client Section website is a one-stop portal of information for the legal community working in wills, probate, financial and tax planning, trusts, mental capacity and estate administration. It contains practical guidance, news, research and event details, we encourage you to use its search facility to provide quick access to the latest news updates, to search for past articles or practice notes. To access inclusive member only content, simply register and login.

# *Committee*

## Thank you to our committee members

This programme of engagement was created in close consultation with the Private Client Section Advisory Committee to ensure it is relevant and timely.

Committee members meet up to multiple times a year to discuss the key issues facing the private client legal community. The committee advises on how the Law Society can best support its members who work in the fields of financial and tax planning, elderly client, wills and probate, estate administration, mental capacity, trusts, charities, family and relationships, and contentious probate.

The Section is chaired by Fiona Heald, an experienced solicitor working at Moore Blatch in the South, the vice-chair is Kate Mahon, a solicitor and sole practitioner at Davidson Mahon Solicitors in Rugby, Warwickshire. Melinda Giles, a partner at Giles Wilson LLP in Essex, is the new Private Client Council member.

The Law Society thanks all of the committee members for their time, commitment and contribution.

| Committee Member | Organisation | Role |
|---|---|---|
| Alberto Perez Cedillo | Alberto Perez Cedillo Spanish Lawyers & Solicitors | Partner and solicitor |
| Anthony Rickards Collinson | JWK solicitors | Senior director and solicitor |
| Charlotte Pisuto | Hugh Jones Solicitors | Solicitor |
| Fiona Heald | Moore Blatch | solicitor |
| Gareth Marland | Berwins Solicitors Limited | Solicitor |
| Helen Clarke | | Solicitor and consultant lecturer |
| Helen Starkie | Helen Starkie Solicitor | Sole practitioner and solicitor |
| John Perry | Palmers Solicitors | Partner and solicitor |
| Kate Mahon | Davidson Mahon Solicitors | Sole practitioner and solicitor |
| Melinda Giles | Giles Wilson LLP | Partner, solicitor and head of the private wealth team |
| Sarah Murphy | JWK solicitors | Solicitor |
| Simon Leney | Cripps Trust Corporation Ltd | Partner and solicitor |
| Stuart Adams | Penningtons Manches | Senior associate and solicitor |

Our Private Client Section advisory committee at the
2017 Private Client Section annual conference

# *About the Law Society*

The Law Society exists to represent, promote and support all solicitors, so they in turn can help their clients.

We also work to ensure that no-one is above the law and to protect everyone's right to have access to justice. We promote England and Wales as the jurisdiction of choice and the vital role legal services play in our economy. We work internationally to open up markets to our members and to defend human rights while supporting our members with opportunities in the domestic market.

## The Law Society helps members by:

- representing solicitors by speaking out for justice and on legal issues
- promoting solicitors through publicising the value of using a solicitor at home and abroad
- supporting solicitors by helping them develop their expertise and their business, respective of whether they work for themselves, in-house or for a law firm

## The Law Society represents the profession by:

- campaigning on the rule of law, human rights, access to justice and regulation. This includes lobbying in Brussels, Westminster and Cardiff and in the media.
- working with international legal bodies to position the Law Society as a thought-leader on global issues
- intervening in cases where solicitors and the law are under threat in the UK and abroad
- helping our members to represent key issues impacting the profession to their MP, AM or MEP
- using the law to challenge changes which will impact negatively on the profession and society
- championing and facilitating pro bono work

## The Law Society promotes the profession by:

- internationally working to open and grow markets for English and Welsh law such as inward visits of foreign lawyers and trade missions
- providing and increasing awareness of Find a Solicitor – our website enabling consumers and businesses to find a solicitor who can meet their needs
- hosting our annual Excellence Awards which highlight and celebrate outstanding contributions across the profession
- recognising the contribution solicitors make to civil society and communities
- publicising the value of legal of the legal services to the UK economy

## The Law Society supports the profession by:

- identifying issues and market trends affecting solicitors to help the prepare for the future
- developing a comprehensive and cohesive education and training offer
- providing practice notes and guidance on issues important to members
- giving advice through our library and helplines
- running accreditation schemes to support and demonstrate effective practice
- creating communities of members based on who you are and what you do
- supporting those who find it difficult to enter the profession through our Diversity Access Scheme
- offering consultancy services for members who want more detailed help
- assisting members who wish to practice abroad

The Law Society

## How the Law Society works

Solicitors pay their annual practising certificate fee to the Solicitors Regulation Authority. The Law Society receives around 30 per cent of this fee to support, represent and promote the profession. Other funding comes from commercial activities.

The Law Society Council governs the Law Society's work. Council members are elected to represent members from England and Wales, different demographic groups and parts of the profession. The Law Society harness the knowledge of the Council members and around 300 volunteers to deliver the advice, support and service members want. The Council has 100 seats, 61 for geographical constituencies and 39 for special interest groups and areas of practice.

For more information please visit **www.lawsociety.org.uk**

**Private Client Section**

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