

Welcome to the Winter edition of *ByGeorge*

Welcome to our new look *ByGeorge*! As we have moved into more modern offices we thought it was time to refresh our look so over the next few months you will see our new look newsletters launched.

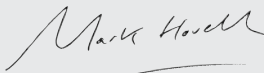
In this edition of *ByGeorge* we review our hugely successful pantomime and we fill you in on what the independent legal directories said about us recently – all good I'm pleased to say!

Over the page we launch our new service to help businesses, we look at the changes to the construction adjudication process and we highlight the startling figures on the number of people who do not have a Will. We also update you on the changes to issuing health questionnaires to potential employees and we provide details about our new collaborative family law service. Corporate/Commercial partner Chris Wilkinson is in the hot seat this time for Meet the Team, though don't believe all you read!!

On the back there is an update on our fundraising efforts for Derian House – I am glad to report we have now hit the £10,000 mark; we welcome new face Shaun Rearden and we celebrate our corporate team's success at the recent Insider Dealmakers Awards. We congratulate longstanding clients Gascoigne Halman and Bolton College and provide dates for our 2011 employment law seminar programme.

That's it from me now until 2011! So best wishes for the Festive Season to you and your family.

Regards



Managing Partner

As usual, if you would like to unsubscribe to this newsletter please email marketing@georgedavies.co.uk.

George Davies annual pantomime

650 of our clients and contacts and their families braved an early morning start for the seventh George Davies annual pantomime which took place on Sunday 21st November at the Royal Northern College of Music.



This year's production of Cinderella was a big hit with the kids with Buttons proving the star of the show.

With a circus workshop, face painters and goodie bags it wasn't hard to ensure all the children went home happy and exhausted!

Partner Tony Hall commented "In addition to the panto there were lots of other bits and pieces going on including a circus skills workshop and a photographer taking family portraits so the event provided something for everyone."

If you would like to receive an invitation to next year's panto please email marketing@georgedavies.co.uk.



A record 14 rankings in Legal 500!

We are pleased to report that we have been rated in a record 14 different practice areas in this year's legal 500 review.

The Legal 500 rates and reviews all UK law firms. Firms complete a submission detailing the work they have completed over the last 12 months and then the Legal 500 researchers contact the firm's clients and contacts to get their views on the firm.

A number of lawyers at George Davies were personally recognised in this year's directory including Associate Sandra Morrison who is a dual qualified English and German lawyer, construction lawyer Catherine Kay and Senior Partner Anne Fairhurst for her work in the healthcare and commercial property sectors.

The practice areas which George Davies were rated in were banking and finance, commercial litigation, commercial property, construction, corporate and commercial, education, employment, family, healthcare, intellectual

property, insolvency and corporate recovery, media and entertainment, personal tax, trusts and probate and sport.

Our litigation and insolvency teams were also ranked in Chambers and Partners Directory with personal recognition for lawyers Mark Hovell, Robin Charrot and Shaun Rearden.

Senior Partner Anne Fairhurst commented "It is pleasing to see so many of our experienced lawyers being recognised as specialists in their field. We continue to grow our reputation in the North West legal market and recognition from independent directories such as the Legal 500 and Chambers and Partners really helps to reinforce this."



Construction Law – changes to the adjudication scheme

It has become increasingly popular to seek interim resolution of disputes in the construction arena by adjudication rather than using the Courts. The statutory adjudication scheme provides a quick and cost effective route to a decision in construction disputes.

The scheme provides for quick decisions (the process is usually 28 days but this can be extended to 42 days to provide the parties with an interim decision from an independent adjudicator).

However, the scheme's main limitation was that it was limited to "construction contracts" which amongst other things must be in writing or evidenced in writing. No doubt the original intention was to limit the scope of the debate as to the terms of any oral construction contract, given the short timescale over which the decision must be made. Nevertheless there has been much litigation about what is or is not a construction contract.

Following a review, a new Act which looks set to come into force next year, will extend the definition of a construction contract to include oral contracts.

The implications of this are far reaching and could mean that there will be a huge increase in the number of adjudications. The practical approach for all concerned is to ensure that a written contract is in place which sets out the terms upon which the parties are prepared to do business. Without that the parties may find themselves subject to adjudication where the adjudicator may be tasked with deciding what the terms were and this may be significantly different to one of the parties' hopes and expectations.

For more advice on construction law matters please contact Kelvin Parry on 0161 234 8831 or email kelvinparry@georgedavies.co.uk



The importance of Wills

Sad but true; you could very well be worth more dead than alive!

By the time you have added up the value of all your assets (including any life policy proceeds and pension monies that may become payable in the event of your death) you could be worth quite a bit. So, why is it that many of us do not care what happens to these huge sums when we die? In fact over 60% of the population do not have a Will.

