

Wall James Chappell Newsletter

Firms merger and new Partner

You may be aware that Wall James & Davies and Chappell & Perry merged on 1st October 2009 to form **Wall James Chappell**. Two of the longest established law firms in the Black Country, Wall James & Davies and Chappell & Perry have been based in Stourbridge since they were both founded over 100 years ago (Wall James & Davies in the 19th Century and Chappell & Perry in 1906). Both firms provide legal advice and expertise to private and commercial clients based both locally and throughout the region.

Chappell & Perry's two partners – Peter Dorr and John Cockling – along with their members of staff have relocated to the offices of Wall James & Davies across the road in Stourbridge.

Wall James & Davies' senior partner, Jonathan Browne, comments "Chappell & Perry is a well established practice in Stourbridge, with a strong reputation for reliable and trusted legal advice. They also provide a complementary range of legal services to those at Wall, James & Davies, both to private individuals and small to medium sized businesses. By joining forces we can continue to deliver the best legal advice to our clients both



The Partners - left to right : James Rousell, Susannah Griffiths, Christopher Hamlyn, Simon Beddow, Jonathan Browne, John Cockling, Teresa Stepien and Peter Dorr

locally and throughout the Black Country."

The firm is also proud to announce that James Rousell has been promoted to Partner. James originally joined the firm as a trainee solicitor, qualified in 2004 and specialises in wills, personal tax planning, trusts and probate. Of his promotion, James says: 'I am delighted to join the partnership of Wall James Chappell, particularly during such a busy and exciting time for the firm.'

The firm has also seen further growth with the arrival of Philip Chapman in the Company Commercial department

Inside this issue:

Firm News	1
Lasting Powers of Attorney	2
Update—new firm website	3
Dealing with Inheritance claims	4
Business health and Notary matters	5
Town Planning	5
Contacts	6



"Planning for the over 60's" seminar at Stourbridge Rugby Club

The Private Client Department held a seminar at the Stourbridge Rugby club in September 2009. Attendance at the event was well supported by both old and new clients.

Christopher Hamlyn, Susannah Griffiths and James Rousell presented to over 70 clients on issues affecting the over 60s such as the importance of mak-

ing a will, lasting powers of attorney and long term care. The seminar was held in conjunction with ProAct financial planners who discussed equity release scenarios and maximizing income for retirement. If you would like any information on the topics covered at the seminar or would like to attend a future event, please email James Rousell

Lasting Powers of Attorney — a necessity?

Nobody knows what the future holds and situations can arise, such as failing health or an unexpected accident where you are no longer able to take care of your own affairs.

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) is a legal document that enables you to appoint one or more persons of your choice to handle your financial affairs and property, either now or in the future.

You can also set up a separate LPA which appoints someone to deal with your welfare and personal affairs (i.e. where you live, the care you receive) and even to make decisions about the medical treatment that you receive should you lose your mental capacity.

LPAs for financial affairs and property replaced Enduring Powers of Attorney (EPA) as from 1st October 2007. However an EPA set up prior to 1st October will still be valid provided it was properly executed.

Why do I need one?

Unless you have prepared an LPA and formally nominated someone to manage your affairs, organizations will not allow an individual other than you to deal with them. Therefore, without an LPA in place, your assets can go into limbo as no-one would be authorised to access them and this can, of

course, create difficulties where there are bills to be paid.

Similarly, if you lose your mental capacity, you may wish to nominate somebody to make decisions in relation to your welfare and/or health care to ensure your needs are properly looked after.

Who can act as my Attorney?

Anyone who is over 18 years old can be nominated. It needs to be someone you trust implicitly and who will put your needs first. It is quite normal to appoint a trustworthy and responsible member of your family, who lives close enough to you to be able to give the necessary assistance. In certain circumstances it can be helpful to appoint solicitors to act as your Attorney.

Can I have more than one Attorney?

Yes, you can appoint more than one Attorney. If you appoint more than one person to act as your Attorney they can be appointed to act either "jointly" or "jointly and severally". If they are appointed to act "jointly", then this will mean that they all need to act unanimously at all times (for example all signing cheques). If they are appointed to act "jointly and severally" then any of them can act separately or together.

Can I restrict the powers

that I give to my Attorney(s)?

Yes. If you wish, you can restrict their powers to specific acts such as managing your investments, selling your house or simply paying routine domestic bills. Alternatively, if you choose to give them wider powers, the Attorney(s) can do anything which you would have been able to do yourself.

Registration at Court

Your appointed Attorney(s) cannot act upon your behalf until the LPA has been registered at the Office of the Public Guardian (whether or not you are mentally capable). Once registered, your Attorneys are permitted to act upon your behalf should this be desirable or indeed necessary.

What if I don't make an LPA?

Your family would have to apply to the Court of Protection (which oversees the affairs of people who are not mentally capable of doing so themselves) for the appointment of a Deputy to look after your affairs. This is an inconvenient, long and costly business compared with the ease of thinking ahead and preparing an LPA now.

