

Midlands Air Ambulance appoints Wall James Chappell as principal legal advisor!

Midlands Air Ambulance
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Midlands Air Ambulance Charity (MAAC) has appointed Stourbridge based law firm, Wall James Chappell, as its principal legal advisor. MAAC is the only charity responsible for funding and operating three Air Ambulances serving the communities of Gloucestershire, Herefordshire, Shropshire, Staffordshire, Worcestershire and the West Midlands. This constitutes the largest air ambulance operating region in the UK. Wall James Chappell will advise the charity on matters pertaining to charity law, company law, commercial contracts, property and estates.

Philip Chapman, Head of Charities at Wall James Chappell, said "We are delighted to have been appointed by Midlands Air Ambulance Charity as their principal legal advisor – the charity continues to affect people's lives across the Midlands area. We are proud to have had the opportunity of working with the Charity on a number of legal matters over the years. Our knowledge and expertise in the charities sector will undoubtedly be of benefit to the charity. We look forward to supporting them with their long term strategic objectives.

Hanna Sebright CEO of MAAC said, "We are delighted to be working with Wall James Chappell. It was important to us to appoint with a trusted local firm that understands what is important to us as a charity and the communities that we serve."



Life is complicated and no more so than when you die



by Jane Beale, Head of Litigation at Wall James Chappell

One of the main features of English succession law has always been testamentary freedom or the ability to choose who our property passes to when we die. Whilst the Inheritance (Provision for Family and Dependants) Act 1975 ("the 1975 Act") and its predecessor statutes have long allowed those closely related to or dependent on the deceased to challenge a will on the basis that it does not make financial provision for them, it has been usually understood that it would be difficult for an adult child to establish that any lack of provision made for them by their parent is unreasonable.

Recent cases however seem to be driving a coach and horses through the long established principle that an independent adult child of full capacity would not be able to bring a successful claim under the 1975 Act. The most prominent of these is the case of *Ilott v Mitson and others*. In that case the Court of Appeal allowed a successful claim under the 1975 Act by an adult daughter who had been estranged from her mother, the deceased, for over 30 years. In fact she had seen her only twice in that time. In that case, the deceased left a note explaining her reasons for not including provision for her daughter in her will but that was held in the circumstances not to be sufficient, not least because the daughter and her family of several children were reliant on state benefits.

The upshot of this is that you need to make sure that you regularly review your will and take appropriate advice as to what should be contained in a letter explaining why you are not including a beneficiary who might be expected to be included. A little spent on appropriate advice at that time can literally save the estate several thousand pounds in costs of litigating a dispute after your death.



Challenges to wills are a growth area. In my experience, this is because of many factors. People are living longer and even people who have had relatively modest incomes will leave an estate of worth if they have been homeowners. Further, as people live longer, there may be doubts as to their capacity towards the end of their life. This is where a relationship with a solicitor who has acted for you over a number of years can reap dividends.

When a will is challenged, one of the first things is to look back at previous wills made by the deceased. This is easy to do if they have all been made by the same solicitor and it is easier to dismiss a challenge if the wills (which should in any

event be regularly reviewed) have changed organically in relation to natural changes in the testator's circumstances, rather than there being random and unexplained departure in testamentary wishes towards the end of life.

Relationships are more complicated nowadays with second marriages, step-children etc. and all this needs to be given due consideration when making a will. Whilst there is never any guarantee that a dispute can be avoided, proper advice will limit the chances of such a dispute.

Furthermore, should there be a challenge to a will it is important that appropriate advice is sought. Solicitors who draft wills are not generally litigators and are not used to dispute resolution. As a firm we can offer both expert advice regarding the drafting of your will and any appropriate trust, and if the worst happens expert advice in trust and probate disputes.

For more information contact Jane Beale on j.beale@wjclaw.co.uk

Nicolites new main sponsors of Birmingham City FC.

Wall James Chappell were lead advisors on the contractual sponsorship arrangements between Nicolites and Birmingham City FC. The new agreement means electronic cigarettes firm, Nicolites, have signed up as the new principal partner of Blues for the 2013/14 season.

As part of the major sponsorship agreement, the Birmingham-based firm's logo will adorn Blues' first-team and adult replica shirts for the forthcoming Championship campaign. The link with last season's official charity partner, Help Harry Help Others, will continue this season.

To further this partnership, Nicolites has agreed to allow the Help Harry Help Others logo to be carried on the front of all junior, infant and baby shirts for the 2013/14 campaign. It will also feature on the Blues Academy's playing kit.



