

# K NEWS

ALL THE LATEST NEWS AND EVENTS FROM KERSEYS SOLICITORS



## Kerseys' dispute resolution partner joins international mediation team



*Kerseys' managing partner Anthony Wooding has joined Albert Square Mediation (ASM) East Anglia, a network with business connections as far afield as Brazil.*

Anthony, who has been a practising solicitor for over 30 years, is a qualified civil and commercial mediator:

Mediation has been described as 'assisted negotiation' and is an alternative option to going through the courts to resolve a dispute. It involves an independent third party to help both sides come to an agreement and can be much quicker and cheaper:

ASM director Paul Sandford said: "Anthony epitomises the ASM ethos of working on the basis that disputes should be resolved informally, cost effectively and in a timely manner:

"Anthony brings to the fore his considerable skills, expertise and ability to think out of the box. His quiet and intelligent approach has helped guide many clients towards settlement."

Even the best of businesses will occasionally find they are in dispute with a supplier or client.

Most people want to resolve disputes as cheaply and quickly as possible and then move on.

Sometimes the concerned parties manage to use mediation as a way of preserving the actual business relationship too, if that is desired.

ASM has successfully mediated a range of cases, including disputes over utility supply costs, property claims, commercial construction disputes, disagreements between separating business partners and associates and workplace/employment matters.

ASM's mediation service is completely confidential and can be face to face or online.

Online mediation for two hours starts from as little as £250, plus vat, per party. This would include pre-reading of a small bundle of documents. Alternatively, a fee would be agreed for pre-reading separately.

Anthony and all other team members at ASM can be booked by contacting Kerseys on **01473 407109** or ASM director Paul Sandford on **07476279307**. Alternatively, email [paul.sandford@albertsquaremediation.co.uk](mailto:paul.sandford@albertsquaremediation.co.uk)

## Solicitor with a strong track record joins the dispute resolution team at Kerseys Solicitors

**Kate Barnes**, who has successfully litigated in a range of courts – from small claims to the Court of Appeal – has started work in the dispute resolution team.

Kate, who has been assisting clients in North Essex and Suffolk for 15 years, said: "This is an exciting opportunity and I am looking forward to a long and fruitful relationship at Kerseys."

Kate started studying law at the age of 31 and has fast-tracked her career through hard work, skill and dedication. She had previously studied chemical engineering at university, completed an Open University degree in English and arts while working full-time in local government.

Both analytical and a strong communicator, Kate found she had the relevant skillset to work in law. She took an A-level in law as a 'taster' and discovered she had a natural flair for the subject.

Kate, who has trekked around Mont Blanc in the French Alps, Peru and Nepal, then studied for two years full-time at Nottingham Law School and completed the Legal Practice Course.

She represents corporate and private clients – supporting them in a range of disputes, such as commercial and contract, property, professional negligence, debt recovery and wills and inheritance.

Managing partner Anthony Wooding said: "We are delighted to have someone with Kate's drive and expertise join the firm. She is a real asset to Kerseys and has already impressed with her commitment to her clients."

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Kerseys Solicitors is marking the 100 year anniversary of its founder's son's death – killed at Passchendaele during World War I.

# Remembering MYDDELTON

The firm was established in Ipswich 1881 by a then 21-year-old William Edward Kersey.

His only son, **William Henry Myddelton Kersey** (known as 'Myddelton'), pictured below, who was expected to join his father's firm, was killed in the infamous western Belgium battle at the age of 24 on October 17, 1917.



William Kersey – Passchendaele Cross – St John's Felixstowe

Managing and senior partner Anthony Wooding said: "It's sad, but also important to be reminded of our long history. It helps us to put our difficulties into perspective and recognise the opportunities many of us have today. Sadly, there is still fighting and suffering in the world. We want the occasion to show our respect for those who died in the First World War and in tragedies since."

Myddelton was killed near Ypres when a stray shell fell on his unit's dug-out in the early hours of the morning, while they were sleeping.

According to research by Magdalen College, Oxford University, where he studied, a brother-officer, Captain Leonard Amis Hempson, said the men would have moved from their doomed position the night before – only for a hitch in arrangements.

In a letter of condolence to the Kersey family he said: "Myddelton was greatly loved and respected by all the men" and that "his death had taken all the heart out of them when I was down there this morning".

Hempson ended: "But for a hitch in the arrangements, the Battery would have been out of the position before last night. It was to be, I suppose, and we can only accept it".

