ACTAPS

Newsletter

ASSOCIATION OF CONTENTIOUS TRUST AND PROBATE SPECIALISTS

ACTAPS

ASSOCIATION OF CONTENTIOUS TRUST AND PROBATE SPECIALISTS
NEWSLETTER ISSUE 177 AUGUST 2014

Editor:

Henry Frydenson MBE, Chairman, ACTAPS
Frydenson & Co
Central Court
25 Southampton Buildings
London
WC2A 1AL

Tel: *+44 (0) 203 178 8777*

E-mail: *henry@frydenson.co.uk*

The ACTAPS Newsletter is available online to members - to experience this version, visit www.actaps.com.

ACTAPS

CHAIRMAN'S REVIEW

Welcome to Issue 177 of the ACTAPS Newsletter.

This contains an interesting article written by Christine Green and Fiona Lawrence entitled ‘Stuck in the Middle’, detailing a recent case where Christine was a court appointed administrator, and what transpired.

We also have the first part of an article written by Keith Barritt, which looks back on his long and interesting legal career.

CONTENTS

IMPORTANT NOTICE

Members will have received a reminder regarding the nominations for the Annual Awards.

The categories are:-

1. Contentious Barrister of the Year
2. Contentious Solicitor of the Year
3. Contentious Offshore Lawyer of the Year

If there is any member you would like to nominate, please do so using the forms we have forwarded to you.

The closing date has been extended to 26 August.

Association of Contentious Trust and Probate Specialists

CONTENTIOUS TRUST AND PROBATE COURSE
OCTOBER 2014

- The Association of Contentious Trust and Probate Specialists, in conjunction with the University of Law, is offering a well established and highly regarded course for lawyers interested in this specialist field.

- The course is designed to fit around lawyers' busy working schedules allowing you to develop your career effectively and efficiently employing a flexible but practical approach to the subject matter while at the same time earning you CPD hours.

- The course is open to practising Solicitors, practising Barristers and practising Legal Executives. Upon successful completion of the course the individual will become an Associate member of the Association.

CONTENT

- Modules offered on the course cover: Actions for Breach of Trust; Probate Actions; Alternative Dispute Resolution; Capacity and Psychiatric Issues and the Court of Protection; Statutory Provisions for the setting aside of Transfers to Trusts; Sham Trusts and Forced Heirship; Conflicts of Laws, Community Property and Fraud on the Law; Third Party Trust Claims; Use of the Court to resolve Internal Trust Problems; Asset Tracing and Constructive Trust Claims; Forms of attack on Wills and Intestacy; Practitioner's Instruments and Family Provision Claims.

DURATION

- Starting in October 2014, the duration of the course is three years' part-time study (with an option to ‘fast track’ and complete in two) made up of directed distance learning, in which course materials are worked through in the individual's own time, together with scheduled face to face teaching sessions.

COST

The cost of the course is in the region of £800.00 plus VAT per annum per delegate which includes the cost of explanatory materials, case study exercises and face to face teaching sessions.

For further information, please contact ACTAPS Chairman, **Henry Frydenson,** or his secretary, Yvonne Gwyther, on tel: 020 3178 8777 or e-mail: henry@frydenson.co.uk, or by post: Frydenson & Co Solicitors, Central Court, 25 Southampton Buildings, London, WC2A 1AL

Stuck in the Middle

Christine Green and Fiona Lawrence provide a first-hand account of how challenging the role of independent administrator can be, describing a recent case in which Christine was the court-appointed administrator led to make an application for directions due to one beneficiary's conduct.

Christine's story

An independent administrator's lot is not a happy one. We are generally appointed when the estate has become deadlocked, the parties have long since ceased to communicate with each other, and when there are urgent claims or court applications to deal with.

