

McCormicks Briefing

Summer 2021



Crime versus family

"Whereas in the Criminal court the focus is on punishment and finding guilt, in the Family court the focus is on the safety of children".



One of the common ways in which the Criminal and Family Law departments work together is in respect of criminal allegations against a parent. A parent can be charged with an offence against another parent or children. This rightly causes intervention by both the Criminal and Family Law legal systems.

The danger to all concerned is that the focus appears then to be in the criminal law proceedings. The way society has geared

people's thinking is that if the police are involved and if a criminal conviction could follow, then that is by far the most serious of the sets of proceedings. Again because of the way the law is geared, a very high burden of proof is necessary to convict somebody in a criminal court. Often somebody can have a result in the Criminal court which may provide some relief. However, what we see in practice is that once the focus has shifted from the Criminal proceedings there still

remains a victim who maintains there has been a series of offences and also a party who may feel vindicated in that the Criminal court insists that they have not. It is perhaps less well known that the Family Law courts do not then just accept the decision of the Criminal court. There is a wide potential for findings of fact and evidence to be given in Family Law cases to decide if a parent is safe to spend time with their children. The burden of proof is lower and the focus is

Managing Partner Stephen Hopwood is a specialist family lawyer and heads our Family Department, ranked as one of the leading Family/Matrimonial practices in the region by the leading independent Guides to the profession, the Legal 500 and Chambers UK.

Stephen joined the firm after seven years as a Senior Solicitor in a large specialist Family Law Practice.

He specialises in all aspects of Family work, with a focus on finance and children. He is equally specialist in resolving normal family

breakdowns and those with complex elements such as trusts and international elements.

Stephen is very committed to client care and very interested in each case, no matter how large or small.



Stephen Hopwood

different. Whereas in the Criminal court the focus is on punishment and finding guilt, in the Family court the focus is on the safety of children. This often comes as a surprise to the victim and a shock to the perpetrator.

It is also another good

example of why the fragmentation of the profession into narrow specialisms with firms dedicated to those specialisms is not always a good thing. The interaction between the departments at McCormicks is absolutely vital to obtain good results for clients.

The politics of crime

We are delighted to have strengthened our ties with the Theakstons Old Peculier Crime Festival still further this year by becoming a Core Supporter.

Despite the uncertainty over changes to the Covid restrictions, the Festival is going

ahead from Thursday 22 – Sunday 25 July. The fun begins with the 17th Theakston Crime Novel of the Year announcement, which will include an Outstanding Contribution award.

There is a host of top names taking part over the weekend,

including Ian Rankin, Val McDermid, Mark Billingham and Ann Cleeves.

McCormicks is sponsoring The Politics of Crime on the Sunday, when former Shadow Chancellor Alan Johnson will chair the debate between those in the know: veteran

BBC newsreader George Alagiah who knows more about politics than most and has made his fiction debut with The Burning Land; Brian McGilloway who never shirks from the political realities of his native Northern Ireland where his novels

are set; Doug Johnstone whose thought-proving

works ask tough political questions without ever detracting from the thrills; and former Guardian political correspondent Sarah Vaughan whose latest bestseller is the gripping Little Disasters.



The last time I welcomed you to our newsletter, we were still in lockdown and were keeping everything crossed that social restrictions would be lifted on 21 June.

As we now know, this was subsequently delayed until 19 July and we remain hopeful that this date will be achievable.

Other things we were hoping for have, however, come to fruition, including a fantastic first season back in the Premier League for our long-term friends and clients, Leeds United. I hope that we will be able to welcome fans back at Elland Road in the very near future.

We have also seen the country come together to support England in the Euros, although I do not think that any of us dared hope for such an amazing performance from our young team at the outset. Despite the lack of a fairy tale ending, Gareth Southgate and his players all did an absolutely sterling job and we congratulate them. Their achievements should give us optimism as we look forward to next year's World Cup. Many of you know that Gareth is not only a friend of this practice, but a long-term supporter of the Yorkshire Young

Plenty to look forward to

Achievers Awards and we are incredibly proud of what he has achieved. On a personal note, I have been privileged and honoured in my role as interim Chairman of the FA to be able to lead the FA through this incredible period and to cheer on England at Wembley.

Closer to home, two more of our long-term

friends and clients are putting the finishing touches to their summer events, with the Yorkshire Agricultural Society holding its first four-day Great Yorkshire Show this week and Harrogate International Festivals set to go live with the Theakston Old Peculier Crime Writing Festival later

in the month. We have further strengthened our support for the Festival and you can read more about this on page 2.

