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nockolds LLP  
solicitors

# looking after you

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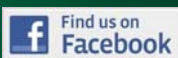
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Win a pair of free Wills worth £400



**W**elcome to the Winter Issue of our newsletter which focusses on the changing shape of the family and the legal issues that arise from it. Nockolds is well-positioned to look after you with all legal aspects of family and relationship change; we offer mediation services, advice on sale and purchase of property, pre-nuptial agreements and living together agreements, declarations of trust, separation and divorce and preparation of Wills.

Read how mediation services can help to resolve family conflicts and the importance of a Will if you are a single parent, a divorcee, in a second marriage or have children from a previous relationship. On a similar theme, we have an insight into the day-to-day work life of a solicitor in our Family Team.

Also, on the run-up to Christmas, we have set out to dispel some of the myths around road traffic rules and offences.

Finally don't forget the prize crossword! This is your chance to win a pair of Wills worth up to £400 plus VAT. Thank you for all of the entries to our first crossword competition. The first correct entry received was from Mr Palmer of Bishop's Stortford who won a free pair of Wills, well done!

We hope you enjoy our newsletter and we look forward to your comments.



Proud to have supported  
“Uniquely Stortford” shopping  
event on

Sunday 4th December

# In the news...solving conflicts without combat

**W**e are witnessing real change in the world of family law. Government proposals are in place to encourage parties to consider mediation. The aim of this is to supplement the court's powers and so increase the use of alternative routes to resolving family disputes.

At the heart of this cultural shift is an increasing recognition of the need to find alternatives to litigation. Family lawyers now more than ever before are able to offer a range of options to deal with conflict situations. We know that over 80% of people experiencing family problems will first go to a solicitor. It is vital that peoples' needs are identified at an early stage and the appropriate options presented.

Mediation is one such option which is both voluntary and confidential. It is based on the premise that it is better for individuals to take responsibility for their own lives. A skilled mediator can inject the necessary sense of cooperation so that people arrive at their own outcome.

Our court system, prone to delay, is expensive to those privately paying and also to the public purse. It is recognised as being inadequate as a "one size fits all" solution. Parties can become polarised and one expects a winner and a loser. Mediation can displace a notion of win/lose and of competition.

Whilst we await a further shift to a day when these 'alternative' methods of resolving family disputes become part of mainstream practise, family lawyers worth their salt, such as Nockolds, are promoting the use of mediation wherever possible.

Nockolds Family Team is committed to promoting alternative dispute resolution services (ADR) including mediation and collaborative law options.

**For more information about Mediation contact Carolyn Hanes on 01279 712567 or email her on [chanes@nockolds.co.uk](mailto:chanes@nockolds.co.uk)**



Carolyn Hanes  
Solicitor Mediator  
Family Team

*“ Mediation may not be as great a contribution to mankind as sliced bread, but it is close. ”*

*Source: Mavis Maclean, Family Mediation*

*“ One of our greatest assets as Mediators is to be able to translate conflict to opportunity by helping participants loosen rigid concrete thinking into more fluid open perspectives. ”*

*Source: Forrest “Woody” Mostyn,*

*Family Mediator*

# Wills and the blended family

**S**olicitors are always advising people to have their Wills prepared. We would advise you to do this whatever age you are and whatever background you are from and however much money you have.

But, it is particularly important if your family is anything other than the idealised married couple with 2.4 children.

If you do not have a Will and you are unmarried, divorced, separated, on a second marriage, or if you have children from a previous relationship, then the rules that apply to you would almost certainly not give you the outcome you want.

This is because if you don't have a Will, then your money and belongings are distributed according to a strict set of rules. (See our website for a summary of the rules of intestacy.)

Having a Will prepared may sound like a dreadful thing to have to think about but really it boils down to 2 questions:

1. Who do you want to sort your finances out for you when you die? (Your Executors)
2. Who do you want your money and belongings to be given to? (Your Beneficiaries)

If you know the answers to these questions, then there is no reason why you can't have your Wills prepared straightaway.

There are lots of other things that will be discussed when you come to see a solicitor about your Will, such as inheritance tax, guardianship of children, possible trusts, care fees, illness, family disputes and divorce settlements. Nockolds Wills and Probate team can give you advice on all of these issues.