As soon as the independent administrator is appointed, they are often expected to 'wave a wand' and resolve all the past difficulties, heal the divisions between beneficiaries, and distribute the estate without further ado. When this does not happen on day two of the administration, the unlucky administrator often becomes the target of the parties' criticism, and is bombarded with letters of advice and complaint. Worse than all this, once the Independent administrator has accepted the court appointment and embarked on the task of administering the estate, it is only possible to retreat with the approval of the court after finding a replacement who is acceptable to all parties; and the administrator is therefore fixed with the role.

Given the above, it is possibly surprising that experienced solicitors continue to put their names forward for these roles. It can only be assumed that this represents the triumph of hope over experience, and that we fondly imagine that in every new case, we will find reasonable conduct by beneficiaries, uncomplicated assets, and that the estate will be resolved within a few months of our appointment, once the personality issues have been resolved.

Of course, if that were the case, there would generally be no need for the independent administrator. The task, by definition, is a difficult one - and in acting fairly, in the best interests of the estate as a whole, the independent administrator is doomed to find opposition and even hostility.

So it has been in the estate of Peter Maitland, of which I was appointed independent administrator by an order of the court in February 2010. Maitland died in October 2009, leaving an estate in the UK valued at just over £6 m. Besides the UK estate, Maitland had a 25% share in the estate of Anne Norman, who had died in June 2002 domiciled in Switzerland. The assets in Norman's estate were mainly located in Switzerland, and the subject of a dispute. Maitland had been appointed executor of Norman's estate together with another beneficiary, Francis Burne, and they both acted as attorneys for her during her lifetime.

Maitland's executor (to whom I shall refer as 'R'), appointed by his will, was a retired barrister, and had been providing legal advice to Maitland during his lifetime in relation to the Norman estate. R agreed to resign as executor following an application by one of the other beneficiaries, and I was appointed in his place. Although R no longer had a role as an executor, he remained a beneficiary of Maitland's estate as to 28%. There were seven other beneficiaries, including two charities.

The dispute in Norman's estate centred around the alleged misappropriation of assets by Burne in his role as attorney, and subsequently as executor. It proved very difficult to establish the precise value of the alleged misappropriations, and Maitland in his lifetime had spent a great deal of his own money in legal fees, with very limited success, trying to pin down the missing assets, comprising some notable artworks and offshore funds. This was the task that now fell to me as administrator.

I also had to deal with R, who, from the moment of my appointment, was highly critical of all my actions, and made a very large number of serious and wide ranging allegations against a number of people including myself.

It was at this point that I instructed my firm's contentious trusts and probate team to investigate the alleged misappropriated assets and to reach a settlement of all claims if possible. Fiona Lawrence, senior associate in the team, takes on the story below.

A complex dispute

Christine joined with the remaining beneficiary of the Norman estate (to whom I shall refer as 'A'), in carrying out extensive investigations into the alleged misappropriations. Disclosure was obtained from UK and Swiss banks, auction houses and other third parties to trace the monies and works of art, believed to amount to several million pounds. This resulted in Christine and A issuing proceedings against Burne in both the UK and Switzerland, requiring him to account for his dealings with Norman's assets.

Following the issue of proceedings, a mediation with Burne took place. This resulted in a substantial settlement to the Maitland estate and to A, but with no admissions on Burne's part regarding the misappropriations, which remained unproven. The settlement was set out in a Tomlin Order, to which Christine sought the beneficiaries' consent. All the beneficiaries of the Maitland estate provided their consent, save for R, who provided his qualified consent on the basis that he had not been provided with all the information to enable him to make an informed decision about whether the Tomlin Order represented a good deal for the Maitland estate.

Acting on the advice of leading counsel, Penelope Reed QC, Christine took the view that R had provided his consent, and she entered into a Tomlin Order in November 2011.

Christine's primary aim of concluding the investigation into the misappropriations had been achieved. She now had to focus on negotiating a deal with A regarding the apportionment of costs and other issues relating to the Norman estate, which would conclude another set of Swiss proceedings issued during Maitland's lifetime. Following a year of negotiations with A, an agreement in principle was reached, which would have the effect of compromising the Swiss proceedings and releasing funds held in the Swiss bank account for distribution to the beneficiaries. Christine sought the beneficiaries' consent to enter into the Swiss agreement.