There are signs that levels of economic activity are getting closer to normality with every passing month, and this is hugely welcome for businesses across the country. Our



Peter McCormick OBE



Khalifa International Stadium in Doha, Qatar - FIFA World Cup 2022

team has adapted to new ways of working and we are continuing to supply the levels of expertise and service our clients expect.

The pandemic has been a time of huge sacrifices for families across the globe and none of us have been untouched by this. I hope the pleasure brought to us by recent events will signal more to come!

McCormicks is sponsoring a marathon challenge by a retired police officer who is planning to cover the distance of 120 marathons over 120 days.

Firm backs marathon challenge

Graham Wilson started his feat on 26 June in Harrogate, his home town, and will be raising money for 15 charities. He will take in 21 English counties and parts of Scotland, Wales, Northern Ireland and Ireland if permitted under Covid restrictions. His last marathon will see him return to Harrogate on 23 October.

Partner Peter Minnikin said: "One of Graham's charities is the Harrogate Homeless Project which we have supported for a number of years, sponsoring their summer and Christmas events and helping to buy essential items. This is a great

way to ensure they have the much-needed funds to continue to help vulnerable people in Harrogate and keep them from rough sleeping, as well as the continued assistance they provide to those who find accommodation. Graham is taking on a massive challenge and we wish him the very best of luck."

Graham's other charities include the British Heart Foundation, Macmillan Cancer Support and the Yorkshire Air Ambulance.

Anyone who would like to know more can follow Graham's progress or sponsor him at <https://120marathonman.org>



Peter Minnikin

We are delighted to have promoted Commercial Litigation expert Will Bates to Senior Associate.

Onwards and upwards

Will, who joined the practice in 2017, has experience in a wide range of Commercial Litigation matters, including disputes in sport, property, contract, IP and construction. Will also has experience in debt recovery, professional negligence claims, contentious probate, harassment, defamation and insolvency (individual and corporate).

Will has been regularly involved in a wide variety of football disputes, acting for football clubs and both for and against football leagues and County FAs.

Managing Partner Stephen Hopwood said: "Will's promotion reflects his hard work and contribution over the last several years and, in particular, the last year."

Will assists the Head of Commercial Litigation, Philip Edmondson, in acting for a broad range of clients, including insurers, national and international corporates, entrepreneurs, large family estates, insolvency practitioners (and those facing claims by them), charities, the Premier League, Leeds United FC, Harrogate Town FC, the Ryman League and a number of other sporting bodies and clubs.

Will's advice always includes consideration of whether alternative dispute resolution is suitable, and he has experience of assisting clients through mediation.

Will also acts for the Solicitors Indemnity Fund, advising them on recovery cases involving



Senior Associate Solicitor Will Bates

solicitors' negligence claims.

He graduated from Durham University with an honours degree in Law in 2014 before obtaining a distinction - and the top overall mark in his intake - in the Legal Practice Course at Hertfordshire University. He trained at a regional firm in Hertfordshire and Bedfordshire before joining McCormicks.

Two new awards

The expertise of Senior Partner Peter McCormick OBE has been highlighted with a listing in the latest edition of The Best Lawyers in the United Kingdom.

Peter has been selected for his skills in Sports Law.

The guide compiles its lists based on an exhaustive peer-review evaluation.

This is the tenth edition of The Best Lawyers in the United Kingdom and Peter has been listed for Sports Law in every one to date.

The firm has also been named Best Sport and Entertainment Law Firm 2021 in the UK in the third annual SME News Legal Awards.

The practice is renowned for its expertise in this discipline, with excellent rankings in both of the UK's leading legal guides.

SME News is a quarterly digital publication aimed at those who own, run or assist in the running of small and medium-sized businesses within

the UK. Its issues are published on its website, shared to its social media following and circulated to in excess of 78,000 individuals from various sectors across the UK SME marketplace.

SME News Awards Executive Emma Pridmore said: "SME News is delighted to have been able to recognise your contribution to the UK legal services industry this year!

"This is a well-deserved achievement and I'd like to pass on my warmest congratulations. After a tough year, it is a testament to your perseverance and dedication to have triumphed despite the many difficulties and pressures brought on by the pandemic.

