

# WELCOME



**The highlights of this quarter's newsletter covers some very nice features within the practice. It gives me great pleasure to congratulate Matthew Bell who has just qualified as a Solicitor. Matthew has worked at the practice for two years and will continue his excellent work in our Personal Injury Department.**

For my part, I have just returned from a TIE Conference in Silicon Valley. As many of you will know I am President of TIE Manchester – an organisation for entrepreneurs, mentoring and education.

Some of my work within the practice is on international business and it was very stimulating to meet colleagues from around the globe to discuss business issues that are affecting trade in their countries and to look at sectors which are thriving within a difficult economy whichever country you come from. There is still a great appetite for UK based companies to trade across many countries. India for example still needs many of the skills we have in the North West. If your company would like to expand into India, I would be delighted to have a conversation with you.

The Arts play an important role under our corporate social responsibility banner and I am delighted to say the practice continues to support two of Manchester's great Theatres, The Lowry and The Royal Exchange.

Government cuts have had their effect, so I encourage all of our clients to support the forthcoming performances.

**“ WE SAY THAT OUR ROOTS ARE LOCAL, BUT OUR NETWORK IS GLOBAL ”**

## Increasing Cost Of Insurance

The increasing cost of insurance has been at the forefront of recent proposals affecting the personal injury sector. April 2010 saw a huge shift in the fee structure applicable to the RTA market, with a fixed recoverable fee set for all claims worth less than £10,000. This market is the lifeblood for the majority of legal firms in the personal injury sector and has resulted in a huge cost cutting exercise in a number of them which threatens to change the perspective from ensuring the best result to ensuring the most cost effective result. Mohindra Maini pride themselves in getting their clients the maximum they deserve but it is unfortunate to note that many in the profession are less likely to do this now. The reason for this is that costs firms ultimately receive in the majority of cases are no longer determined by the amount of compensation awarded. What this means is that many PI Solicitors will simply consider whether the offer can be deemed to be reasonable, as opposed to whether the offer is the very maximum they believe they can get for their client. It seems therefore that the old adage of acting in your client's best interest is slowly being diluted post April 2010, and this worrying trend needs to be addressed.

The simple fact of the matter is, reducing costs cannot be seen as an advantage where the end result is a system where the client is no longer key, replaced instead at the forefront of the industry's mind by a need to conclude the claim at the lowest possible price. Such cost cutting, coupled with the impending Legal Services Act bringing the possibility of everyday companies with no previous legal expertise offering legal services only spells one thing, an era where commercial viability takes precedence over a fair result.

## MOHINDRA MAINI ADVISE CRABBIES ON FOOTBALL SHIRT SPONSORSHIP DEAL WITH HIBERNIAN



Mohindra Maini Commercial department recently provided support to Halewood International's in-house legal team in connection with the sponsorship of Scottish Premier League team, Hibernian FC, by its highly successful Crabbie's Alcoholic Ginger Beer brand.

Roger Thompson of Mohindra Maini provided sports-specific legal and commercial advice to complement the specialist IP and drinks industry knowledge of Halewood International's legal team (led by Peter Horsfall, Legal & HR Director). Roger was pleased to be involved in such a positive deal and stated:

"The greatest challenge was to ensure that this long-term sponsorship agreement was able to benefit both the Crabbie's and Hibernian brands. Fortunately, the deal worked both commercially and emotionally and, acknowledging both brands' nineteenth century roots in Leith, the historic port of Edinburgh"

"The parties worked together to ensure the agreement complied with both the spirit and letter of the relevant regulations covering the promotion of alcohol. Uniquely, the parties agreed that it would be responsible for junior replica shirts to utilise a non-alcoholic brand."

"I am sure the relationship, which formally commences on 1 July, will be a success for both Hibernian and Crabbies."

## CASE STUDY

### MR & MRS N v RSA INSURANCE

The matter arose from a road traffic accident whereby our clients, Mr and Mrs N were involved with RSA's insured in an incident for which each driver held the other responsible. In this instance there were no witnesses and it appeared that the matter would come down to Mr N's word against the Third Party's.

Mohindra Maini were instructed by Mr and Mrs N to pursue a claim for personal injury, along with the cost of repairs to Mr N's vehicle, physiotherapy charges and the associated expenses of bringing a claim.

However when the claim was presented, RSA Insurance refused to consider the claim and denied liability outright. The denial of liability came as a shock to Mr N as the Third Party had initially conceded he caused the collision at the scene of the accident.

Neither side were in possession of independent witness evidence and RSA were sticking to their guns in respect of liability, leaving Mr and Mrs N facing an uphill battle to recover their losses and obtain compensation for their injuries.

Whilst offering to split the liability 50/50 may have been the easiest option in this matter the downside of reaching a settlement on this basis was that Mr N would have only recouped half of his losses, leaving him out of pocket after paying out for vehicle repairs and physiotherapy. Spurred on by our client's insistence that the Third Party was 100% to blame, Mohindra Maini adopted an aggressive approach and continued to progress the claim as swiftly as possible.

The turning point came in the case when Mohindra Maini instructed a forensic engineer to inspect both parties vehicles and write a report in respect of the consistency of the different versions of events provided by each party with the damage to the vehicles involved. The Engineers report was conclusive, providing that in the engineer's view that Mr and Mrs N's version of events were compatible with the damage sustained to each vehicle, whilst the Third Party's account of the accident was not.

Bolstered by this highly persuasive evidence, Mohindra Maini issued proceedings on behalf of Mr and Mrs N to ensure the swiftest possible outcome, whilst maximising the client's compensation. Admission of 100% liability by RSA Insurance and settlement of the claim in full followed very soon afterwards.

Both Mr and Mrs N were impressed with the speed and dedication with which this difficult matter was tackled and brought to a successful conclusion. Mohindra Maini believe this case showcases their persistence to fight against the odds, shunning the easy escape route in order to attain the best possible outcome for their client.



Left to right Chris Barrington, Louise Edwards, Anis Waiz and Victoria Wright

## Property and Taxation Seminar

Chris Barrington reviewed the various ownership structures (such as trading partnerships, registered pension schemes, trading companies) and tax reliefs (Enterprise Investment Scheme, Enterprise Zone Trust and so on) presently available and led a discussion on the tax issues that arise on a sale. In particular, he raised the point that tax reliefs and capital allowances still remain untapped in many commercial buildings and warned that the window to reclaim these may be closing shortly

Victoria Wright reviewed the changes enacted by the Finance Bill 2011 in respect of Stamp Duty Land Tax (SDLT) and led a discussion on SDLT Avoidance Schemes and Reliefs and the impact on UK Land Transactions of changes to UK Competition Law.

## SENIOR PARTNER FROM MOHINDRA MAINI MANCHESTER APPOINTED TO TIE GLOBAL BOARD



Mohindra Maini are extremely proud to announce that Sunil Mohindra, Senior Partner at the firm, has recently been appointed as a Trustee to the Global Board of TIE.

Sunil has been associated with TIE, the hugely successful networking group aimed at fostering the entrepreneurial talent both in the UK and globally, for a number of years and as President of TIE Manchester has brought this particular chapter to the fore winning the global award for successful collaboration with another chapter.



### Partner joins Accreditation Panel

We are pleased to announce that Sharon Burnett, a Partner with the Practice, has been accredited to the Law Society's Personal Injury Panel. Accreditation is extremely valuable to our Practice because it reinforces our continued commitment to our clients to provide the highest standards in legal services. It is

also an assurance to potential clients that the representatives they choose have the appropriate knowledge and skill to deal with their case.