The dangers of not having a Will

Many of us just don't realise the risk we are taking. For example, if you have been cohabiting with your partner for many years you may think that you are 'common law husband and wife' and therefore don't need a

Will. But you would be wrong. Your partner might get nothing when you die depending on your family circumstances. Why take the risk?

Beware of home made Wills

Some people have a go at making their own Will. But, be wary. The slightest error or misunderstanding of legal terms can cause disputes and render the Will invalid or ineffective. Strict rules govern how a Will is to be executed and who can witness the document.

What about Will writers?

Other people are using 'Will writers' – seen by some as a cheaper and legally sound alternative to a solicitor. Currently, anyone can be a Will writer and charge for their services – there is no requirement for any formal qualification or regulation. A recent episode of the BBC programme Panorama highlighted some of the dangers of using a Will Writer.

Your Will is one of the most important documents you will ever sign so please don't leave things to chance. The people you want to benefit are relying on you to put in place a properly structured and effective Will. Please take advice from a specialist and consider your options.

For a free no obligation meeting please contact James Knowles on 0161 234 8842 or email jamesknowles@georgedavies.co.uk

New Service to Help Businesses

In these challenging economic times it is more important than ever to be aware of the financial status of your contractors, suppliers and key stakeholders. A key contractor or customer going bust on you could have devastating consequences on your cash flow and ultimately your business.

To help you keep one step ahead we are pleased to announce the launch of a new service designed and produced by corporate rescue and recovery specialists Begbies Traynor called Red Flag Alert.

What is Red Flag Alert?

Red Flag Alert offers a wealth of information on all companies listed at Companies House (as well as some that aren't) and as a Red Flag Alert subscriber we are able to access that information on your behalf.

Monitoring service

Red Flat Alert also offers a system that allows us to monitor companies, so we will be alerted if there is any change in their financial status. We can then provide you with reports on any companies you would like us to monitor so you can be the first to know if there is trouble ahead.

In addition to accounting information, the service highlights any winding up petitions that have been advertised and Court judgments that have been obtained against those companies.

Next steps

If it looks as though one of your monitored companies is heading towards insolvency, we have a specialist insolvency team to offer you advice. Red Flag Alert also provides invaluable assistance to you if you are considering entering into business with other companies allowing you to make fully informed decisions.

For further information please contact Helen Fyles on 0161 234 8829 or email helenfyles@georgedavies.co.uk

Health Questionnaires

The new Equality Act which came into force on 1st October 2010 contains a general prohibition on asking health questions before offering employment.

Many employers have previously issued pre-employment health questionnaires as standard practice to try and ascertain details of a person's previous sickness history. It is no longer permissible to ask questions that aim to establish how many days of sickness absence an applicant has accrued during previous employment prior to the candidate being made an offer of work.

Employers will still be allowed to ask questions about health in limited circumstances where the purpose is to:

- (a) establish whether the employee will be able to undergo an assessment or to establish whether a duty to make reasonable adjustments is required;
- (b) establish whether the employee can carry out an intrinsic function of the role;
- (c) monitor diversity;

- (d) take positive action;
- (e) where the disability is a requirement of the role; or
- (f) where questions are needed in the context of national security vetting.

Currently there is little guidance on the interpretation of these exceptions and it is likely that the boundaries will have to be tested in litigation. In the meantime we recommend that clients stop issuing general health questionnaires to all potential employees and consider on a "role by role" basis whether certain health queries can be justified on the basis of an assessment for an "intrinsic function" of the role.

If you would like more advice about health questionnaires please contact Sara Barrett on 0161 234 8848 or email sarabarrett@georgedavies.co.uk



New Collaborative Family Law Service

Our family law team has launched a new Collaborative Family Law Service aimed at people who are separating from their spouse or partner but who wish to keep matters as amicable as possible.

The Government plans to overhaul divorce and contact with children disputes to make alternative dispute resolution compulsory.

Robin Charrot, head of the Family Law team at George Davies, is a trained collaborative lawyer.

Collaborative Family Law involves specially

trained lawyers acting for the couple. The husband and wife or partners if the couple are not married still have their own individual lawyers from separate law firms but the lawyers work as a team with the couple at face to face meetings (rather than writing lots of letters back and forth), bringing in independent professional help where help is needed, for example with pensions or accountancy advice, or where one side of the couple is struggling to deal with things on an emotional level. There is also a commitment from the couple, and both of the lawyers, not to start Court proceedings.

