

## Why Mediate?

I have been a family lawyer for over 20 years. My parents were divorced so I know the difficulties involved when families separate. When I recently qualified as a family mediator I had not appreciated how different the role of mediator would be to that of a solicitor. The first challenge is to understand the problems the couple want to resolve. The next is to help them come up with their own options. This requires the mediator to provide legal and financial information to help the couple understand their respective positions.

A skilled mediator needs to be able to create a space that empowers both husband and wife to speak freely and test out ideas. The mediator needs to be impartial and keep information confidential. The most successful outcome is when the couple come up with a solution that they can both live

with. Most importantly, especially if there are children, after mediation the couple should still be able to communicate with one another.

The agreement is only binding once the couple's solicitors confirm that the terms agreed are acceptable. Because I am an experienced family lawyer, I can really help a couple in the most productive way to come to a fair and sensible solution that will later be upheld by their respective solicitors.

Mediation may not be the answer for every couple, but when it is right it is certainly quicker and less expensive than court proceedings. When mediation works there is a better future for the family relationships despite the trauma of separation.

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## ILEX - Cambridge Branch



In April the Institute of Legal Executives (ILEX) set up a local branch in Cambridge. Ginny Richmond (pictured left) a Fellow of ILEX has taken up the role as Treasurer. Ginny is a Senior Conveyancer at our Sawston office where she has practised her skills since 2003. "The status of Legal Executives has risen significantly since I came into the profession" said Ginny, "Fellows of ILEX have to pass rigorous professional exams and train in much the same way as Solicitors".

## Loyal Service



Alison Helbert, our Accounts Manager based at the Saffron Walden office, reached her 30 year service anniversary on 7th July. A surprise lunch was arranged and the partners presented her with a Clarice House gift voucher.

Also other staff deserving of a mention are Kim Dalby, Sue Dickinson and Rod Webb who have all reached their 10 year service anniversary.

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## Family Matters - Together Or Apart

The number of divorces in the UK in 2009 (the latest data currently available) totalled 113,949. This represents a 29 year low. The drop in number, which still represents many families is probably a product of:

- more couples living together without getting married and
- the complicated and expensive divorce system in the UK.

We in the family department at Adams Harrison, can help take the sting out of divorce. That is why all the full time family lawyers at Adams Harrison are members of Resolution. Resolution is a national organisation

of family lawyers committed and obliged by the code of practice, 'to conduct matters in a constructive and non-confrontational way' often leading to mutually agreed and less costly outcomes.

I trained as a collaborative lawyer (see Adams Harrison newsletter spring/summer 2005) and more recently as a family mediator. The government is now encouraging mediation in most family cases. Unless there are exceptional circumstances, anyone wishing to apply to the court in connection with a family matter is expected first to attend a MIAS (mediation

information and assessment session) to consider with an accredited mediator whether mediation can help resolve the dispute. Mediation is a way of resolving family disputes through discussion and negotiation which I outline in the previous article in this newsletter.

Our aim is to give our family clients a menu of ways for dealing with family separation. We cannot take away the pain, but we can help smooth the process.

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## Pro Bono

In an increasingly cash strapped world with ever more damaging cuts to the legal aid budget it is important that Solicitors where possible do their share of pro bono work.

The pro bono publico ("for the public good") is work lawyers do for no financial reward. Adams Harrison has been doing pro bono work for many years. We run "free advice" sessions for those on low income and where legal aid is not available. Members of the public who are apprehensive about coming into solicitors' office can call into see us

for 15 minutes free advice.

We can usually analyse a problem in that time and suggest to the client whether and how it is worth pursuing or whether they should "cut their losses".

Sadly, other than for family cases and for more serious criminal cases, we, along with many solicitors around the country, can no longer provide any form of legal aid and this is why the free advice sessions which we hold are invaluable to the public.

We recently helped a client secure

an award of £15,900.00 (increased on appeal from £3,300.00) by the Criminal Injuries Appeal Tribunal and another to secure compensation of £6,750.00 for unfair dismissal in the Employment Tribunal.

We do not share the politicians view of what amounts to access to justice and strongly oppose the massive cuts to the scope of legal aid proposed by the government. For our part we will continue to do what we can to help our clients obtain justice and fairness.

**PAUL CAMMISS - Partner**

## Farmers Corner

When a farmer dies we routinely apply for Agricultural Property Relief (APR) on the farm including the farmhouse. When APR is refused the result will usually be a fairly massive charge to Inheritance Tax.

HMRC have a long and inglorious history of refusing APR and these cases can end up in Court. A common issue between the tax payer and the HMRC is whether the

farmhouse is of a character appropriate to the farming operation in question.

In a recent case (Golding -v- HMRC (2011)) the Court accepted that a small three bedroomed farmhouse in a poor state of repair was appropriate for a smallholding of around 16 acres which the deceased had farmed for over 65 years. The Judge accepted that as farmers grow

older their work rate drops and reduced turnover and profit should not disqualify the estate from claiming APR.

This is an important case for farmers and their families and re-affirms and indeed strengthens the law laid down in the famous Antrobus case.

**MELANIE PRATLETT - Partner Private Client**

## Owning Property Jointly

When a couple, whether married or not, purchase a home they will hold the property either as joint tenants or as tenants in common. It is important that they understand the difference.

If they own as "joint tenants" the right of survivorship applies. This means that upon the death of the first to die that person's share will automatically pass to the survivor. A contrary intention expressed in a Will makes no difference.

