

## New partners spur new growth at Stanley Tee



James Dowson



Catherine Mowat



Justin Robinson

It's been another year of pushing back the boundaries at Stanley Tee, with growth in all departments being marked by a programme of vigorous recruitment (see previous page) and promotion from within the existing ranks.

"It is particularly pleasing to welcome long serving members of staff to our senior management team," says Richard Tee, Senior Partner. "No fewer than three new appointments have been made, increasing our number of fee earning partners from 16 to 19 in the first half of the year alone."

Justin Robinson of the firm's Litigation department, James Dowson of the Commercial Property department and Catherine Mowat of the Private Client department have all been appointed as partners.

Alongside them, associate status has been awarded to Robert Whitaker of the firm's Employment department, Neville Drummond of the Commercial Property department, Michael Henry of the Civil Litigation department and Daniel Stevens of the Streamline Conveyancing department.

To help accommodate these changes, and to put the firm on a more robust commercial footing, Stanley Tee has changed to the legal status of a Limited Liability Partnership.

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# Briefings

Summer 2007



## New addition to the family

Stanley Tee has just been delivered of a new addition to its successful family law practice with the opening of a Cambridge office specialising in Collaborative Law, the new, non-confrontational approach to divorce and separation.

Running the new Cambridge office is Jane Oakes, one of the leading UK authorities and proponents on, Collaborative Law, who has taken extensive training in the field in both the UK and America, and has successfully undertaken over

50 Collaborative Law cases.

"Collaborative divorce may sound like a contradiction in terms," says Jane, "but it's actually a highly effective alternative to the traditional adversarial system. Essentially you, your partner and your respective lawyers sit around a table, discuss the issues and agree the terms of your own divorce or separation.

"You set the agenda and are in complete control of the whole process. All parties

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### NEW ADDITION

New Collaborative office opens in Cambridge

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*“The aim is to achieve a binding amicable out-of-court settlement that achieves the best possible outcome for the family.”*



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sign an agreement beforehand to resolve the matter without going to court, then once agreement is reached a legally binding document is prepared for signature. It's that quick, sensible and civilised."

The confidentiality of Collaborative Law will appeal especially to professional people and wealthy individuals who don't want their private lives splashed over the public prints, or their estates put up for auction. It's also ideal for families with children who want to limit the emotional damage their youngsters may suffer from a bitterly fought parental battle. "It should be said, however, that Collaborative Law isn't for everyone," continues Jane. "It originated in Los Angeles where they tend to take a more laid back attitude to divorce, are more open and honest about their feelings, and are prepared to talk – rather than fight – things through."

Perhaps it's the thought of the potential savings – emotional and financial – that has softened the British stiff upper lip in this regard. As Jane stresses, the timing and outcome of the whole process are in the couple's own hands and not those of a

third party whose ruling might prove unsatisfactory for both of them. An amicable parting also helps maintain better relations between ex-partners, and is less traumatic for any children involved.

"Obviously there are cases – say where a relationship has completely broken down – when the collaborative approach will be ill advised or totally unsuitable. In our initial consultation we advise clients on the best alternative in their individual circumstances, and where appropriate we can still help them on a more traditional basis."

The firm's established practice in Collaborative Law – in the person of Andrew Stynes of Stanley Tee's Braintree office – will be of particular support in this

regard, as will the partnership's proven track record in high profile family law cases, acting for wealthy clients and disputes involving children.



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**STANLEY TEE LLP**  
**COLLABORATIVE**



## Collaborative Law Logo

As its name implies, Collaborative Law is a consultative process, where both parties and their respective lawyers work out a negotiated settlement. It is appropriate therefore that Stanley Tee's Collaborative Law division has as its logo a stylised representation of four people sitting around a table.



## Showtime for Tee France!

It may not have been the Moulin Rouge, but the Tee France team put in a lively performance at the Vive la France Property Show at Olympia this January, as packed houses of potential buyers kept them busy explaining and advising on the niceties of French property law.

The three day event, which takes place twice yearly at Olympia, in January and September, is now a regular fixture for Tee France, and the firm's new custom designed stand proved a popular attraction with exhibition visitors – as did our own recently released guidebook on *Living and Working in France*.

The popularity of acquiring a second or holiday home in France is clearly on the rise, as can be seen by the growth of Tee France's team, which now includes Cathy Izzard, Partner; Herve Blatry, French Avocat; Sally Irvine, Client Liaison Officer; together with English support staff.