Christopher Hamlyn is the



Christopher Hamlyn is the Head of the Private Client Department
c.hamlyn@wjclaw.co.uk



Susannah Griffiths
s.griffiths@wjclaw.co.uk



James Rousell
j.rousell@wjclaw.co.uk

“Unless you have prepared a Lasting Power of Attorney and formally nominated someone to manage your affairs, organizations will not allow an individual other than you to deal with them”

The firm and information technology

In recent years, Information Technology ("IT") has had an immense impact on the legal sector and, in particular, the delivery of legal services. The internet, email, case management software, digital dictation and the like, have all changed the way in which some law firm's work, improving the efficiency and the quality of service provided to clients.

Wall James Chappell prides itself on providing clients with a high quality - personalised - service and we have therefore embraced the recent technological changes in order to improve and maintain the quality of service to our clients.

For example, our new website www.wjclaw.co.uk provides clients (or potential new clients) with a useful, informative and interactive "space" where they can access details of the services provided by the firm, fee earner/partner profiles and contact details.

The website also allows users to download important information leaflets and other documents as well as obtaining details of forthcoming special events (e.g seminars/presentations) being held by the firm. The website is updated regularly with any changes within the firm, important news and other important information. The new website is just another way in which we, as a firm, strive to meet (and hopefully exceed!) the needs of our clients.

In addition to the website, the firm also utilises a state of the art case management system that allows each fee earner to monitor and actively manage each client matter on a daily basis. This, combined with our digital dictation facility, means that each of our clients receives a high quality efficient service

designed to meet their own needs.

Whereas many smaller and provincial firms have been reluctant to embrace the IT revolution, we at Wall James Chappell believe that IT and new technology is a vital tool in providing our clients with a high quality, unrivalled, service.

Robin Bailey is the IT Manager at Wall James Chappell.



Robin Bailey is the IT Manager at Wall James Chappell for further information contact r.bailey@wjclaw.co.uk



"Our new website provides clients allows clients to access details of the services provided by the firm....and download important information leaflets...aswell as obtaining details of forthcoming special events"



Wall, James Chappell has contributed towards the Race for Life 2009 by entering a team of four dedicated girls. Pictured above is the team Karen, Lindsey, Michelle and Lorraine together with Partner Susannah Griffiths and Senior Partner Jonathan Browne. Unfortunately Jonathan was unable

to enter the race as it was women only, however, the firm was both delighted and proud of the girls for their contribution to such a worthwhile cause. The team raised around £450. Race for Life is Cancer Research UK's flagship event, which brings together thousands of women each year

to walk, jog or run 5km and raise money to beat cancer. To date, four million women have raised over £240 million for Cancer Research UK's life-saving work.

Pictured right(right to left) : Jonathan Browne, Karen Bailey, Lindsey Bate, Susannah Griffiths, Michele



“He didn’t leave me anything in his will” - Claims under the Inheritance (Provision for Family and Dependants) Act 1975

It is a common misconception that a person has to remember their close relatives be it husband, wife or children in their Will. That is not the case. When you write a Will you are free to leave your estate to whoever you choose, be that your nearest or dearest or the local cats home. However, if you have not made sufficient provision for those close to you then they may have a claim under the **Inheritance (Provision for Family and Dependants) Act 1975**.

WHO CAN CLAIM?

The classes of people who may bring a claim under that Act are:-

1. The spouse or civil partner of the deceased;
2. A former spouse or former civil partner who has not re-married or formed a new civil partnership;
3. A co-habitee who lived in the same household as the husband or wife or as the civil partner of the deceased for two years immediately before the death;
4. A child of the deceased;
5. A person who is not the deceased’s child but who in the case of any marriage or civil partnership to which the deceased was at any time a party was treated by the deceased as a child of the family;
6. Anyone who has been maintained by the deceased immediately before the death.

A claim under the Act is brought on the basis that the deceased’s Will does not make reasonable financial provision for the applicant. A claim can also be brought if the deceased has not made a Will on the basis that the law of intestacy does not make reasonable financial provision for the applicant. The time limit for making a claim is six months from the grant of representation.

FACTORS TO CONSIDER

The factors to which the Court is to have regard in considering claims under the Act are laid down by the Act itself. When a claim is brought by a husband or wife of the deceased, the Court shall consider what provision the applicant might have received if the marriage had been terminated by a divorce on the day of death. Likewise when considering an application by a civil partner, the Court will consider what provision the applicant might reasonably

have expected to receive if the civil partnership had been terminated by a dissolution order at the date of death.

Where a claim is brought by a co-habitee, the Court will consider the age of the applicant and the length of the co-habitation. It will also consider the applicant’s contribution to the welfare of the deceased’s family. Even if a co-habitee has not been living with the deceased for two years prior to the date of death, they may still have a claim under the Act if they were being maintained by the deceased.

When considering claims by children of the deceased, the Court will have regard to the manner in which they were being or might expect to be educated or trained.

The Court will of course have to balance the claims of competing beneficiaries. Claims under the Act should not be brought lightly and without proper advice. Costs can eat into the estate to everyone’s detriment.