Philip Chapman, Solicitor at Wall James Chappell
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Nicolites is the UK's largest brand of electronic cigarettes, stocked by a large number of national retailers, including Tesco, ASDA, Superdrug and Co-op. E-cigarettes are designed to look and feel like real cigarettes but are battery-powered products containing liquid nicotine, which is inhaled as a vapour.

Philip Chapman, Head of commercial services at Wall James Chappell, said: "We were delighted to advise on this deal. Birmingham City FC continues to attract strong sponsorship and we are sure that this partnership with Nicolites will be successful for both parties for the 2013/14 season."

Nicolites managing director Nikhil Nathwani said:

"As a Birmingham-based company we are proud to be able to support Birmingham City FC as the club and fans look forward to a successful season both on and off the pitch. We have grown our business in the city, invested in the region and created jobs. This new partnership demonstrates our commitment to the West Midlands region and to one of its largest football clubs."

Ian Dutton, Blues' head of commercial, said: "We are delighted to have secured an outstanding principal partnership with one of the most successful Birmingham-based businesses in recent years. Although they are a national brand stocking in major retail outlets, it is quite clear that Birmingham and the surrounding Midlands area is very much still at the forefront of their minds."

Lasting Power of Attorney for Health & Welfare

What is it?

A Lasting Power of Attorney for Health & Welfare allows you to choose people to act on your behalf (as Attorneys) and make decisions about your health and welfare when you are unable to make decisions about **your health care and medical treatment, decisions about where you live and day-to-day decisions about your personal welfare such as diet, dress and daily routine.**

Please note that a lasting Power of Attorney for **Health & Welfare ('LPA')** is different to a Lasting Power of Attorney for **Property & Affairs** which relates simply to managing your property and financial affairs.

What happens if I don't have an LPA?

If you lose your mental capacity, someone will have to make decisions about your health and welfare. These decisions may include, for example: where you live, what nursing or residential home you live in, the type and extent of the care you need and/or what type of medical treatment you receive.

People often assume that if you lose their mental capacity, their family or next of kin (e.g. spouse and/or children) will automatically have the right to make health and welfare decisions upon their behalf.

Unfortunately this is not the case.

If you do not have a Lasting Power of Attorney for Health & Welfare and lose your mental capacity, it is likely that these decisions will be made upon your behalf by the Local Authority ('LA'). The LA have a duty to act in your **'Best Interests'** when making decisions upon your behalf but, if there is a dispute, say with family members, over what is considered to be in your 'Best Interests', the view of the LA is likely to prevail.

This is rather worrying and evidence suggests that disputes between the LA's and families over the health, welfare and on-going care of elderly relatives are increasing - particularly as LA budgets are being cut.

Why should you set up an LPA for Health & Welfare now?

In order to ensure that your family (or the person who you choose) has the authority over your health & welfare decisions, it is important that a Lasting Power of Attorney for Health & Welfare is set up. This will avoid major problems at a later date and could prevent a potential dispute with the LA.

Finally, a Lasting Power of Attorney for Health & Welfare also allows you to give authority to your Attorneys, if you so wished, to give or refuse consent to life sustaining treatment (ie. life support).



For further advice, please contact either **Christopher Hamlyn**, c.hamlyn@wjclaw.co.uk, **Susannah Griffiths**, s.griffiths@wjclaw.co.uk or **James Rousell**, j.rousell@wjclaw.co.uk.

Planning for the Over 60's

Wall James Chappell's seminar "Planning for the over 60's" took place at Dudley Kingswinford Rugby Club on the 26th April 2013. Susannah Griffiths & James Rousell, both Partners in the Firm's Private Client Department, discussed key issues affecting the over 60's age group. Specifically, the issues of Wills, Inheritance Tax planning, Powers of Attorney and Long Term Care Planning were covered and over 50 people attended. Those who attended were also offered a free consultation with Susannah and James. Susannah Griffiths said "As people live longer, legal issues affecting those aged 60 and above are becoming



increasingly important. Whether it is having Wills in place, setting up Powers of Attorney or simply seeking re-assurance that your affairs are in order, it is important to seek professional legal advice. Unfortunately, some people leave it too late and fail to take appropriate steps; this can cause tremendous problems for their families later on. The Seminar was so successful that a further Seminar is scheduled for Autumn 2013.

If you would like to attend, please contact us on 01384 371622.



GOLF DAY

Wall James Chappell held their second golf day, in support of Mary Stevens Hospice, on the 5th July 2013 at Blackwell Golf Club. The day was a tremendous success and over £750 was raised for the Hospice. Over 40 players took part and the overall winner was the team from OGL Computer, who are an IT support and solutions company based in Worcestershire.