Both Herve and Sally are bilingual, which is of inestimable value when dealing with French vendors or their agents, and just as importantly they are fully conversant with the differences between French and English property law.

This is an issue in handling not only the actual property transaction, but also the difficulties that may arise after the sale. These include French succession laws, which differ from our own in that a surviving spouse does not automatically become the legal beneficiary of the property on the death of their partner.

Then again, there are French tax issues, boundary disputes, probates and other matters on which Tee France can offer expert guidance.



For advice on all French property matters, including purchase, tax, succession, and boundary disputes, please contact Herve Blatry, Avocat on 01279 710621.

If you would like a copy of our book, please contact our main office on 01279 755200



## Hiphomes speed sales for streamline clients

Stanley Tee clients buying or selling their home through the firm's Streamline Conveyancing service will soon have a head start in the form of a Hiphomes pack designed to ensure a smooth transaction in line with new government requirements.

From June 1st all home sellers will have to supply a Home Information Pack (HIP) providing key information for potential buyers. The pack must contain a sale statement, evidence of the seller's legal title to the property, searches (or proof that these have been commissioned) and an energy performance certificate.

The certificate will be issued by an accredited energy assessor, who will visit the property to collect details of the heating system, double glazing and insulation, etc. In addition, a seller may include further information, such as a home contents/use form, and copies of any relevant guarantees, warranties and planning consents.

As founder members of Hiphomes (UK) Limited, Stanley Tee are already geared up to produce such packs on behalf of clients at any location throughout England and Wales.

In addition to the compulsory elements, the Hiphomes pack will provide added value with the inclusion of an Interpretation Summary explaining issues in plain English. All parties involved in the transaction will have access to the Hiphomes website, enabling them to contribute to the pack and monitor progress.

During the run up to June 1st Stanley Tee will be running trials to ensure a smooth transition to the new selling process.



If you require any further information about Home Information Packs or are planning to put your property on the market this summer and want to commission a pack, please contact Allan Wright of our Streamline Conveyancing department on 01279 710666

## STOP PRESS

At the time of going to press the Government has announced a postponement of the HIPS scheme, with the launch date being put back two months until August 1st for houses of four or more bedrooms, and until an unspecified later date for smaller properties. In principle, however, the format and contents of the HIPS package, when finally launched, is expected to remain essentially as described in the accompanying article.

## Working mums left holding the baby?

A recent report by the Commission for Equality and Human Rights suggests women with young children face more discrimination in the workplace than disabled people or those from ethnic minorities. The report found that in families with children under 11, the mother is 45% less likely to be in work than her partner, and concludes that unemployment of women costs the country around £28 billion a year.

To address these issues and to give pregnant women a better deal in the workplace, new maternity rights have now come into force for women giving birth after April 1st 2007.

Previously, all women qualified for 26 weeks' unpaid maternity leave. The employee could start her leave at anytime up to 11 weeks before she expected to give birth, as long as she gave her employer at least 21 days' notice. Under the new rules, all women can take a further 26 weeks' additional maternity leave, regardless of length of service, allowing them a whole year off work if they wish.

An employee must be allowed to return to work after her 26 weeks' ordinary maternity leave, and an employer who tries to prevent this risks a claim for unfair dismissal. The employer may also face a claim for constructive dismissal if he attempts to change her terms of employment. Where an employee returns after taking a whole year's leave there is slightly more flexibility, and the employer can argue that it is no longer 'reasonably practical' to offer the employee the same job she had before. However, the onus is on the employer to justify this.

Clearly, the needs of a business and its employees may evolve over a period of 12 months, and this can present challenges for both parties. Under the new rules an agreement can be made for an employee to work for up to ten days of her leave



without jeopardising her entitlement to maternity leave, maternity pay or maternity allowance. This allows her a chance to 'keep her hand in', but does not give her or her employer the right to insist that she works during her leave.

The new rules also extend the period and rate of statutory maternity pay (which is paid by the employer, but most of which is recoverable via National Insurance contributions from the state). Where eligible the employee can now claim statutory maternity pay for up to 39 weeks whilst she is on leave. For the first six weeks she is entitled to 90% of her normal weekly earnings and after this a standard rate, which from April 1st is set at £112.75 per week. If she is not entitled to statutory maternity pay, she may be able to claim a 'maternity allowance' from the state.