"Our judging panel and research team take into consideration the commitment, excellence, and determination shown within this competitive market, and have determined that you provide an exemplary legal service which is deserving of our recognition."

Yorkshire Young Achievers - We will be back!

Please put Thursday 17 November 2022 in your diaries!



YORKSHIRE
young ACHIEVERS
foundation



Out of hours

One of our more recent recruits, Victoria Sly is an Executive in our Private Client department, assisting Partner Elaine Lightfoot dealing with Wills, Trusts, Lasting Powers of Attorney and Court of Protection matters. She also assists with the administration of Estates and Probate work. Her attempts at achieving peace and quiet are variable.

If you were not in the legal profession what would you be doing?

When I was younger I always hoped to be a journalist or a novel writer.

What is your favourite sport and why?

I certainly cannot play it, but I do love watching tennis.

Where is your favourite place in Yorkshire and why?

I have family in Knaresborough and, whether in summer or winter, I love a good stroll down Waterside.

If you could have dinner with five individuals, dead or alive, who would they be and why?

Marilyn Monroe

I have always admired her ability to push

herself to the forefront, establishing herself as an icon whilst causing controversy along the way.

The Queen

I am a slave to a good drama and consequently became obsessed with The Crown and any documentary regarding the Queen. Whilst I would not consider myself to be a Royalist by any stretch, the fact that she has devoted herself to a lifetime of service with such dignity and strength is incredible.

Mickey Flanagan

(comedian) – dinner can't be that serious, right?

Christopher Nolan (director). I am always excited when he releases a new movie as he consistently pushes the boundaries with both production, cinematography and storyline. I always come away fascinated and scratching my head and I would love to know how he ticks.

Tina Turner

Such determination to get herself and her children through some truly terrible times and have the ability to come through it, be stronger and more successful than anyone thought possible.



Victoria Sly

What do you like most about life at McCormicks?

I have worked in the legal sector for almost 25 years. Having only joined the firm six months ago, I have never felt so welcome at a firm or with staff and management so that are so approachable, helpful, supportive and have a giggle along the way.

What is the best piece of advice you have ever been given?

Elaine via Tiffany in my first week at the firm – "If in doubt, say nowt."

What do you do to wind down after a busy day in the office?

Various weak attempts at getting some peace and quiet with a glass of vino in hand. This is not always achievable with an eight-year-old boy and a dog!

OUR EXPERTISE

McCormicks offers the full portfolio of legal services to all forms of organisation including businesses, charities and sporting bodies, together with private individuals. The firm offers expertise in all areas of corporate and commercial work whilst maintaining a commitment to the personal client in areas such as rural property, tax, trusts, probate, family matters and crime.



Charities & Community

- Charities
- Not For Profit

Corporate & Commercial

- Acquisitions and Disposals
- Banking and Finance
- Commercial Agreements
- Competition and EU Law
- Corporate Crime, Fraud and Risk
- IT and Data Protection

- Insolvency and Bankruptcy
- Intellectual Property
- Partnership and Company Law
- Regulatory and Disciplinary
- **Crime**
 - General Crime
 - Corporate Crime, Fraud and Risk
 - Dispute Resolution and Litigation
 - Commercial Disputes
 - Mediation and Arbitration
 - Partner/Shareholder Disputes
 - Property and Construction
 - Reputation Management

Employment

Family & Matrimonial

- Children
- Matrimonial

Insolvency & Bankruptcy

Mediation & Arbitration

Property

- Agriculture and Estates
- Commercial Property
- Development and Regeneration
- Residential Property
- **Sport, Media & Entertainment**
 - Employment
 - IT and Data Protection

- Insolvency and Bankruptcy
- Intellectual Property
- Media and Entertainment
- Mediation and Arbitration
- Regulatory and Disciplinary
- Reputation Management
- Sponsorship
- Sport
- **Tax, Trusts, Wills & Estates**
 - Agriculture & Estates
 - Care of the Elderly
 - Tax and Trusts Disputes
 - Trust and Tax Planning
 - Wills and Probate

MCCORMICKS SOLICITORS

Wharfedale House, 35-37 East Parade, Harrogate,
North Yorkshire, HG1 5LQ. T: 01423 530630 F: 01423 530709
enquiries@mccormicks-solicitors.com www.mccormicks-solicitors.com

PARTNERS: Peter McCormick OBE • Stephen Hopwood • Peter Minnikin
Philip Edmondson • Elaine Lightfoot • Heather Roberts • James Towler