However, if the couple hold their property as "tenants in common" the right of survivorship will not apply and on the death of the first to die his or her share will pass according to their Will, or if no Will exists, according to the law of intestacy.

Most couples, particularly if married, own their homes as joint tenants. The advantage of the tenancy in common is that the couple can decide if they wish to own it in equal or unequal shares. For example where one has provided a significantly larger contribution to the purchase price it may be appropriate for this to be reflected by a tenancy in common.

Divorcing or separating couples will usually want to change from a joint tenancy to a tenancy in common. This is most effectively done by serving a written notice of severance of joint tenancy on the other party.

**CHRISTINA TAPPER** - Licensed Conveyancer

## Alfie The Fickle Feline

A recent survey has revealed that when relationships end custody of the family pet can be an issue. 20% of those polled said they had sought legal advice on ownership of their pet. In over half of the cases both parties wanted the animal and in 10% neither wanted it! One in five couples agreed joint custody.

This reminds me of the case of Alfie, an insouciant ginger tom who transferred his affections to the couple down the road. Much to the consternation of the District Judge in Cambridge the case, if not the cat, landed in his lap. He ordered that

Alfie be set down in the road halfway between the two houses on a designated date and left to decide which one he preferred. On the appointed day Alfie thrust his tail aloft and sauntered off to an entirely different house where it transpired he had taken a fancy to the exotic cuisine.

The last I heard the original owners had retaken possession of their appallingly disloyal pet and decamped abroad.

**ANTON BILINSKI** - Legal Executive

## Adams Harrison Secures Law Society's New Quality Mark

We are pleased to announce that we are one of the first firms to achieve the Law Society Conveyancing Quality Scheme standard (CQS) which was introduced earlier this year. The firm underwent a rigorous assessment by

the Law Society in order to secure CQS status, which marks the firm out as meeting high standards in the residential conveyancing process.

**RHODRI REES** - Partner

*solicitors*

## Only Joking

When is it ok to make a joke in a Will? Here are a few examples:-

"To my husband who constantly reminded me how important it is to be slim and healthy I leave my treadmill and trainers".

"To my brother Edward who asked to be mentioned in my Will ... Hi Ed!"

"To my neighbours the Jones with whom I tried but failed to keep up I leave the resulting overdraft at Barclays Bank".

"To the landlord of the Pig and Whistle I leave three years supply of tap water so he may continue to supplement his beer".

"To Sir Alex Ferguson I leave my clear and unblinkered sense of perspective which I know he will cherish more than anything".

## Many Thanks



Photo: left to right - Tom Harrison, Marion and husband Tim

Marion Stephens, who retired from the Practice after 14 years as our Receptionist at the Saffron Walden office. Members of staff from all three offices joined Marion and her husband for a lunch when she was presented with a eucalyptus tree, garden chair and bird bath. We wish Marion a happy retirement.

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## Greater Fairness In Commercial Lease Service Charges

RICS, the professional body for chartered surveyors, continue to try and improve landlord & tenant relations in the commercial property sector. One of the greatest areas of fall out is over service charges. Clearly on the one hand a landlord wants to keep his property in tip top condition but on the other hand a tenant regards service charges as a cost affecting his bottom line. As solicitors we have seen plenty of examples of very good and very bad practice. RICS have just launched the second edition of the Service Charges in

Commercial Property which is a code of practice intended to address some of the potential areas of conflict. In particular it places greater emphasis on Alternative Dispute Resolution and repeats that service charges should not be run either to make profit or a loss, they should be demonstrably fair and reasonable and should not be used to improve or equip a building at the tenant's expense.

The downside, unfortunately, is that landlords are not legally obliged to

adopt the Code or to adopt only those parts of the Code which suit the landlord. That having been said, if you are looking to take commercial premises do look to see whether or not the landlord will abide by the service charge code or its sister code, the Code for Leasing Business Premises. You may be pleasantly surprised to find out that the landlord does subscribe or it may be the deciding factor between two equivalent properties.

**ANTHONY MARRIS - Senior Commercial Solicitor**

## Going, Going ... Gone

Auctions are always fun but you do need to be prepared. The problem for the unwary is that it is easy to get swept along with the excitement of it all. Whether it is furniture, cars, fine art or property do your homework and set your limits.

property auctions. We have acted for many clients who have successfully bought and sold properties at Cheffins auction rooms at the Cattle Market.

For details go to [www.cheffins.co.uk](http://www.cheffins.co.uk)

Cheffins the property specialists in Cambridge are renowned for their

**ANTHONY MARRIS - Senior Commercial Solicitor**

## All My Worldly Goods

You may have seen BBC 2's series "You Can't Take It With You". Former businessman Gerry Robinson investigated how people went about making their Wills. The results were often enlightening.

It is not uncommon for families to entertain radically diverse views as to how their wealth should devolve on death.

Robinson's approach was to gather

the families together to see how competing claims would be resolved before the family Solicitor drew up the Wills. From what we saw on television he was largely, and sometimes surprisingly, successful. All those involved appeared relieved and delighted to have got their testamentary affairs in order without upsetting anyone.

**SARAH FURLONG - Wills & Probate Executive**

## 40 Years On And Still Going



Photo: Tom Harrison (left) presenting tankard to Paul

Managing Partner, Paul Cammiss has clocked up 40 years with the firm. Paul joined the firm as an articulated clerk in 1971 and qualified in 1973. He became a partner in 1975 and has been the Managing Partner since 2000. Paul specialises in criminal and family law and is a well known figure in Haverhill where he lives with his wife Lin.