

Solicitors' Risk in Brief - April 2019

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Controversial proposal to reduce SRA Minimum Cover is kicked onto the back-burner



In March 2018 we reported that the Solicitors Regulation Authority (SRA) had published its consultation paper, "Protecting the users of legal services," which outlined the SRA's proposals on reforming the Solicitors Minimum Terms & Conditions (MTCs) and the Compensation Fund...

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Is illness ever a defence against dishonesty?



The recent decision of the Divisional Court in the cases of SRA v James, Naylor & McGregor has caused consternation amongst the profession, many of whose members can identify with the pressures that are faced by solicitors in private practice...

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The Role of Liability Experts in Claims against Solicitors



Where a claim is brought for professional negligence, the court will generally expect to be provided with some expert evidence to enable it to decide whether the defendant has breached the relevant standard of care...

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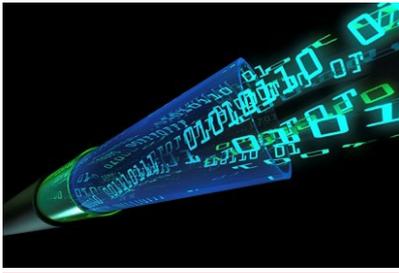
Implications of the UK Criminal Finances Act 2017



The Criminal Finances Act 2017 (the "Act") came into force in September 2017. The Act makes "relevant bodies", which includes solicitor corporates and partnerships, criminally liable for failing to prevent anyone regarded as an "associated person" from facilitating UK or foreign tax evasion. This offence follows the wording adopted in section 7 of the Bribery Act 2010...

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Data Subject Access Requests and Solicitors'



Data Subject (“DSARs”) are nothing new, but the volume of noise arising is. Following the implementation of the EU General Data Protection Regulation (“GDPR”), the Information Commissioner’s Office (“ICO”) has seen a 98% rise in complaints relating specifically to DSARs. In addition, many law firms have seen a substantial rise in the number of DSARs being received...

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The New Disclosure Pilot



On 1st January 2019, a new disclosure pilot came into effect in the Business and Property Courts. It applies to new and existing proceedings where an order for disclosure has not already been made. Whilst this is expressly described as a “pilot”, if it is successful it will be rolled out to other courts and will be a catalyst for a wholesale change in the courts’ approach to this important litigation process...

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Rise in SDLT multiple dwelling relief claims against solicitors



While Multiple Dwelling Relief (“MDR”) was introduced in July 2011, recent clarification as to what constitutes a separate dwelling appears to be giving rise to an increased number of professional negligence claims against solicitors who fail properly to advise their clients of the potential to claim MDR...

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Duty to warn is co-extensive with a solicitor’s retainer



Cathal Anthony Lyons v Fox Williams LLP [2018] EWCA Civ 2347. The Court of Appeal on 25 October 2018 dismissed an appeal which challenged a judge’s finding that a solicitor was not under a duty to warn a client...

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Perry v Raleys - Reinstating the law as most professional negligence lawyers understood it to be



This decision restates the law as most professional negligence lawyers had understood it to be. There is no new law in the decision. The Supreme Court has corrected what was a misapplication of well understood principles by Lady Justice Gloster in the Court of Appeal...

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Ground Rent Claims

The [Housing, Communities & Local Government Committee Report](#) provides further insight into the leasehold reform agenda and has an undoubted impact on claims against conveyancing solicitors.

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