Despite the fact that all the other beneficiaries provided their consent to the Swiss agreement, R alone refused consent, and threatened injunctive proceedings if Christine

entered into the Swiss agreement. He considered that he had not been given enough information; was critical of the proportion of costs being borne by the Maitland estate, which he said should have been less than that borne by A; and alleged that a conflict of interest existed because A had been a client of the firm in relation to the proceedings against Mr Burne.

Application for directions

In the light of the threatened injunction, Christine issued an application under part 64 of the Civil Procedure Rules (CPR) seeking the directions of the court on three distinct issues. Firstly, she sought the court's approval of her decision to enter into the Tomlin Order, as R subsequently alleged that Christine had procured the consent of the beneficiaries by fraud. Second, she sought the court's authorisation to enter the Swiss agreement with A, and third she sought a ruling that she was not obliged to issue proceedings against a number of third parties, whom R contended would be liable in connection with the misappropriated assets in the Norman estate.

Judgment

The court refused to grant retrospective approval to the Tomlin Order on the basis that it was a 'done deal', and the only benefit of the court giving the direction would be to protect Christine from a claim for breach of duty or negligence by any of the beneficiaries. Mr Justice Roth acknowledged that the application was made in good faith. He said that it was for R to bring proceedings if he chose to pursue an allegation that Christine had obtained the Tomlin Order by fraud, and that part 64 proceedings were not suitable for the determination of such an allegation.

At the outset of the trial, R dropped his opposition to the agreement with A on the basis that the proposed terms were, subject to the question of her power to enter into the agreement under Swiss law, within the ambit of the reasonable decisions to which Christine, as administrator, could come. He did so also on the basis that he remained free to bring a claim against Christine for alleged breach of duty or negligence, in relation to her conduct leading up to the agreement. The issue of the claims against third parties was dealt with by assigning the rights of action to R (who had, up until this point, refused to accept them), and therefore fell away prior to the final hearing of Christine's application. The

hearing therefore proceeded on the question of costs alone, which took up one and a half days of court time.

The costs orders

Whilst the court has a wide discretion with regard to costs, the starting point is to consider the special provisions contained within CPR 46.3, which provide that, as a general rule, the trustee/ personal representative is entitled to recover their costs out of the trust fund or estate on an indemnity basis. In this case, Penelope Reed QC made forceful submissions that this was an exceptional case, and that the costs should be paid by R.

In his judgment handed down on 28 June 2013, Mr Justice Roth considered the three categories of trust litigation laid down by Mr Justice Kekewich in *Re Buckton* [1907] 2 Ch 406. This judgment sets out frequently applied guidelines when considering where the costs of an application for directions by a trustee under CPR Part 64 should fall. Mr Justice Roth held that although the application for directions fell within category (1) of *Buckton* in its form (where a trustee asks for a question to be determined which has arisen in the administration of the trust), it does not fall neatly within Mr Justice Kekewich's tripartite classification, and he went on to state:

> *"It has far more the character of hostile litigation, in which the other individual beneficiaries support the position of the personal representative, who has faced sustained hostility and opposition from the one beneficiary who has opposed this claim."*

In considering where the costs should fall Mr Justice Roth noted:

> *"in the claim form itself Mrs Green sought an order that the costs should be paid by* [R] *out of his share of the estate [which] in it itself [is] an indication that, for her part, she viewed this as having more the character of hostile litigation than an ordinary application for directions by a trustee or personal representative."*

Robert Ham QC for R submitted that there was no such principle in English law requiring a beneficiary to consent to something he is not satisfied about, or indeed to be polite. Mr Justice Roth held that:

> *"That is no doubt correct, but equally, in my judgment, a beneficiary cannot expect to be immune from liability in costs irrespective of his conduct. An order of costs is not to be applied as a sanction for the intemperate and frequently insulting language of* [R]*'s correspondence. But in my view, where unreasonable conduct by a beneficiary is responsible for generating substantial costs on the part of a trustee or personal representative as regards an application to the court, it is appropriate that the burden of those costs should be borne by that beneficiary and not fall on the trust or estate and thus the beneficiaries as a whole."*