Winning Team from OGL

SUPPORTING
Mary Stevens Hospice



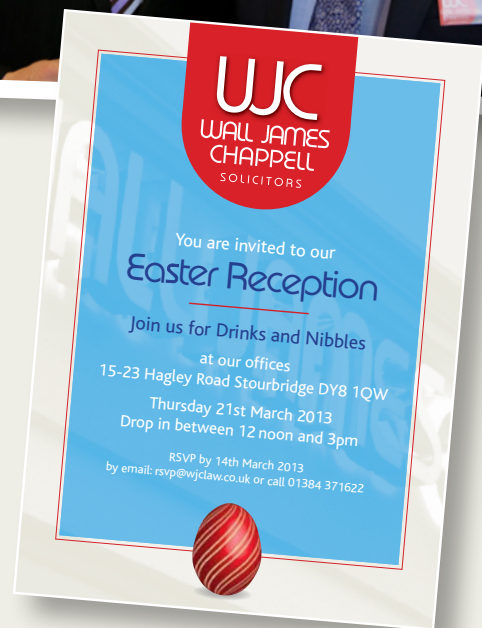
Easter Reception - a Success



On the 21st March 2013, Wall James Chappell held its very first 'Easter Reception'. The reception took place at the Firm's offices in Stourbridge and was attended by over 50 clients, guests and professional contacts. A raffle also raised over £200 for local charity Mary Steven's Hospice. Jonathan Browne, Senior Partner in the Firm said,

"The Easter Reception was a really successful event and the feedback was very positive. Clients, guests and other contacts had the opportunity to look around our offices and meet our Staff in a relaxed, informal environment."

The Firm are planning another event next Easter in 2014.



Dudley Kingswinford Rugby Football Club



Wall James Chappell are pleased to announce that they will be main sponsors of Dudley Kingswinford Rugby Football Club for the 2013/14 season. This is the fourth consecutive season that the Firm will be main sponsors and, following last season's successful campaign, the Club will again be competing in National League 2 North.



James Rousell, a Partner in the Firm said, *"we are delighted to be Club sponsors next season and look forward to continuing our relationship with the Club. We wish the First Team the very best of luck in the 2013/14 season."*

Next season promises to be extremely competitive with local derbies against Stourbridge, Bromsgrove & Luctonians RFC.

Wall James Chappell are also offering a 10% discount to Club Members on all legal fees.

Upcoming Events

'Events With The Edge' present:

Charity Sporting Dinner with guest speaker

Phil Tufnell

Thursday
 26 September
 2013

In aid of Midlands Air Ambulance and the Trust PA charity, and sponsored by
Wall James Chappell, Solicitors

Venue: Millennium Copthorne, Merry Hill
 Dress code: Lounge Suits
 Time: 7.00 for 7.30

Prices -
 Tables of 10: £550.00 (+ VAT)
 Individual places: £60.00 (+ VAT)

To book your place contact:
01384 374922
 Or email:
info@eventswiththeedge.co.uk

For further details go to:
www.eventswiththeedge.co.uk/upcoming-events/sporting-dinner






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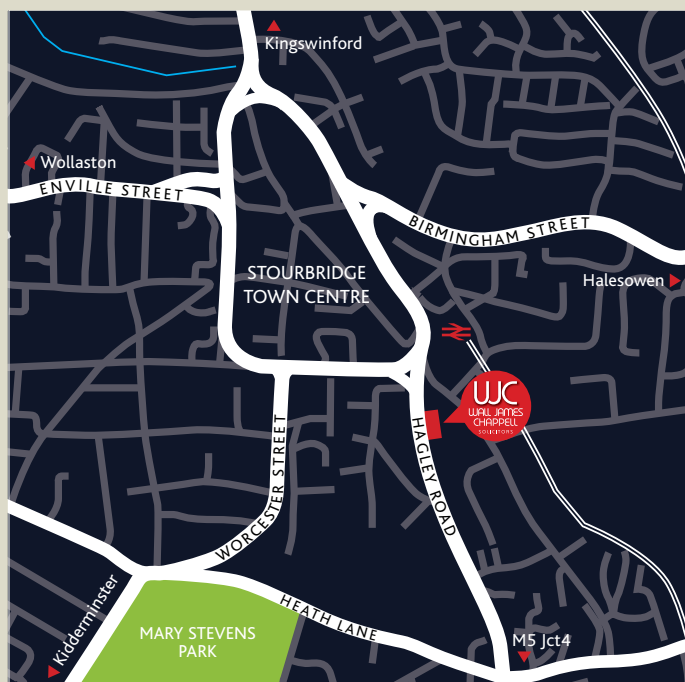
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