

TUNBRIDGE WELLS

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BUSINESS

MAGAZINE

A duty of care

How J&E Bennett Law's niche expertise of supporting the vulnerable is driving organic expansion into related legal services



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“We make a real difference for our clients”



TEAM EFFORT: Jane Bennett, far right, with some of her colleagues (l-r) Abble Maynard, Richard Shearing and Lorna Halfpenny-Beehy

JE Bennett Law is an industry-leading firm based in Tunbridge Wells which specialises in Court of Protection cases but is also growing exponentially into other areas of the law, specifically those involving related private client services. Eileen Leahy talks to its co-founder and Managing Partner Jane Bennett and some of her senior team about this unique legal business and why supporting and empowering their clients is at the heart of everything they do...

“Where would you like me to stand - on the step or not? Should I take off my sunglasses for this shot? Do you want me to move that chair so you get a better angle?”

These are just a few of the questions politely asked as the senior team at JE Bennett Law relax into our photoshoot. Chatting, laughing and posing for our photographer David while he clicks away on his camera, you would never believe that this fun and friendly group of experienced lawyers have to deal with some of the country's most complex, niche and emotive legal cases on a daily basis.

Since the specialist independent law firm was co-founded in 2012 by Jane Bennett and her husband Tom Beaufoy in a small office in Sevenoaks, JE Bennett Law has been on a mission to make a genuine

difference. And for this family-run, independent firm the clients always come first above anything else.

The firm specialises in Court of Protection Law, Power of Attorney, Personal Injury Trusts and Wills and Probate, representing people who find themselves in vulnerable circumstances. This could be after a catastrophic road accident, a brain haemorrhage or the loss of capacity due to advanced dementia.

Since launching with just a handful of staff 13 years ago, JE Bennett Law has expanded exponentially and is now considered to be one of the country's leading experts in Court of Protection (COP) Law. It currently has around 300 clients on its books - for COP alone - and has seen huge growth in its team, which now totals 40-plus and resulted in the business moving to a smart three-storey

office building at the bottom of The Pantiles three years ago.

During this period there has also been much organic development into other areas of the law - the Private Client side most notably, which has seen an impressive 75% rise in cases.

Jane is the firm's Managing Partner and also Head of its Brain Injury and Expert Witness team.

She is one of only 34 lawyers nationally to make Chambers and Partners ranking for Court of Protection: Property & Affairs (UK-wide), and one of only six nationally to make the Legal 500 Hall of Fame for Court of Protection. The firm is also Lexcel accredited, The Law Society's legal practice quality mark - Lexcel, stands for excellence in client care, compliance, and practice management.

Deepening the firm's referrer network and a 78% increase in its core business of Deputyships, over the last 3 years has also helped propel JE Bennett Law's success further.

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For those not familiar with the role of a Professional Deputy, it's when, after a person loses capacity, the Court of Protection appoints someone to help them. This can be in relation to financial decision making, or decision making in relation to the person's health and welfare. A deputy is appointed to support them with making as many of their own decisions as they can and to stand in their shoes, making decisions that they are unable to make themselves.

As we sit down to chat Jane reveals that her particular specialism is in acting as an expert witness in high value and catastrophic personal injury litigation claims.

“Working with personal injury lawyers is a mutually beneficial relationship. By referring to us, our personal injury associates have peace of mind that their clients are being looked after by industry

leading experts who will tenaciously ensure the best long-term outcomes for their clients over the years – and decades – to come," she explains.

Jane is talking to me alongside some of her colleagues who have been instrumental in JE Bennett Law's success. They are Richard Shearing (Senior Partner and Head of JE Bennett Law's Private Client Division), Lorna Halfpenny-Beeby (Partner) and Abbie Maynard (Paralegal Senior Team Leader).

Jane says that Court of Protection Law requires a wide breadth of knowledge and understanding of many diverse areas including financial protection, health and welfare, care in the community as well as safeguarding the vulnerable – both children and adults.

The team work alongside a number of different professionals – including employment specialists, criminal lawyers, independent financial advisors and solicitors – as they have to understand every aspect of a person's life if they have lost capacity to make decisions for themselves.