Myddelton is buried at The Huts Cemetery near Ypres in Flanders, Belgium. A battlefield cross was given to the family in lieu of his body, which has been placed at St John the Baptist Church in Felixstowe in his memory.

He left behind his father, William, mother Ada Laura Kersey (nee Peggy) and one sister, Marion Elizabeth.

An obituary from his family, which has been published on 'the returned from the front' website, reads: "In proud and ever loving memory of our very dear and only son and brother William Henry Myddelton Kersey, captain 166 siege Battery, Killed near Ypres October 17, 1917."

William Henry's name is also on brass plaque inside the church and on a war memorial on Felixstowe seafront.

Father-of-two Anthony added: "It's hard to imagine the pain and suffering so many people endured and the heartache of the parents who were to never see their children again."

William Henry Myddelton was born on December 4, December 1892, and lived in Willbury, Norwich Road, Ipswich. He also lived at Seagull House in Felixstowe.

He joined the Essex and Suffolk Royal Garrison Artillery in 1915 and was promoted to Captain in 1917. He served at home until 1916 and was killed near Ypres a year later. He studied at Wellington College, Berkshire and Magdalen College, Oxford University, where he is commemorated on both Rolls of Honour.

Anthony, who also studied at Oxford, with his chosen subject being Modern History, said: "He showed such promise. Like many young men at the time, his life was taken too soon and he never got to realise his potential."

## About William Henry Kersey

(courtesy of Magdalen College, Oxford University)

William Henry Myddelton was born on December 4, 1892, and lived in Willbury, Norwich Road, Ipswich. He also lived at Seagull House in Felixstowe.

He attended Mr E. C. Paul's Preparatory School, Orwell House, Walton, near Felixstowe, Suffolk (now defunct), from 1901 to 1906. He then went to Wellington College, Berkshire, from 1906 to 1911, where he was a keen cricketer and became Head of his House. He matriculated at Magdalen, Oxford University, on October 17, 1911.

He studied the classics, political economy and law. He then went on to work with S. Cozens S. Cozens-Hardy and Jewson, a firm of solicitors in Norwich. There were hopes he would join Kerseys in time.

After Myddelton's death, a tutor at Oxford University wrote to his father to express his condolences. He wrote he "did his duty nobly while he was with us and he has done it even more nobly since".



In a letter to Myddelton's father on November 13, 1917, President Warren of Cozens-Hardy said: "I had a real regard for him. He was quiet, modest, not pushing or showy or self-centred, but a very sterling fellow, and I am sure his loss is no small one."

"I remember well his coming and talking to me about the choice of his profession. I thought he showed very sound judgment, and a very admirable spirit. He was keen, always on the right side and I was grateful for his influence".

In his reply the following day, Myddelton's father, the founder of Kerseys Solicitors, pictured above, wrote: "Of course I did so look forward to his joining me in my practice and his living companionship and assistance in the future was what I was longing for. I feel at times that all my interests in life have disappeared."

His feelings were echoed by the Vicar of St John's Church, Felixstowe, in an obituary that he wrote for the parish magazine. He said: "The sudden breaking down of all those bright hopes which centre in an only son leaves a feeling of desolateness which the consolations of God alone can soften."



The grave of William Henry Myddelton Kersey, at The Huts near Ypres

## War Service

Kersey was 5' 11" tall and served at Stowmarket Anti-Aircraft Battery. He was part of a team credited with preventing the nearby Explosive Works from being damaged during a bomb attack on March 31, 1916. The incident was mentioned in the House of Commons on April 5, 1916.

He was promoted Lieutenant on June 1, 1916. After passing another exam in anti-aircraft gunnery at Shoeburyness, he was transferred to the Regular Royal Garrison Artillery and sent shortly afterwards to 166th Siege Battery, RGA, at Aldershot.

He was sent to France on September 12, 1916 with the Battery. He was promoted to Acting Captain on March 5, 1917. He was killed in action when a stray shell fell on their dug-out while they were sleeping in the early hours of October 17, 1917. He died along with his Commanding Officer, Acting Major Brabazon Thomas Disney (1883 – 1917).

This was during a relatively quiet time in the Ypres Salient, during the run-up to the final phase of the Third Battle of Ypres that is known as the Second Battle of Passchendaele.

On July 9, 1918, Myddelton's father was sent part of the Zeppelin that had dropped off as a result of the accurate gunnery by his son's Battery back in 1916.

