



## New look and new website unveiled

Established local solicitors Barker Gotelee have had a facelift, a new look to reflect the changing requirements of their valued clients.

James Skellorn, a founding partner and head of the private client team, said, "I am proud to have been part of the Barker Gotelee team right from the beginning. Over the years we have adapted and transformed the way we work to meet the changing needs of our clients. Our new branding combines a fresh and contemporary look with our terrific depth of experience and knowledge."

He added, "The growth of Barker Gotelee in the past twelve months reflects the demand from our clients to consolidate their legal dealings with one firm – from trusts and land ownership to tax and mediation. Our clients, whether businesses or individuals, are seeking integrated answers and effective management of their legal issues. We continue to evolve to provide the top-quality advice and services our clients expect and deserve."

Dating back to 1988 and practising from their offices in Martlesham Heath, Barker Gotelee specialise in a wide range of services for life, land and business. These three distinct themes have driven the creation of three specialist teams, each of which is covered by the new website [www.barkergotelee.co.uk](http://www.barkergotelee.co.uk).



## Q & A

### QUESTIONS and Answers

### Wills

**Q: Do I really need one?**

**A:** If you do not have a Will, the law says who will inherit your money and property. Who inherits from you will depend on a number of factors such as the value of your estate when you die, which of your relatives survive you and whether you are married, or have children. To ensure that you benefit the right people, you should make a Will.

**Q: My partner and I are not married but are living together, surely everything will pass to each other?**

**A:** Not necessarily. If you do not have a Will, the person that you live with (even if you have lived together for years as "husband and wife" and have children together) will not usually have a right to your money and property. You should check how you own your home, to see whether this will pass to your partner on your death. Even if you own your home together, your partner may not be entitled to your share when you die.

**Q: What is the difference between a home-made Will and one drafted by a solicitor? Will my home-made Will work?**

**A:** Home-made Wills are often accepted by the Probate Court, providing they are drafted correctly. However, there are many pitfalls to look out for when drafting a Will with which a solicitor will be familiar. It is also important for a Will to be completely clear and unambiguous. Expensive Will disputes can arise if there is any doubt about who should inherit and/or how much.

To find out more on this subject, and other useful legal information, listen to full radio interviews featuring solicitors from Barker Gotelee on Deben Radio. [www.barkergotelee.co.uk/press-centre](http://www.barkergotelee.co.uk/press-centre)

## FREE CONSULTATION EVENING

### BARKER GOTELEE ARE ABLE TO OFFER YOU A FREE CONSULTATION COVERING MANY LEGAL ISSUES.

If you would like to attend one of these evenings, our next session is on **Wednesday 18th January 2012** between 5:30pm and 7:30pm.

If you would like to take advantage of a free consultation, please telephone our Marketing Team on **01473 611211** or e-mail [bg@barkergotelee.co.uk](mailto:bg@barkergotelee.co.uk) to arrange your 20 minute appointment.

We have experts available to discuss:

- Disputes and Debt Recovery
- Accident Claims
- Matrimonial and Family issues
- Wills and Powers of Attorney
- Financial issues on death
- Funding for Care Home Arrangements
- Property Matters

**Ample free car parking**  
[www.barkergotelee.co.uk](http://www.barkergotelee.co.uk)

# Money for claims

If you have ever found yourself stuck at home feeling sick and at a loose end turning on the television in the morning you may have been bombarded by adverts encouraging you to claim for any kind of hurt or misfortune suffered on the road, at work or even on your holidays.

A huge claims industry has developed since the Government's decision in the 90s to withdraw Legal Aid from such claims producing a free and unregulated market.

Ironically the insurance industry, which was traditionally the defendant in such claims, saw the great advantage of redirecting some of the monies it was paying out to itself.

Many insurance policies now include a standard inexpensive add on legal expense insurance designed to assist you with the costs of a legal action and the risk of losing and having to pay the insurance company's expenses.

This gives rise to the strange enigma of insurance companies effectively suing themselves and making profits at both ends. To enhance their profits further, having cornered a large share of the claimant market, they demand referral fees from the lawyers to whom they assign the work. These firms are called "Panel" firms and pay for the guarantee of a certain level of work. The referral fees often far exceed the insurer's likely exposure to expense under their policy.

Win win for the insurers but what about the poor consumer caught up on the merry go round of insurance profit?