The new rules represent significant changes to the law in this area, and both employees and employers should ensure they are aware of their rights and responsibilities. It remains to be seen,

however, to what extent the new legislation will benefit pregnant women in the workplace, or whether it will still leave them 'holding the baby'.

(This article is only a summary and does not in any way seek to deal with all the aspects of this complex area of the law. How the law is applied will depend on individual circumstances and other considerations not covered above. Readers should therefore not rely on this article but seek legal advice for assistance with maternity rights at work).



For further details contact Robert Whitaker at [rjw@stanleytee.co.uk](mailto:rjw@stanleytee.co.uk) or call 01279 710647

## Penalty-free powers of attorney

Clients wishing to avoid a £1,000 court fee and a good deal of associated red tape would do well to finalise any plans to assign powers of attorney before October 1st 2007, when new legislation comes into effect.

Since 1985 it has been a simple matter to appoint someone to assist you with your finances should you become unable to handle them yourself. From October, however, you will only be able to appoint an attorney under the provisions of the new Mental Capacity Act 2005, which will involve the completion of a lengthy two part document covering Finances and Welfare, and registration with the court at a cost of £300 per individual, or up to £1,000 (excl VAT) for a couple.

On the plus side, the new act can, if you wish, extend the powers of your attorney in making decisions regarding your welfare and finances.



However, there are strong arguments for appointing an attorney now under existing provisions. The appointment is more straightforward and cheaper than it will be under the new act.

In addition, existing provisions will remain valid after the new act takes effect. The document only takes effect when you want it to – you can store it with us until required – and if you wish you can assign a new power of attorney in the future.



For further details contact Cathy Izzard at [cmi@stanleytee.co.uk](mailto:cmi@stanleytee.co.uk) or call 01279 710616

## What does the panel think?

It pays to seek an expert opinion, especially in personal injury cases where skilled negotiation can yield maximum compensation. And in terms of expertise, none comes better attested than that of Stanley Tee's personal injury specialists, a number of whom have the rare distinction of having served on the Law Society's Personal Injury Panel for more than ten years, as well as being members of the Association of Personal Injury Lawyers (APIL).

In effect, this makes us the professionals' professionals, uniquely placed to advise on personal injury matters and obtain the fullest financial benefits for our clients. Amongst other things this means that our service is provided cost free to clients, so win or lose there are no legal fees to pay. All costs are recovered from the paying party, excepting those incurred to bring the claim – such as medical report, police

accident report and court fees – as applicable.

If you have legal expenses insurance as part of your home contents insurance, or if such insurance is provided by your bank or credit card provider, you will in any case be free from the risk of adverse cost funding.

Please note, incidentally, that if you do have such insurance, you are not obliged to use a solicitor nominated by your insurer, and in most cases we will be able to act for you. If you do not have such insurance, we can organise 'after-the-event' insurance for you on an independent basis. We have no tied agency with legal expense insurers.

Both have been members of APIL and the Law Society's Panel of Personal Injury Solicitors for many years



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## Strengthening your will power

Wills made prior to 2003 may now be of diminished value to beneficiaries owing to new tax liabilities imposed by the Finance Act 2006 on the administration of estates, particularly wills that have a nil trust rate or seek to use part of a deceased person's house to set up a nil rate band trust.

In view of these significant changes, it is recommended that anyone who has made a will prior to 2003 and has not reviewed it in the past year should now do so as a matter of urgency.



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## New appointments

### Martin Woodruff

Martin Woodruff joined Stanley Tee's Commercial team in Bishop's Stortford as a Senior Consultant in September 2006. Martin was admitted as a solicitor in 1977 following his studies at Manchester and Cambridge University, and his specialist experience in corporate and commercial law complements the broad range of commercial skills in the department.



### Neville Drummond

Neville Drummond joined Stanley Tee's Commercial team in Bishop's Stortford as an Assistant Solicitor in July 2006. Neville graduated from Warwick University with a law degree in 1992, and has over ten years' experience in professional practice, specialising in Commercial Property business.

### David Culshaw

David Culshaw joined Stanley Tee's Commercial team in Bishop's Stortford as a Solicitor in 2006 following two years' training with the firm as a graduate recruit. He took his law degree and legal practice course at Oxford Brookes College and the Oxford Institute. Originally from Devon, David now lives in Cambridge.



### Helen Reeder

Helen Reeder joined Stanley Tee's Conveyancing team in Braintree as an Assistant Solicitor in March 2007. She studied at Keele University and has held previous posts with leading London and Essex based solicitors.