Mr Justice Roth accepted that this was not an ordinary application for directions with the usual cost consequences, and ordered R to pay 85% of Christine's costs on the standard basis in respect of her costs incurred in bringing the application for the court's authorisation in relation to the Swiss agreement and the third parties claim
The judgment did, however, contain a sting in the tail, as Christine was not able to recover the costs of the application of the Tomlin Order; applying a broad brush approach, Mr Justice Roth thought 15% to be fair. This order could be considered harsh, as although the court found that, in substance, this part of the application was for Christine's benefit rather than the Maitland estate's benefit, the court also held that Christine had made the application in good faith.

Applying for directions

When is it appropriate to make a Part 64 application for directions? Administrators commonly face criticism and opposition from beneficiaries to their proposed actions. At what point should the Court become involved? In our experience, the administrator should make every possible effort to avoid an application to the court and should 'grin and bear' the insults, but sometimes there is no other option.

In this case, Christine had been requested by the other beneficiaries to restrict the time that she spent dealing with R's communications. Of R's numerous requests, she sought to address only those which she regarded as reasonable, in her monthly reports to beneficiaries. When solicitors were instructed by R, she confined her communications to the solicitors, and did not respond to R directly. Christine had warned R that she would seek a costs order against him if she had to apply to the court to approve her actions. She had obtained advice from leading counsel on the steps she proposed to take, and the remaining seven beneficiaries had all consented to it on the basis of that advice. She had attempted to mediate with R, after the issue of proceedings, but ultimately this had proved unsuccessful. In short, Christine had taken all steps that she could to avoid the costs of a court application.

A Court will regard the costs of an application as justified when there is a difficult beneficiary, or where litigation is contemplated. Mr Justice Roth commented:

"*Indeed, if not for the determined opposition of* [R]*, it seems doubtful that Mrs Green would have made any application to the court for directions at all."*

It is crucial to consider the parameters of the application. It may be tempting to ask the court to approve everything, but it is clear that there could be adverse costs consequences. Part 64 proceedings are not appropriate to obtain an order that is purely for the personal representative/trustee's own protection in hostile proceedings, even if the application is made in good faith. If a beneficiary is likely to contest an action, consideration should be given to obtaining the court's approval of that action in advance. If this is not done, it will not then be possible to obtain protection retrospectively.

Lessons learned

Returning to the independent administrator herself, what conclusions can we draw from the judgment?

The judgment shows that beneficiaries who run up costs with frequent demands for information, and go against the wishes of other beneficiaries, may end up having to pay for it. It has created a fundamental shift in the relationship between personal representatives and beneficiaries, and whereas in the past, the beneficiary may have been confident that

their costs would be met from the estate or trust, they may now be faced with an order to pay the costs of another party.

Could matters have been handled differently in this case? It is difficult to see how an application to the court could have been avoided in these circumstances. Could we simply have gone ahead and carried out our proposed actions, relying upon leading counsel's advice, and with the consent of seven out of the eight beneficiaries, confident that any breach of trust claim would be likely to fail? This did not seem particularly desirable, given the large number of serious and wide ranging allegations which R had made against me.

Administrators often feel that they are caught between 'the devil and the deep blue sea' in seeking to manage a difficult beneficiary, and that costs quickly escalate. Decisive, prompt action is called for, and if the measures put in place to 'manage' the beneficiary are not sufficient (for example, restricting communications or attempting to mediate), a part 64 application should be made in as cost effective a way as possible, and confined to only those issues which are necessary to be determined for the benefit of the estate.

This article first appeared in the March 2014 edition of PS, the magazine of the Law Society's Private Client Section.