We at Barker Gotelee do not belong to any such panel and always try to avoid the inevitable conflict of interest that arises through the obligation to insurers. We have however frequently dealt with disappointed consumers who feel they have been let down by legal expense insurers or their panel solicitors. The panel solicitors often have no geographic link to the client and because the standard policies require a subjective judgment on good prospects of success there is necessarily a pressure on the panel solicitors to maintain cover only for those cases which are clear cut.

After some twenty years of this distasteful merry go round the Government has finally realised the threat to justice posed by these referral fees and has proposed to make them unlawful and a criminal offence consistent with the policy of the Bribery Act.

The debate is raging in Parliament as to whether future use of referral fees and the associated likelihood of passing personal data between the businesses involved should carry the very effective sanction of imprisonment.

At Barker Gotelee you will be guaranteed strong impartial advice. It remains to be seen whether in the future you will be able to enjoy Teletubbies and Loose Women on your sick days without interruption from actors pretending to be lawyers and concerned for your welfare.



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# Buying and selling property at auction

It is becoming more and more popular to buy and sell properties at auction. Properties that can be difficult to sell on the open market, or where the seller wants certainty, can be suitable to sell at auction.

Properties often sold at auction include:

- Properties being sold by executors
- Properties that need modernisation
- Properties with legal title issues
- Properties with a large amount of land attached
- Fire/flood damaged properties

If you want to consider selling a property at auction we can put you in contact with an auctioneer and we can prepare a comprehensive auction pack for you.

If you are considering buying a property at auction, we can review the auction pack to advise whether there are any title or other issues which materially affect the value or enjoyment of the property.



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## ...in a nutshell



### What is copyright?

1. Copyright stops someone from copying an original piece of work you have spent time creating.
2. You have the right to be known as the author of the work.
3. Copyright can exist in many different things including a piece of writing, a photo, a film, a piece of music or a painting.
4. Copyright exists for the lifetime of the author plus an additional 70 years.
5. For someone to breach your copyright they must copy a substantial part of the work.

# Bread-winner v home-maker: equal on divorce?

You have been married for many years and have spent the best part of your life bringing up children. You may have sacrificed your career to do so but did not mind at the time because the whole family benefitted from you being the home-maker. Now you are divorcing. Your spouse is suggesting you must be self-sufficient financially and must have a smaller portion of the assets because you have not worked for them. Can this be right?

The law does not discriminate between the bread-winner and the home-maker. The bread-winner can earn money because of the home-maker's efforts and the home-maker has a home because of the bread-winner's efforts. Both have

contributed equally in the eyes of the law and this has been the case for many years. To do otherwise would be sex-discrimination because, although times have changed, more women than men are home-makers. On this basis both spouses are entitled to an equal share of the assets as a starting point for their settlement on divorce, although other factors might increase or decrease that settlement.

It may be very difficult to be self-sufficient financially for some time to come if you have not worked at all or fully for a while, but you will be expected to make every effort you can to find a job. The Court will look at what you can earn now and at what you can earn in the future. You can expect a share in your spouse's pension, assuming

her/she has one, but you may not receive monthly pension payments for some time, depending upon your age. Until you get that pension you will have to earn what you can, but you can expect your spouse to top-up those earnings so that you have enough income to meet your reasonable needs. Your spouse may have to top-up your income until you get your pension or, in some limited cases, indefinitely.



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## Make the most of your life policy

Life policies can be invaluable. For example, you may want life cover to clear a mortgage, to replace a lost income or to settle an inheritance tax liability.

When taking out life cover, however, many people only do half the job. They choose a policy, pay the premiums and nothing more. What's wrong with that? Well, that could mean the wrong people inherit, it might result in the proceeds being taxed at 40% or it could leave the proceeds tied up for several months when your family needs money urgently.

The second half of the job is to place your policy in trust so that the proceeds can be paid immediately and tax-free to your mortgage company or chosen beneficiaries. If you take out your policy with an independent financial advisor, they will discuss this with you. If you take out your policy online, you will lose the benefit of this advice.

Many life companies provide standard trust documents which you can use. Most of these are good, but some are poor. We can advise on these or tailor our own precedent to suit your circumstances.

Speak to us or an independent financial advisor and make sure you get the most out of your life policy.