"There are so many different aspects we have to address. Many of our clients have suffered life-changing injuries through



Richard Shearing
Senior Partner



Abbie Maynard
Paralegal Senior Team Leader



Jane Bennett
Managing Partner



Lorna Halfpenny-Beeby
Partner



Photography by David Bartholomew

accidents or ill health, but we also have an ever increasing amount of elderly client related work where we have people who need assistance with their finances and future planning. This, in turn, creates demand for services from our Private Client Department," continues Jane.

This growing department looks after Wills and Probate, Estate Administration, Tax Planning and Lasting Powers of Attorney (LPA).

"The Private Client side of the business is something that has evolved naturally," says Richard Shearing. "This could be as a result of dealing with clients who have passed on, or their family members might come to us for their own advice and guidance.

"They trust us and that is vital. People see us as a pair of helping hands. There are a lot of parallels between COP work and the

Private Client side as we are still supporting people, whether that's making a Will or an LPA. It can be a very emotionally challenging thing to do as people have to think about their own mortality, or that they may at some point be unable to manage things themselves.

"You really have to know your client and that's what we are very good at here. We ensure we always go above and beyond in order to support them."

The growth in demand for Wills and Probate and Tax Advice has created a solid platform for further strategic growth, which Jane and her team tell me they would like more local people to know about.

"We have a very good reputation for the Court of Protection work we do, but we want the people of Tunbridge Wells and the surrounding areas to know we can help them with their general personal and financial needs too."

She goes on to say that she is in no way trying to poach work from other established firms in the town. Quite the contrary in fact...

"We are delighted to be in such esteemed legal company here in the town. There are some really formidable firms out there who are exceptional at what they do. There is more than enough work to go round and we find ourselves collaborating more and more with many as a result. Fees wise I would say we are on a par with the majority of them."

The significant rise in both the firm's

Court of Protection and its Private Client work is due to a number of factors. Firstly it is down to JE Bennett Law's unrivalled reputation, commitment and expertise in these areas, but it's also due to factors such as the elderly living longer, and increasingly sophisticated medical treatment and equipment which is prolonging the lives of people who have survived horrific injuries.

"It's certainly a massively growing area of legal work," states JE Bennett Law Partner Lorna Halfpenny-Beeby, who has been with Jane from the start. "You have to have the necessary mechanisms around all those scenarios to then support the people who are vulnerable and lacking the capacity to manage their own affairs."

"And if you are not someone who has had the foresight to think 'let me make an LPA so I can decide what I want to happen should something terrible occur, well then what?'"

Richard intervenes saying that there's a 'huge amount of misunderstanding'

JE BENNETT LAW'S SERVICES:

- Court of Protection
- Professional Deputy Services and Lay Deputy Advice
- Personal Injury Trusts
- Lasting Powers of Attorney
- Will Writing
- Probate & Estate Administration



around LPAs in terms of where they apply and where they don't.

"This is particularly evident in the banking sector, where things have become very complicated. A few years ago you could go and see your local bank manager, but now there is a wall of bureaucracy and you have to have the right information otherwise you don't stand a chance of talking to someone. So again we can help and guide people through that process because as specialist lawyers we have to deal with all that on

a daily basis. And that's where we bring value as we know how to navigate these particular areas."

Richard explains that JE Bennett Law's expert team will always work very closely with their clients. It is very much a bespoke approach as many of them have disabilities or have lost capacity, so this is an essential part of the job. They will handpick the relevant people they are working with too - such as solicitors, care workers and medical specialists - and always visit clients.

And that, I am told by Abbie Maynard, who is currently a paralegal and has been

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with the firm for two years, is an element of the job that is so special for her.

"All of the team go out to clients to visit them at the start of each application to get to know them and understand their circumstances. We look at where they are living and if their care needs are being addressed. We regularly check on them to verify all is as it should be. If anything further is needed then we will ensure that we support that."

After only an hour or so in their company, it is obvious that Jane and her team have created a law firm that is driven by genuine empathy for its clients and their needs. But that doesn't mean they

are a soft touch - far from it, they tell me. They will fight tooth and nail for people and for justice to prevail.

