

july/august 2010

## in the press



### nicola elected as one of the youngest presidents of tees valley law society

**Latimer Hinks Solicitors Partner, Nicola Neilson, has been elected President of the Tees Valley Law Society. At 32, Nicola is one of the youngest presidents of the Tees Valley Law Society and is only the third woman in its 136 year history, to have been elected to this position.**

Nicola deals with the sale and purchase of commercial property and commercial landlord and tenant work. Nicola's landlord clients range from those with one property to those with large property portfolios spread across the country.

Nicola, who lives in Stockton, also does some residential property work alongside her commercial portfolio. She has been involved with the Tees Valley Law Society in various roles since 2001 and is currently a member of its education and training committee.

Nicola, who studied at Teesside University and also did a Masters degree at Durham University, joined Latimer Hinks in 2000 and was promoted to partner seven years later.

Nicola said: "It is a great honour to be elected president of the Tees Valley Law Society and I intend to carry on the hard work and success achieved by past presidents.

"I am looking forward to championing the legal sector and helping further enhance the area's reputation for delivering the highest quality legal services."

The Law Society nationally represents solicitors in England and Wales. From negotiating with and lobbying the profession's regulators, government and others, to offering training and advice, it helps protect and promote solicitors. It has a countrywide network of branches that build closer relationships between individual members and firms, and the Law Society

### rosanne elected to council of the agricultural law society

**Rosanne Tweddle, Solicitor at Latimer Hinks, Darlington, has been appointed, by a vote of the members, to the Council of the Agricultural Law Association (ALA).**

The ALA was founded in 1975 to provide a forum for professionals serving agriculture – lawyers, surveyors, accountants, bankers, farm business consultants and others – to support each other in their specialisms.

With a membership of over 1100 most of the leading practitioners in rural affairs in the UK and Europe are involved.

Rosanne specialises in property, specifically agricultural property work, providing advice to farmers on a range of commercial issues including sales and purchases of farms and land, Agricultural Holdings Act tenancies and farm business tenancies, contract farming agreements, deeds of grant and partnership agreements.

Rosanne said: "I am delighted to have been voted onto the Council. I am enormously proud to be a member of the ALA and to be able to contribute to the invaluable work of the organisation which includes, amongst other things, consultation with the Government on proposed agricultural



legislative and policy changes. I hope to encourage more professionals in the North East involved in agriculture to join the ALA and reap the benefits of membership."

As a member of both Latimer Hinks' Private Client and Commercial Property Teams Rosanne can also advise clients on personal issues such as making wills, preparing trusts, inheritance and capital gains tax planning and other succession planning concerns

## multi-millionaire divorce sparks law change



Judith Middleton, Resolution Accredited specialist and Collaborative Lawyer

**Divorcing couples will no longer be able to use illegally obtained evidence of their former spouse's assets, following a controversial Court of Appeal decision, which has already been branded a cheat's charter, according to Judith Middleton.**

The ruling follows a divorce case surrounding the multi-millionaire owner of Del Monte foods and overturns the longstanding practice in the Family Courts, known as the Hildebrand Rules, that a spouse could obtain and use documents belonging to the other spouse without their consent, provided no force was used and that possession was disclosed within certain time limits.

But following the latest case, Imerman v Tchenguiz, the Court of Appeal has stated decisively that obtaining information in this way consists of a breach of confidence and is therefore illegal. They concluded that the Hildebrand Rules were bad law and in future any such information cannot be accepted by the courts.

### top ten debt tips

**Latimer Hinks Solicitors Partner Mark Gardner has drawn up a ten-point action plan to help people survive the recession.**

Mark, who specialises in debt and insolvency issues, said: "Many people are in jobs with an uncertain future. It is advisable that they start overhauling their finances and making provisions should the worst happen."

1. Get out of debt. Put together a debt reduction plan that will help dramatically reduce how much is owed to others. Pay or reduce the most expensive debts first.
2. Start to live within your means.
3. Keep a roof over your head. – Mortgage payment protection insurance could help meet repayments for a certain period and some mortgage companies allow householders to take a payment holiday.
4. Find out your redundancy entitlements so you can plan ahead financially.
5. Control costs – shop around for the best deals for the likes of house and car insurance and utility suppliers.

Lisa Tchenguiz was the Iranian-born wife of South African millionaire Vivian Imerman, who made a fortune as the owner of Del Monte foods and the Whyte and Mackay whiskey brand.

When their marriage broke down, Ms Tchenguiz's brothers, with whom Mr Imerman shared offices and an IT system, barred him from the office building and downloaded a large number of his computer files relating to finances and assets. They handed these files to their solicitor, who in turn handed them to Ms Tchenguiz's solicitors.

Mr Imerman went to court to ask for an order that the information contained in the files should not be used in the divorce proceedings, because it had been obtained in breach of confidence.

The judges in the Court of Appeal recognised that "lack of candour on the part of spouses determined to conceal the true value of their assets from the courts was a very real problem" but said that the remedy was not in illegal self help, but through the powers of the court to grant orders for search, seizure, freezing, coupled with the fact that the court would take a severe view where a spouse would not give full and frank disclosure. But this approach has been condemned by divorce specialists.

Judith Middleton said: "This judgment has been very badly received by many family law practitioners, and has already been described as a charter for cheats. The Court of Appeal admits that dishonesty is a real problem in the family courts.

"Whilst the high value cases will be able to afford to pursue disclosure through the courts, it is likely to make it much harder for people in everyday divorce cases to get a fair result. These everyday cases are not about ex-spouses seeking millions in settlement, they're often about a single parent trying to secure support for their children from an unwilling ex-partner."

For further information contact **Judith Middleton**

6. If you do need to buy replacement household items don't be afraid to barter/haggle on prices.
7. Gain market intelligence on the best deals before buying anything. The internet is invaluable for research on prices, discount vouchers and special deals.
8. Make your credit card work for you. Do not spend more than you can afford and pay off the full balance each month to avoid accumulating high interest charges.
9. Cash is king - avoid taking out loans or credit as APR rates add substantial interest to the original sum borrowed.
10. Seek expert help about your financial position, particularly for lump sums such as redundancy payments.

Mark said: "We live in a buy now, pay later society, but as job losses and business closures loom and the recession extends its grip, people need to plan ahead and try to start licking their finances in to better shape.

They should not be afraid to ask for help and should approach recognised experts in their locality who can assist them to get their finances back on track."

For further information please contact **Mark Gardner**

Latimer Hinks Solicitors, 5-8 Priestgate, Darlington DL1 1NL

Tel: 01325 341500 Fax: 01325 381072 email: [lh@latimerhinks.co.uk](mailto:lh@latimerhinks.co.uk) [www.latimerhinks.co.uk](http://www.latimerhinks.co.uk)