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## Q & A QUESTIONS and Answers Mediation

**Q: What is it?**

**A:** A way to sort out a conflict through discussion.

**Q: Will the mediator be on my side?**

**A:** Mediators do not take sides

**Q: Will the mediator decide how the conflict should be resolved?**

**A:** No, the mediator will help you to decide together how the conflict should be resolved.

**Q: Will the mediator give me legal advice?**

**A:** No, your lawyer will do that and the mediator will tell you when it would be a good idea to take advice.

**Q: Can my lawyer come to the mediation session with me?**

**A:** Lawyers do not usually come but this can be arranged if you both agree to it.

**Q: We don't want to fall out, can we sort out our divorce settlement in mediation?**

**A:** Yes!

# Barker Gotelee in the Community

## Thomas Mills 3 Peaks Challenge

Barker Gotelee are proud to have supported this challenge which raised close to £9,000 for Friends of Thomas Mills School and the East Anglian Children's Hospice.

## Birchwood School Garden

Barker Gotelee recently made a donation to Birchwood School in support of the school's Food4Life Partnership Garden.

The ribbon was cut by two representatives from the Community Pay Back Scheme. Barker Gotelee were invited to attend along with other local companies who had kindly made donations.

The School Eco-council representatives from each year group invited us to look around their garden and had made apple cake for all to enjoy.

## Music on the Green

Barker Gotelee were delighted to be involved with this event again this year and are pleased to announce that £5,000 was raised for EACH Treehouse Appeal.

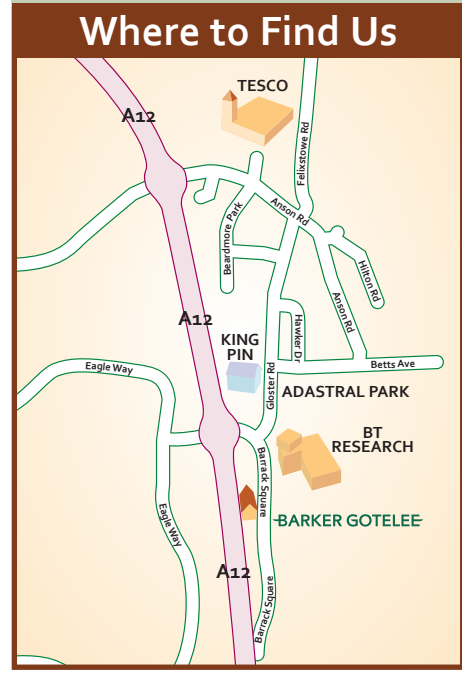
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Solicitors from Barker Gotelee are available to speak at your Club, School, or group meeting. Please telephone our Marketing Team on 01473 611211 to agree a suitable date. Our solicitors are able to speak on subjects covered by this Newsletter and as required by you.

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# Attorney or Deputy?

Many people will be familiar with powers of attorney and by making one, you are giving someone else permission to deal with your property and financial affairs in case you become unable to do so in the future. Under a Lasting Power of Attorney you can choose to appoint a loved one or a close friend to manage your affairs.

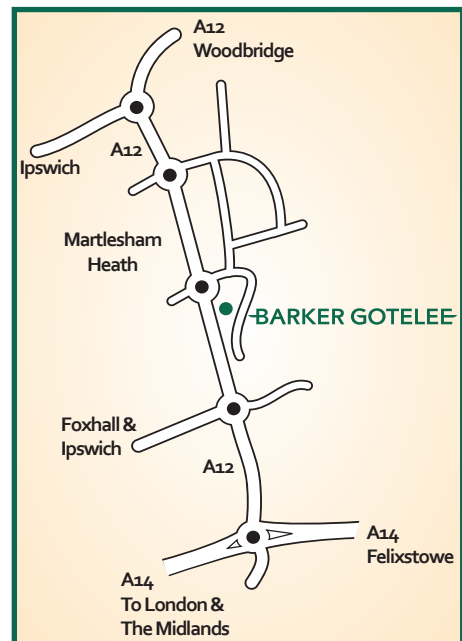
Protection will make the final decision. There are also strict duties that require a Deputy to send an account to the Court of Protection at least once a year, showing how the money which the Deputy has control over is being spent.

But what can you do if a family member has already lost this capacity without making a Lasting Power of Attorney? The answer is to make a deputyship application to the Court of Protection, explaining why you feel you are suitable to be appointed as 'Deputy'.

If you would like to make a Lasting Power of Attorney or if you need help applying to the Court of Protection to be appointed as a Deputy for a family member, please contact our office for more information.



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This publication is intended to give general guidance and is not intended to provide legal advice. It is not exhaustive and you should take legal advice on any specific circumstances that affect you.