Having worked for two prestigious London practices for several years, Jane says that the reason she decided to establish her own firm was so she could focus on making a real difference on certain areas of the legal system.

"Having been a Private Client solicitor for several years, I felt the need not only to specialise but to help people who could no longer help themselves," she reveals.

That's certainly what attracted Lorna to the firm when it was first set up.

"I did psychology before I studied and qualified in Criminal Law. I worked for several years at the Transition Unit at the Royal Hospital for Neuro-disability, which provides specialist care and therapies for people with a range of neurological conditions and brain injuries - experience which has certainly helped the type of Court of Protection work I do now.

JE BENNETT LAW'S KEY AIMS:

To be the go-to UK provider of legal services that empower and protect clients who find themselves in vulnerable circumstances

Empower, develop and reward its people and build a continually evolving, industry leading environment

Actively seek out and explore new opportunities which align with the aspirations of the business

"I specialise in brain injuries and hope that my previous knowledge and background - which is not really the traditional route into law - allows me to be more understanding of people who have been affected in this way.

"I went to a conference recently and there was a lady and her daughter there and the mother said: 'You may understand, but you will never feel it.' And that really stuck with me and I absolutely agree with that. No, we can't feel it, but we can do our best to try and understand.

"We deal with people of all ages - from babies to the elderly - who come from all around the country. And yes, we have to be mindful of supporting, not just our client, but the family and wider network going through the Journey with them."

So how does the team deal with the emotional impact of the job - especially those fairly new to it, like Abbie?

"It's emotionally driven work and you can become quite upset at some of the cases, but your job is ultimately to help clients any way you can," she comments.

"Being in a firm that actively promotes an ethical environment and also helps the vulnerable was exactly what I wanted to be involved in.

"The fact that I managed to join at a

JE BENNETT LAW IN NUMBERS:

Over the last 3 years:

- The firm has seen revenue increase by 75%
- JE Bennett's core business of 'Deputyships' has increased by 78% as a result of extending and deepening the firm's referrer network.
- The firm has seen significant increase in all private client work
- The practice has increased its headcount by 61%.
- It now has eight partners and two solicitors; a team of 15 paralegals; a trainee and administration support staff
- The firm represents clients across the UK as well as locally
- The firm has recently been recognised by Chambers, the renowned industry ranking organisation, for its Court of Protection work.
- The firm is also ranked by The Legal 500, and has Law Society (Lexcel) accreditation for practice management.

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We are acutely conscious that we are only as good as the people around us and we have all made a conscious decision to do things differently here

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time where the practice was growing at the speed I also wanted to grow has worked well. No case is the same and you are exposed to so much. I feel that I am learning a great deal, it is fascinating.”

At this point Jane announces that the firm is still looking to recruit further in order to ensure it can absorb the amount of new cases it is taking on.

She points out that JE Bennett Law is very progressive as an employer, ensuring that democracy and equal opportunities run through every fibre of the firm, with things like a career structure and flexible working as and when needed being actively encouraged.

“The latter is something I never got when I was working in London and so I am passionate about employees being able to take time to work from home if they have to,” she explains.

Jane and her team are equally passionate about affording opportunities to those who merit them – even if they haven't come via the traditional law degree route.

“Over the past couple of years we have grown our team of paralegals, taking on average around six a year. We do take

JE Bennett Law - Client case studies

CASE STUDY 1: PROTECTING CLIENTS FROM FRAUDULENT ATTORNEYS

JE Bennett Law is currently representing Client 1, whose attorney used her funds to invest in what turned out to be a scam, putting the attorney in breach of her fiduciary duty.

A partner in JE Bennett Law was appointed as Deputy to see what funds could be recouped – both from the attorney and the banks. We gathered the remaining funds from Client 1 and are using them to pay off her significant debt, which the attorney had neglected, while also ensuring she receives adequate care.