Author details

Christine Green is a Partner and Fiona Lawrence is a Senior Associate at Veale Wasbrough Vizards LLP

How did it begin? A personal look in the rear view mirror
by Keith Barritt

Just over 60 years ago I first walked into a Solicitors office, a small office comprising four rooms. A waiting room a Senior partners room a junior partners room and a typists room and that was it. I was hoping to start as an articled clerk my father was with me a premium was discussed and agreed between the Senior partner and my father and so the journey began.

This was general practice and in those days that meant the practice (and even sole practitioners) took on everything and undertook everything. This was very exciting to me seeing crime being dealt with in magistrates courts and at the Assizes divorce cases which could only be dealt with in the High Court. I saw the conduct of Personal Injury cases wills being drawn and executed estates being wound up contracts on all manner of arrangements being prepared debts being collected and ground rents being paid and recorded civil actions pursued and discovered that Conveyancing meant the buying and selling of houses , land and so on.

Completing the purchase or sale didn't mean a phone call or email as now seems to be the case, I would particularly enjoy completing a purchase as this usually meant taking a train journey to a distant town or city armed with the file an abstract of title (sheets of brief size papers containing either fully hand written or typed out either in full or shortened form showing how the vendor acquired his or her ownership of the property in question starting from year dot and finishing with the Vendor) and a Bankers draft for the balance of the purchase price. Once at the Vendors Solicitors office you would laboriously go through the Vendors Deeds and documents checking each one off against the abstract any deeds not to be handed over would be covered by a note made on the abstract saying you had seen it at such and such an office on the recorded date. Once that was done you handed over the Bankers draft and subject to handing over undertakings in writing for things like clearing any debts charged on the property or production of some deed clearing any Mortgage then that was the end of it. Away you would go to the nearest Kardohma for a coffee or Russian tea with a lemon slice. Remember those tile topped tables? Back to the station for a train to get back to the office to report ones success.

I know that it all seems so incredibly cumbersome now and time consuming but it was fun then. Of course it may still be I wouldn't know as it is many years since I ceased to deal with Conveyancing.

In the office I had a small table to myself and just above it on a shelf were various items of equipment like steel pen knibs blotters the sort of half moon jobs that you roll back and forth over the ink writing huge bottles of blue ink, and a row of smaller bottles of ink but these were coloured red, green, violet and yellow and you are right this was the sequence of amendments for Court orders and drafts and were also used for amending documents passing between Solicitors until agreement over the wording of the document was reached.

These coloured inks reminds me of the times I visited the Court offices on Chancery cases , because of the situation of the office Chancery cases in that area were dealt with in the County of Lancaster Palatine Court the office of which was in Preston. This Office was manned by two elderly (so they seemed to me then) gentlemen and you would present your Order for their scrutiny. Amendments were made in the apropriate colour in beautiful copperplate handwriting. The document would then be sealed one large seal at the top and a small seal each side of the page alongside the line with the amendment on it. It was all done at a leisurely pace which seemed to add to its sense of importance. There was at the time another Palatine Court at Durham and I believe there had been one at Chester.

Divorce was a serious matter in those days and consequently was dealt with in the High Court even if the case was undefended. The result of this was that Counsel were instructed and it was noticeable that in the undefendeds Counsel were either very young or very old.

I remember my principal telling me that he had watched one of the last and possibly the last of the Serjeants in action in the Court . They were a senior order of barrister appointed by Writ and were intended to serve the Crown they did of course represent ordinary mortals as Serjeant Shee defended Dr William Palmer the Rugely poisoner. They would wear a white coif or cap on top of their wigs in Court it was a piece of white silk rather like the Judges black cap put on when they were passing the death sentence. They had an exclusive right of audience in the old Court of Common Pleas and only a member of that order could be appointed a Judge of the Superior Common Law Court the 1873 Judicature Act swept away these requirements and the Order was replaced by the creation of Queens Counsel.