Janette Wand,

Solicitor

Wills and Probate

**For more information about issues facing blended families when writing their Wills or to find out what you need to consider contact Janette Wand on 01279 712529 or email her on [jsw@nockolds.co.uk](mailto:jsw@nockolds.co.uk)**

**Janette and the Wills and Probate Team are able to offer a comprehensive range of services including:**

- Preparation of Wills
- Obtaining Grants of Probate and Letters of Administration
- Administering Estates and Trusts
- Preparation of Estate and Trust Accounts
- Inheritance Tax Planning
- Public Guardianship Office Applications
- Healthcare Assessments
- Care Home funding and help with moving into a Residential Home
- Mental Capacity and elderly client issues

# A day in the life of ... a family solicitor

**B**eing part of Nockolds is much more than a nine to five job, we take our work very seriously and go the extra mile to look after our clients. 'A day in the life of...' gives you a taster of what our days are like and gives you a feel for the person behind the name.

## A sample day from my diary -

- 9.00 a.m. Drafting a divorce petition
- 10.00 a.m. Home visit for a housebound client
- 12.00 p.m. Telephone conference with Grandparents' Association in relation to upcoming fundraising event
- 2.00 p.m. Dealing with post and paperwork
- 4.00 p.m. Skype conference with an American client
- 6.00 p.m. Bishop's Stortford Chamber of Commerce meeting.

Francesca Cozens is in our Family team and, in this article, shines a light on her day:

"Our team has four solicitors, one paralegal and one trainee solicitor as well as an incredibly able team of support staff.

As a solicitor in the Family team, the day generally involves managing a varied caseload, meeting and communicating with many clients and dealing with tasks including telephone calls appointments and drafting documents.

My day can involve emergency applications at Court to protect a vulnerable individual from domestic violence. But it could also include a celebratory Court hearing at the end of a successful adoption procedure. However, a normal day for me would include dealing with divorce and financial settlements, and matters involving children including contact and residence issues.



Francesca Cozens  
Solicitor  
Family Team

The Family team comes into people's lives at what is a very difficult time for them. We have a sensitive team who are well equipped to deal with the demanding issues which face our clients and navigate them through a difficult journey.

Two days are never the same in the office and neither are two cases. An essential element of my work is engaging with people, each of whom is unique and need to be supported in the most appropriate way to help them.

I am also a Trustee of the Grandparents' Association who are a national charity promoting the rights of grandparents and grandchildren to have a continued role and on-going contact in each other's lives. This can often involve telephone calls during the day to assist with enquiries on their helpline or with fundraising ideas.

One of my greatest strengths is listening and giving support to my clients when needed."

**For more information on Family matters contact Francesca Cozens or email her at [fmc@nockolds.co.uk](mailto:fmc@nockolds.co.uk) or call her on 01279 512569. Alternatively contact the team on [family@nockolds.co.uk](mailto:family@nockolds.co.uk)**

# Facts not Fiction: Road Traffic

**F**acts not Fiction looks at dispelling those URBAN MYTHS associated with legal matters, which will enable you to make better informed decisions.

With the huge number of “traffic cop” based programmes on our televisions and headline stories about celebrities and politicians and their motoring offences, there are a number of myths about how you can get away with an offence and how you can avoid points on your licence.

In this article, Pete Dodd, Nockolds’ acclaimed expert in Road Traffic Matters, helps you to separate the fact from the fiction.

**Statement 1:** If you have been drinking, putting a coin under your tongue will make you pass a roadside breath test.

**Fiction !** *“It won’t work if you are over the limit. Our advice is, don’t drink and drive.”*

**Statement 2:** If the police are asking about an offence and send you a form requesting details of who was driving, you don’t have to fill it in.

**Fiction !** *“You have to give details if it was you or someone else.”*

**Statement 3:** You can “get off” from an offence on a technicality if you don’t receive a Notice of Intended Prosecution (NIP) after 14 days.

**Fact (ish) !** *“It depends on what the offence is. For an offence such as speeding, if you do not receive a warning at the time and you do not hear by post within about 16 days, you may be ok.”*

**Statement 4:** The speed camera never lies.

**Fact!** *“However they are not always set properly.”*

**Statement 5:** In-car speed detection equipment is illegal.

**Fiction!** *“They are legal but jamming devices are illegal. If you travel to France and have speed detection*

*devices in your car then expect a big fine (even if it is not on!)”*

**Statement 6:** If you travel really fast you can escape a speed camera.

**Fact !** *“But you have to be travelling extremely fast (over 170 mph). Don’t even try it! Look on YouTube for Top Gear and Richard Hammond v Speed Camera.”*

**Statement 7:** Speed cameras have all been turned off because of spending cuts.

**Fiction !** *“Don’t speed!”*

**Statement 8:** If you are not on the insurance database but you do have insurance, and the police impound your car, you can sue the police.