CASE STUDY 2 : HELPING A CLIENT REGAIN INDEPENDENCE AFTER LIFE- CHANGING INJURIES DUE TO CLINICAL NEGLIGENCE

For the last six years JE Bennett Law have represented Client 2, a young woman who suffered life-changing injuries, including a severe brain injury, following clinical negligence. Jane Bennett acts as her deputy for property and affairs, with several other members of the team working on her case. Through sheer grit and determination, Client 2 has overcome many different types of obstacles, including those presented by care providers, statutory bodies, family members, and naysayers.

JE Bennett Law have worked with Client 2 to help her move into her own adapted home, and to work towards the recovery of her mental capacity to manage her own property and affairs, with input from a neuropsychologist, and a framework to enable her to increase her decision-making capabilities. This is entirely to her credit and demonstrates Client 2's own commitment to self-betterment. It has been an absolute honour to accompany her on her journey thus far.

CASE STUDY 3 : PROTECTING CLIENTS FROM FINANCIAL ABUSE AND FRAUD BY FAMILY MEMBERS

Client 3 is a young man who lost capacity due to a brain tumour. His wife became his attorney and, while acting in this role, she allowed his mother to live rent-free in his home while they fraudulently claimed Housing Benefit and Universal Credit. Client 3's wife also used a substantial proportion of his remaining funds to finance a family member's online casino business. As deputies, the partners in JE Bennett Law faced the unenviable task of untangling this complex situation, including dealing with joint benefits claims, significant mortgage arrears, and potential homelessness for both Client 3 and his elderly mother.



on graduates – but not all of them have done law degrees. A lot of them are doing conversion degrees or are training on the job like Abbie. She is the first person here to undertake the CILEX Professional Qualification (Chartered Institute of Legal Executives), which she started in September. Abbie is someone whose progress has accelerated and she is now a Senior Team Leader in the paralegal team of 15 people.”

Richard, who also retrained as a lawyer after a long professional career in the care sector and has been with the firm for six and a half years, says they collectively want to see the staff ‘progress and flourish’.

“We are lucky because we have some really talented people working here, from all different types of backgrounds. Yes some might not know the legal side to start off with, but you see something in them at the interview stage and you instantly know if they have that purpose and drive. It's about having a collective vision that's aligned.”

“Something we have identified as a business is that to attract and retain good people we need to be able to invest in

them, their progression and ultimately their future. And given that some people have come from totally different professional backgrounds there is real synergy here," confirms Jane.

Richard adds: "The way I think about it is that we have a 'notional hierarchy' but we are acutely conscious that we are only as good as the people around us. It's worth pointing out that we have a very good staff retention rate. We have all made a conscious decision to do things differently and therefore there is a good support network here."

When Lorna first joined the firm in its infancy, Jane told her the reason she started JE Bennett Law was because she wanted to get away from the idea of running a 'conveyor belt' system and prioritise the needs of clients and their families.

"What has been so wonderful is that our ethos has always remained the same, despite our huge growth," smiles Lorna. "It sounds like a real cliché to say 'we are here to help people' but these catastrophic events are going to happen to people whether one likes it or not.

"All we can do is be here to support them through the worst time in their lives. And everyone that's coming on board at JE Bennett Law has the same respect for that ethos and it's lovely."

Jane discloses that there aren't many firms who only do this type of Court of Protection work – and even fewer who do



a combination of Court of Protection and Private Client work.

"Protecting the vulnerable is what we do and the work that involves is very much vocational. It requires mediation skills in highly complex family dynamics to try to unravel deep-seated difficulties. Our clients and their families need to know we are 100% committed to them and fighting their corner.

"Richard won't blow his own trumpet but he is very good in Court of Protection and Private Client affairs and it's that combination that we want to let local people know about."

I comment that it must be fairly rare in the legal sector to have care, transparency and passion as the key driving forces behind the firm's work.

"I think that we attract people for that

very reason," states Richard.

"We haven't just got ambitious people here – we also have people who are absolutely driven to make a difference to our clients' lives," adds Jane. "There are five individuals in this firm who are partners who also act as deputies and that makes us a pretty big force to be reckoned with. And when you add all that together that is a phenomenal and extremely powerful concoction – and that's what has driven our success."

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