The exams to qualify as a Solicitor at the time were four in number, the Preliminary the Intermediate, the Trust Accounts and Book-keeping and the Final. Articles (traineeship) were for 5 years during which time you learnt the mysteries and rituals of the law, or at least some of them. You could escape having to undertake the Prelim as we called it if you had obtained either School Certificate or O levels in if I recall correctly five specific subjects English, Latin, a science subject for

which purpose Mathematics was acceptable and a Modern language. Having got over that the next step would be the intermediate law portion and again you could escape that if you had a University degree, the next step was the Trust Accounts and Bookkeeping part of the Intermediate. I don't know what the situation is today but in the 1950s that was the exam which filled budding lawyers with horror. I had some help in that however from the Borough Treasurer of the local town and we travelled through various columns of figures (three of course then pounds shillings and pence) whilst sitting at the table in the sitting room resting elbows in the thick velvety table cover in a deep red colour which was somehow comforting. That seems to have gone out of use now but then if a table wasn't being used for meals or display or games then one of these thick decorative covers was put on it. I digress but I am convinced to this day that I passed that exam by luck more than capability.

The examinations then were taken in London and this was quite an exciting proposition for those of us who were Country boys. I recall that either before or was it just after one of the exams a friend who was taking the exam at the same time said " let's go to the Theatre", this was afternoon time and we were in Piccadilly and of course the nearest theatre was The Windmill and its' boast was "we never close". It would seem very tame by todays standards but to we young chaps then it was highly salacious, being very daring we went in. The performances were continuous. The show consisted of various tableaux and the female artists wore gossamer gowns or simply feathers and they were not allowed to move about which was a legal requirement. Mid performance a male comedian took over for a few minutes. Many of these comedians became famous and there was a list of the names of the more well known ones on a board outside. We had arrived part way through the show so we would stay on for the next performance. Anyway there was a short pause before the start of the performance but what happened next was a complete surprise without warning. Perhaps two seconds of silence followed and then a roar like Niagra Falls had been let loose in the building or that part of it was collapsing. In fact what was occurring was that the audience as one were rolling forward not using the aisles but clattering and clambering over the backs of the seats to get to the seats in front before anyone else did. The seats were spring loaded so that they thwacked up as the body was removed.

This would happen at the end of each performance so that eventually those at the back would finish upon the much coveted seats in the front row. I have never heard or seen anything like it before or since and am unlikely to do so now. Sadly the place did close its doors permanently when times and tastes changed and it ran out of money.

The Final Exam was the next hurdle and coming ever closer. I was assured by friend and colleagues who had already got through the system that the best way to deal with it was to take a course at Gibsons in Guildford. This was the renowned and affectionately remembered academy of Gibson & Weldon and their premises were on the Portsmouth Road in Guildford. Armed with a pile of blank blue backed Counsels note books and other necessary tackle for a six month stay in a large and very heavy suitcase I set off by train on a rather foggy day in November 1957 on my journey into the unknown.

The college was in a largish house converted for the purpose, a short pathway to the door no drive no car park, the house predated cars. The intake of students appeared to be between sixty and seventy and there were two courses for the final a six month and a four month one. Our group or class comprised thirty or thirty three and there were only two girls in it the other group had no female members . We all wore suits, no jeans no sweaters then.

I recall in particular the Equity and Property lectures delivered by the awesome figure of R.H.Kersley standing at his desk at the front , we sitting at little wooden school desks whilst he boomed equitable maxims and snippets from the Law of Property Act 1925 at us. We all scribbled away in our note books trying to keep up with his dictation. This was punctuated by the occasional shaking of the building (uninsured and uninsurable I was told) due to passing of railway trains in a tunnel somewhere beneath. As he dictated his posture rarely changed left arm bent at the elbow and the hand extended upwards cupped behind left ear the right arm also bent at the elbow extended across the chest hand holding the left elbow as if in some mysterious Masonic signal. No I was told he's a bit deaf and it helps him speak! Arthur Coates was another of the lecturers who taught us about Wills and taxation and managed to make these subjects at times hilariously funny.