**Fiction!** *“But you can claim money back from your insurance company if the insurance company is at fault.”*

**Statement 9:** You do not have to pay road tax if your car is off the road.

**Fact!** *“But make sure you fill in the SORN (Statutory Off Road Notification).”*

**Statement 10:** You do not need car insurance if you are not driving your car, even if it is on the road.

**Fiction!** *“If a car is on a public road or public place (or the public have access to it) you must have the car insured.”*

**If you have questions about any of these issues, please contact Pete Dodd on 01279 712560 or email him at [pd@nockolds.co.uk](mailto:pd@nockolds.co.uk)**



**Pete Dodd,**  
**Partner**  
**Road Traffic**



# Changes to the legal sector

**O**ctober 6th saw the announcement of the Legal Services Act 2011, which has been dubbed Tesco or Supermarket Law. But what does this mean to individuals seeking legal advice?

Until now only Law firms have been able to offer certain legal advice and to invest in and share in the profits of certain “reserved” legal work. The Legal Services Act (LSA) turns this on its head and allows for other businesses such as financial institutions and supermarkets to provide legal advice directly to consumers and share in the profits from such services.

Prior to the LSA most legal advice would come direct from your solicitor apart from Will Writing which was also available through Willwriters.

The proliferation of the internet however has meant that many consumers could take advantage of less expensive hourly rates throughout the UK and instruct solicitors online to carry out their legal work such as conveyancing, debt collection, Wills and divorce.

The LSA will mean that legal services will become much more commoditised with apparent simple transactions such as straightforward wills, house sale or purchase and divorce becoming commodities. This is similar to the way that supermarkets have made baked beans, ketchup and washing powder commodities with choices of own labels, brand labels and lifestyle labels such as organic and fair trade.

Purchasing straightforward legal services will become influenced more by the same factors which affect our grocery shopping:

- **Price; availability; brand preference**
- **Life-style such as choices relating to organic or fair trade produce**
- **Previous experience**
- **Influence from family and friends**

We will now be making our decisions on legal advice based on how we like to receive information –

- **Do we like to have a rapport with our legal advisor?**
- **Do we like to deal with everything online?**

- **Are we happy completing forms and communicating only by email?**
- **Are we happy speaking with our legal advisor only over the phone?**
- **Or do we want a choice of speaking to our advisor on the phone or email when we are pushed for time and coming into their offices and going through things in detail when necessary?**



Jennie Jones  
Partner  
Personal Injury

Businesses need to apply for a license to become an Alternative Business Structure (ABS) from the Solicitors Regulation Authority and once applications have been considered these ABS's can start providing legal advice.

Solicitors have been watching the developments of the Legal Services Act closely, reviewing their services, availability and culture.

Nockolds is no exception and in April 2011 conducted some market research into this area looking at how clients and the general public perceived the firm and our services. In addition we looked at possible areas of improvement. The results were pleasing. Nockolds are people-people, we provide clear, straight talking advice and help our clients work out the best solution to make life as smooth as possible.

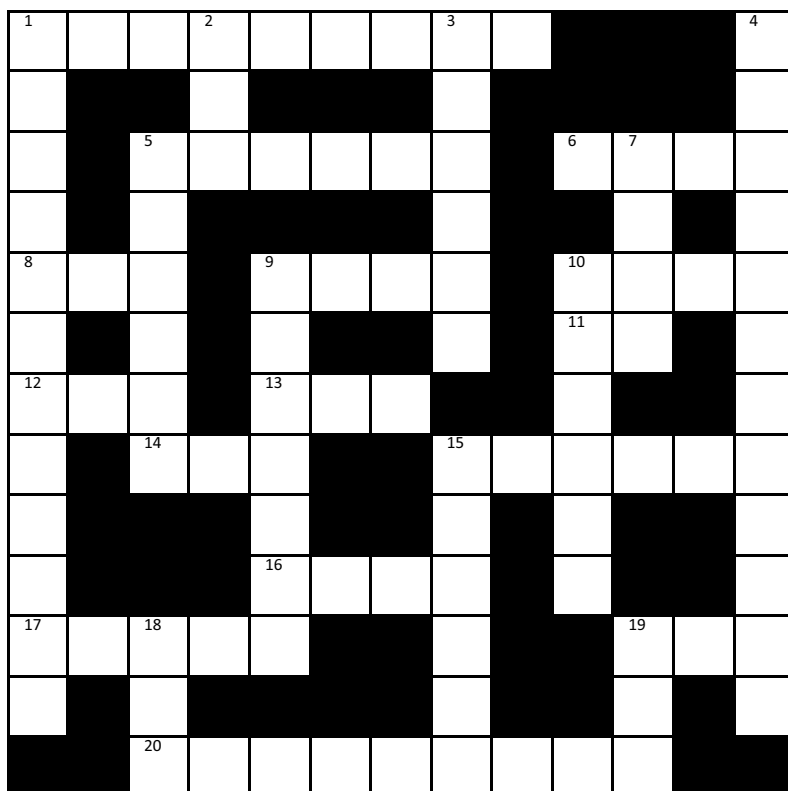
There are always things we can improve on, and from what you have told us we pledge to continue to offer what is important to you:

- **Transparent fees and charges.**
- **A named contact, who you can speak to and meet to talk through your issue.**
- **Clear advice and an honest appraisal of your situation.**
- **Advice in language you understand.**

**For more information on the Legal Services Act and Nockolds contact Jennie Jones on 01279 712537. Alternatively [jsj@nockolds.co.uk](mailto:jsj@nockolds.co.uk)**

\*research conducted by TOMD April 2011, Full details available on request

# Why not try our prize crossword? The first correct entry wins a pair of free Wills worth £400 + vat



## Across:

1. A fetcher / A breed of dog (9)
5. Season of the year (6).
6. An idea or scheme; Baldrick had lots of them (4)
8. Deciduous tree – blighted by disease in 1960s and 1970s (3)
9. ..... of the wild (4)
10. Type of renewable energy (4)
11. Opposite of out (2)
12. To not tell the truth (3)
13. Fastening device (3)
14. Military organisation whose motto is 'Per Ardua ad Astra' (1,1,1)
15. Season of the year (6)
16. Individual performance (4)
17. Children's programme: '(11 across) The ... Garden' (5)
19. Marshland environment in eastern England (3)
20. Method for resolving disputes (9)

## Down:

1. Celebrity ex-student of Hockerill College (7,5)
2. Tear (3)
3. To swallow up or flood (6)
4. Process of transferring ownership of land (12)
5. Season of the year (6)
7. Agreement to give money, with interest payable (4)
9. Festival in Bishop's Stortford, raises funds to reduce young sudden cardiac deaths (7)
10. Season of the year and surname of a Nockolds solicitor(6)
15. Wading bird, symbol of the RSPB (6)
18. Place to exercise (3)
19. A cooling device (3)

## Last Issue's Winner: Congratulations to Mr Palmer of Bishop's Stortford

Send your answers to Nockolds: The first correct entry wins a free Will or pair of Wills worth up to £400 plus VAT!

Enter your name: .....

Your address / email: .....

Your comments on our newsletter: .....

## Camberley Capers for CLIC Sargent - Sunday Morning Choices

*The choices we make on a Sunday morning: Fresh coffee and a newspaper, OR 15 miles of mountain biking, 7 miles off road running and inland kayaking? Which one would you choose?*

Following on from the success and enjoyment of the Isabel Hospice Ride earlier this year, Nockolds LLP Solicitors and Price Bailey decided yet again to forego a relaxing Sunday for an extreme day of biking, running and kayaking on October 16th this year.

The Camberley Caper, "TrailPlus" event, supported CLIC Sargent a charity specialising in the provision of support for children and young people with cancer and their families. Not only do they provide clinical care but the essential care and support for families as well as specialist holidays, play specialists and days out.



Sarah Miles, Commercial Solicitor at Nockolds explained, "Anyone with children knows how worrying it can be when they are knocked out with a bad cold, but to imagine how you must feel if your children suffer with cancer is beyond comprehension. It is all too easy to carry on in your own life and forget about the problems that so many families go through."

Tony Pennison, Director at Price Bailey Chartered Accountants said after the event:

*"It feels amazing to have completed such a gruelling challenge! We all did so well and it feels like a double win in terms of your own personal achievement and supporting a charity."*

**Want to find out more?** *Sign up for our regular updates and newsletters to ensure you are up to date with topical legal changes.*

What's more, we want feedback and comments on our articles and the newsletter format. We would be pleased to answer your questions and concerns you have so please contact us on **(01279) 755 777** and **newsteam@nockolds.co.uk**.

Please tick your area of interest and return it to us by fax or email and we will inform you of events and updates in these areas:

First Name				Surname			
Email Address				Telephone			
Address							
Town				Post Code:			

Family Matters	Wills, Probate and Trusts	Employment	Moving House	Motoring	Personal Disputes	Accident & Injury	Commercial Property
Business Issues	Business Employment	International Issues	Debt Recovery	Commercial Disputes	Commercial Newsletter	Private Client Newsletter	Medical Negligence

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