For more advice please contact Robin Charrot on 0161 234 8808 or email robincharrot@georgedavies.co.uk



Meet the Team

In each edition of By George we profile a member of the team at George Davies. In this edition we find out more about Partner Chris Wilkinson -

1. **What was your first ever job?**
Paper boy in the mornings and shelf stacker at the local Spar in the evening; no minimum wage in those days.
2. **What was your most unusual job?**
Spent a whole summer building a Tesco in Hounslow, every little helps!
3. **What is the strangest question you have ever been asked at interview?**
Are you willing to sleep your way to the top? (Mark Hovell).
4. **What do you do at weekends?**
Taxi driver for my children, watch them play all manner of sports and, if I'm lucky, a round of golf.
5. **What was your worst experience as a trainee?**
Attending court on a Monday after a very heavy weekend celebrating my birthday and fainting at the sight of photographs of a person's horrific industrial accident.
6. **Where is your favourite holiday destination?**
New York or Canada.
7. **Who is your role model?**
Seve Ballesteros, a unique style and an incredible person.
8. **What is in your CD player or what was the last album you downloaded?**
If I'm in control Wings, Band on the Run: remastered pure genius. If the kids take over its currently X Factor downloads from Wagner and One Direction.
9. **What is the best aspect of your job?**
The people without a doubt. I am lucky to have such a committed, hard working and super intelligent team (can't you tell the team helped me with that one....).
10. **If you were stranded on a desert island what one item would you most like to have with you?**
Fishing rod.
11. **What is your favourite children's book?**
It has to have pictures so I'll go for any Blue Peter Christmas Annual circa Noakes and Shep.
12. **If you weren't a lawyer what would you be?**
A farmer in Somerset.

George Davies movers and shakers



We are pleased to welcome finance law specialist Shaun Rearden from neighbours Cobbetts. Shaun, a leading name in the finance sector in the North West, has spent more than 25 years specialising in finance law. Shaun is highly rated in the Legal 500 directory.

Welcome on board Shaun.

GD hits £10,000 mark for Derian House!

We have had lots of fundraising events since the last edition of By George; the shopoholics amongst us hosted a shopping event at ladies fashion store LK Bennett which raised over £1,000; Zahra Siddiqui completed her climb of Mount Kilimanjaro and then immediately organised a Champagne fundraiser on her return to celebrate! She raised more than £3,000 in total and we were busy selling raffle tickets at our annual pantomime in November for some super prizes which were kindly donated by our clients and contacts.

We have already hit the £10,000 mark but we are not stopping there and we hope to raise even



Zahra Siddiqui, freezing cold at the top of Mount Kilimanjaro

more money before the end of the Charity Year in March. *We have a Quiz planned for the 18th January, 2011 (please contact Katie Edwards katieedwards@georgedavies.co.uk for further details) and we are hoping to organise a Murder Mystery Night in March. Details to follow.*

If you would like to make a donation to Derian House please send a cheque made payable to Derian House through to us and we will pass it on.

2011 Employment Law Seminars

We will be presenting the following FREE employment breakfast seminars next year:

- 9th February – Key points for employers from the new Equality Act
- 14th September – Employment law update
- 16th November – Will you need me now I'm 65?

All of the seminars will be held at HSBC's offices in Spinningfields, Manchester and will commence at 8am until 9:15am. *If you would like to reserve a place at any or all of the seminars please email breakfastseminars@georgedavies.co.uk with details of which seminars you would like to attend.*

Congratulations!

Congratulations go to two of our clients this month; leading South Manchester Estate Agents Gascoigne Halman who celebrated 20 years in business earlier this year and Bolton College who opened the doors to its new campus in September. Anne Fairhurst, head of the Education team at George Davies commented "Having advised Bolton College on the sale of its old site, the purchase of its new site and the legal aspects of the construction of the new campus, it was great to attend the launch party

in November and see the finished article, which, I must add, is very impressive." *Congratulations to you both!*



Ian Fitzgerald, vice principal of Bolton College



John Halman of Gascoigne Halman

Awards success



Lawyers in our corporate, commercial property and employment teams were toasting the success of a recent deal they advised on. The sale of the cremation division of Hyde based Furnace Construction Company Limited to American corporation Matthews International

won the Small Deal of the Year Award at the recent Insider Dealmakers Awards in Manchester.

Judges commented that deals in the under £5million bracket were the backbone of the economy. Our team advised Furnace Construction Company on this deal.

Partner Chris Ross who collected the award on behalf of the firm, commented "After advising on the 2009 Insider Deals of the Year in Lancashire, Yorkshire and the North East, it was

really pleasing that one of our deals was recognised by our peers in the North West this year. Despite the continuing challenging market there is clearly a large appetite amongst private equity and trade buyers to acquire well managed and successful businesses."

We hear that the Dinner was a great success and that one of our partners was so pleased with the win that he felt compelled to celebrate until 5a.m. - mentioning no names here!

This newsletter is printed on recycled paper.

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