There was not a great deal of time left for fun however so much had to be crammed into the brain and remembered. I don't know about the exams now but then you had to pass in every subject if you failed in one. Constitutional law or contract or whatever you failed in all and would have to take the exam all over again in all the subjects , consequently much of our time when not at lectures was spent in studying our notes and books. It was essential to go over it again and again to make sure it was understood and remembered.

There was even less time for amusement, only one young fellow out of the whole college had a car it was a white Triumph TR, lucky chap. However the Angel Inn where we met for the occasional game of darts and Boxers Coffee Bar gave opportunity to relax there was also a wonderful second hand book shop where you could browse undisturbed for a while we would also go for walks on the hill

known as the Hogs Back we also visited the site where a new Cathedral was being constructed. Completed many years ago, I must make time to go to see it.

I dont know whether this is still part of the students programme but then you had to be interviewed by a panel of established Solicitors to make sure you were of the right calibre to be admitted as a Solicitor. There were different venues for this exercise and I was interviewed by three kindly and as I then thought elderly (and would now think youngish) gentlemen in Manchester. I can only recall that I was asked of my favourite poets so we chatted about poetry for a while and other leisurely pursuits and all in all it was a very pleasant little meeting and I guess they were happy with it too.

Before moving on I should mention technology available then. Telephones (land lines only of course) and manual typewriters and that was it. As to telephones my principal (who always wore pinstripes and black jacket, and who once complained about the brightness of my Old Boys….. School Tie) told me of a Manchester firm of Solicitors (which still exists so I won't mention the name) which at the turn of the century, not this last one the one before, absolutely refused to have a telephone installed. They were not prepared to have clients ringing up and getting free advice they must come into the office where they would have to pay for the advice.

There were no dictating machines they existed but were unsophisticated cumbersome and not in general use and no photocopying machines. There were instead copytypists wages I think in the region of 30 shillings (£1.50) per week. In the larger firms there were rows or banks of them usually presided over by an older lady chosen I believe for their ferocity to keep order and make sure that there was a constant clatter of the machines. So all documents for which copies were required (and there were many) were dealt with by the copy typists. Of much higher up the ranking were the shorthand typists now sadly also disappearing.

Managing clerks always male were also a special breed and partners in firms would rely on them enormously. Some Solicitors got by by meeting the clients being nice to them taking instructions and then letting the managing clerk do all the work. There was one Managing Clerk I think in the City of Liverpool who was so skilful and competent at his work that his employers gave him totally unquestioned expenses and even had a horse and cab stationed outside their offices specifically for his use whenever he cared to summon them. I have a sepia photograph taken in the 1930s of the members of a firm which I joined and in the front row was the Managing Clerk who was an absolute legend and I remember more than one of the older Registrars (now District Judges) reminiscing to me about the knowledge and awesome efficiency of …..(and he couldn't quite recall the name) Newell I ventured "Yes that's the man, litigation skills second to none!" The picture shows a huge

fellow with an equally huge bald head which must have contained some useful machinery as he was said to know by heart the time tables of every one of the various railway companies so that if other members of the firm had need to visit a client or witness they knew to ask Newell and he could tell them times ,platforms and where to change trains if that were necessary. His reputation was such that he must have been a sort of human forerunner of the computer. Managing clerks and the lower rung of outdoor clerks (just what they were, running about outside to Courts and Registries) have gone entirely under the weight of time and technology.

FORTHCOMING ACTAPS LECTURES

Date	Title	Speaker(s)	Venue
1 September 1.00 pm	Costs Budgeting	Jill Paveley	Herbert Smith Freehills LLP Exchange House Primrose Street London EC2A 2EG
5 November 6.00 pm	Resulting trusts after Prest	The Right Honourable Lord Justice Briggs	Herbert Smith Freehills LLP Exchange House Primrose Street London EC2A 2EG

Articles for forthcoming issues of the ACTAPS Newsletter

The Editor welcomes articles from any ACTAPS members for inclusion in future issues of the Newsletter. Please submit your articles by e-mail to:

henry@frydenson.co.uk