## Returned from the front

The 'returned from the front' site is a project to track down the repatriated grave markers and photograph and catalogue them. It is run by heritage specialist Nick Stone and a band of volunteers.

On their website, they explain: "Each one represents a person's death and also is part of a story; a trail of memory, of commemoration from the battlefields and the symbolic return of the dead back home."

## Passchendaele

Known as the Third Battle of Ypres, Passchendaele became infamous for the scale of casualties. It is also remembered for the mud following the heaviest rain for 30 years. It became so deep that men and horses drowned in it.

Ypres was the principal town within a salient (or bulge) in the British lines and the site of two previous battles.

The British wanted to reach the Belgian coast to destroy the German submarine bases there. The infantry attack began on July 31 and lasted until November 6. It resulted in the capture of what little remained of Passchendaele. It took 325,000 Allied and 260,000 German casualties.

The sheer volume of dead often involved hasty burials and soldiers were typically buried where they fell. Graves were sometimes marked for later identification, such as with a stick or broken rifle pushed into the ground.

Fabian Ware set up the Graves Registration Commission during the early years of the war, introducing methods of cataloguing these battlefield burials and the markers or battlefield crosses and plaques. Under the authority of the Imperial War Graves Commission – now the Commonwealth War Graves Commission (CWGC) – bodies were exhumed and reburied in larger cemeteries.

The wooden markers were then offered to the dead men's families – at least 10,000 were returned, according to CWGC records. This is probably how Myddelton's came to be at St John the Baptist in Felixstowe.

Some were given to churches or other organisations, but most of the unclaimed markers were destroyed.



## Adultery: Should you 'name and shame' the third party?

The newly designed divorce form invites petitioners to name the third party in cases of adultery.

The form, used to apply for a divorce in England and Wales, asks for the name 'of the person your spouse has committed adultery with.' For some there will be the temptation to 'name and shame.' But in many cases this could increase the level of conflict and complexity involved.

If you name the person your husband or wife committed adultery with they become part of the court case. They will be sent copies of the paperwork and given a chance to respond. If they do not respond, proceedings may be delayed and could incur more costs.

According to the Office of National Statistics, there were over 100,000 divorces in England and Wales in 2015 and adultery was the reason behind over 12,000 of them.

The older version of the form left a space for so-called 'co-respondents' to be named where appropriate. The new form more directly asks for the name of the person your spouse has committed adultery with.

The guidance on the form highlights that it is 'not normally necessary' to name the person your spouse committed adultery with. But there is a risk people will not see the small print – or choose to ignore it.

Some may want to get the other woman or man involved and let people know what they think of them. But judges tend not look favourably on petitioners who unnecessarily make matters more difficult.

Here at Kerseys we understand the emotional turmoil separation can bring, particularly if there is a feeling of betrayal. We will advise you on the most practical and efficient way forward to save you stress and unnecessary expense.

Victoria Cole can be contacted on **01473 407110** or [victoria.cole@kerseys.co.uk](mailto:victoria.cole@kerseys.co.uk)



## Call for employment law claimants to check if they are entitled to a refund

Kerseys Solicitors' Adrian Green is calling for people who have had an employment law claim to check if they are entitled to a refund.

A Supreme Court ruling found employment tribunal fees were unlawful and the Government has taken steps to stop charging them.

Employment lawyer Adrian Green said people affected by claims since 2013 could also ask for their money back.

Adrian, who has won pay-outs of tens of thousands of pounds for clients who claim to have been unfairly dismissed, said: "The Supreme Court recognised fees in this case could restrict access to justice. The Courts and Tribunal Service will now need to refund all of the fees that have been paid since 2013."

He said people could write to the Tribunal, quoting the case and ask for a refund of the fee paid.

In July 2013, the Government introduced fees for employment tribunals, which meant that someone bringing a claim had to pay as much as £1,200.00. This led to a reduction in employment tribunal claims – by a whopping 70 per cent. Unison then brought a case arguing the fees were unlawful as they restricted access to justice.

Adrian, who has worked in employment law for more than 15 years, said: "The Supreme Court found fees can play a role, but there needs to be a balance." He said there could be a surge in employment tribunal claims as a result of the ruling. The father-of-four said: "It is unclear if the Courts and Tribunal Service will not reintroduce fees – or bring in a new fee regime at a lower level.

"There is also the question of what happens to all those people who chose not to bring a claim because of the fees. The employment tribunals may decide to let them bring their claim now. "Time will tell as to what impact this decision will have on the number of employment tribunal claims, but we could see a big increase over the next few months."

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