The most often disappointed group of potential claimants are the deceased’s adult children. Unless they have been maintained by the deceased or suffer from physical or mental disability, it is hard for them to show that the distribution of the estate does not make reasonable financial provision for them.

With people living longer and perhaps spending their last years in ill health dependant on carers, questions can also arise as to whether the deceased’s Will in fact expressed their true wishes and intentions. In those cases it may be possible to challenge the Will for example on the basis of lack of testamentary capacity or undue influence. However, this is another complicated area on which legal advice should be sought at an early stage.



Jane Beale is an associate solicitor in our Litigation department. For further information email j.beale@wjclaw.co.uk

Wall James Chappell in the Press

Links to recent news articles in local and regional newspapers can be found below:

www.wjclaw.co.uk/cms/downloads/newsletters/expressandstar.pdf

www.wjclaw.co.uk/cms/downloads/newsletters/bhampost.pdf



Is your business healthy?

The firm has recently launched its quarterly "Business Update". Written and produced in-house in a non-technical style, the Business Update aims to flag up topical legal issues and developments that could affect businesses.

The Business Update is available by post or electronically. A copy of the first edition can also be seen on our website. If there are any particular topics which you would like to be covered in the next edition or if you know anyone who might like to receive this publication, please do not hesitate to contact me.

The commercial department is also offering a "Business Health Check Service". We are aware that running a business can be very time consuming and, given the current economic climate, the efforts of commercial clients may be more concentrated on staff, customers and finances. The aim of the service is to make cost savings and to ensure

that our clients' businesses are in the strongest legal position possible in terms of their contractual arrangements.

As part of the business health check service we are offering to review:

1. Business terms and conditions (for example with suppliers, distributors or customers);
2. Employment contracts (this also includes staff handbooks and policies); and
3. Company and partnership arrangements

We believe that this service could help clients extract more value from commercial contracts to improve their financial position and to stay ahead of the competition.

For further information contact Philip Chapman p.chapman@wjclaw.co.uk



Philip Chapman is a solicitor in the company commercial department.

Notary Public

Following the retirement of Roger Davies, Philip Chapman is studying to become a Notary Public. This will enable the firm to continue providing Notary services both for its private clients in terms of wills, probate, family matters and conveyancing as well as commercial clients relating to company documents.

Town planning



RTPI

mediation of space - making of place

Wall James Chappell is one of the very few law firms with a specialist and dedicated Town Planning Department. The Department is led by Robert Jolly, who together with Elizabeth Mitchell and Ben Eiser are able to offer a range of planning services both to individual and to corporate clients.

The Department's work includes all aspects of Town Planning, both as the agent for planning applications, but also in advising other professionals such as architects and non-planning specialist solicitors.

The work includes :-

- Submitting planning and other applications, including Listed building consent ;
- Advising on the prospects of obtaining permission from the local authority or at an appeal
- Establishing the need for permission and Certificates of Lawfulness

- Advising on Unilateral Undertakings ;
- Advising on the scope and effect of planning conditions or other restrictions on your site ;
- Advising on the long-term promotion of sites as part of the Local Development Framework ;
- Assessment of sites with development potential ;
- Resolution of planning refusals either through negotiation with the local planning authority, resubmissions or appeals ;
- Presentations to local authority Committee Meetings.

The above list is not exhaustive. Whatever your planning query, please do not hesitate to contact the Planning Department.

For more information contact either Robert Jolly, Elizabeth Mitchell or Ben



Robert Jolly
r.jolly@wjclaw.co.uk



Elizabeth Mitchell
e.mitchell@wjclaw.co.uk



Ben Eiser
b.eiser@wjclaw.co.uk

Subscribe

If you would like to subscribe to the WJC Newsletter, please visit our website

www.wjclaw.co.uk,
email James Rousell at
j.rousell@wjclaw.co.uk

or telephone
01384 371622

Contact

Company and Commercial

Philip Chapman
p.chapman@wjclaw.co.uk

Employment and Litigation

Simon Beddow
s.beddow@wjclaw.co.uk
Jane Beale
j.beale@wjclaw.co.uk

Conveyancing

Peter Dorr
p.dorr@wjclaw.co.uk
Teresa Stepien
t.stepien@wjclaw.co.uk
Clare Marriott
c.marriott@wjclaw.co.uk
Pauline Hart
p.hart@wjclaw.co.uk

Commercial Property

Ruth Latham
r.latham@wjclaw.co.uk

Wills, Tax & Probate

Christopher Hamlyn
c.hamlyn@wjclaw.co.uk
Susannah Griffiths
s.griffiths@wjclaw.co.uk
James Rousell
j.rousell@wjclaw.co.uk

Town Planning

Robert Jolly
r.jolly@wjclaw.co.uk
Elizabeth Mitchell
e.mitchell@wjclaw.co.uk
Ben Eiser
b.eiser@wjclaw.co.uk

Commercial

John Cockling
j.cockling@wjclaw.co.uk

Family

Jonathan Browne
j.browne@wjclaw.co.uk
Judith Godbehere
j.godbehere@wjclaw.co.uk

IT and Accounts

Robin Bailey
r.bailey@wjclaw.co.uk

Location

