

# ASK THE EXPERT



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WITH IAN QUAYLE AND  
SARAH KEEGAN

In this third article of a new series, Ian Quayle the Managing Editor of Property Law UK takes the opportunity to ask an experienced residential conveyancer a series of questions concerning the state of modern residential conveyancing and to share knowledge and experience with readers of Property Law UK.

We are delighted that Sarah Keegan, a Partner at The CS Partnership, has volunteered to be the third contributor.

**Ian Quayle (IQ)**

First of all, thank you Sarah for spending some of your valuable time answering some questions for me, it is much appreciated.

**My first question is, what brought you to residential conveyancing?**

**Sarah Keegan (SK)**

My history professor at university told me that I was born to be a lawyer and not a historian, and offered to be one of my referees in my application to Law School. I was never certain if she was complimenting me or insulting me, and I never asked!

Once I got to Law School, in the first term, I remember getting 100% on an essay about Settled Land. I cannot remember anything about Settled Land now, and I am pretty certain I never aced an essay like that again – but Property Law made sense to me from the minute I started to learn it. I still joke that

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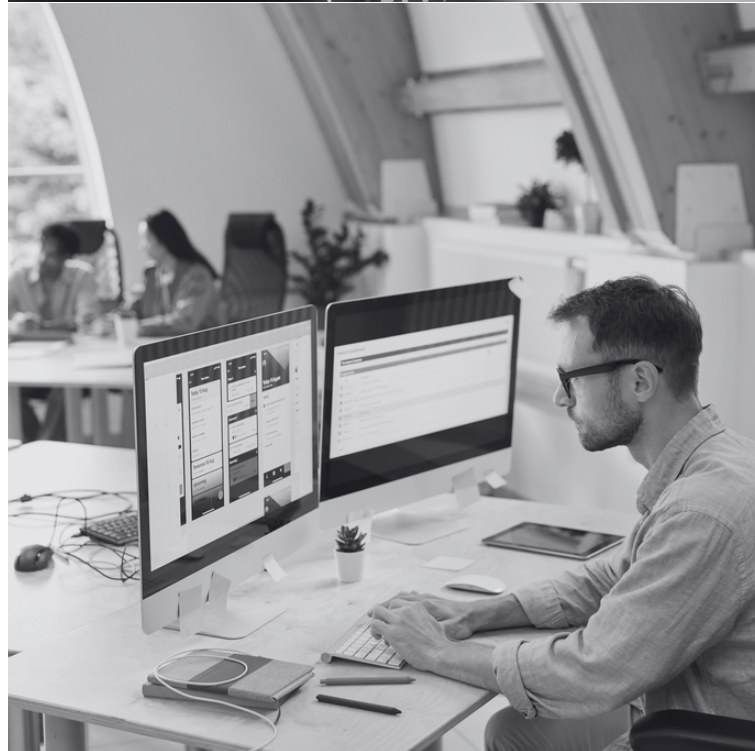
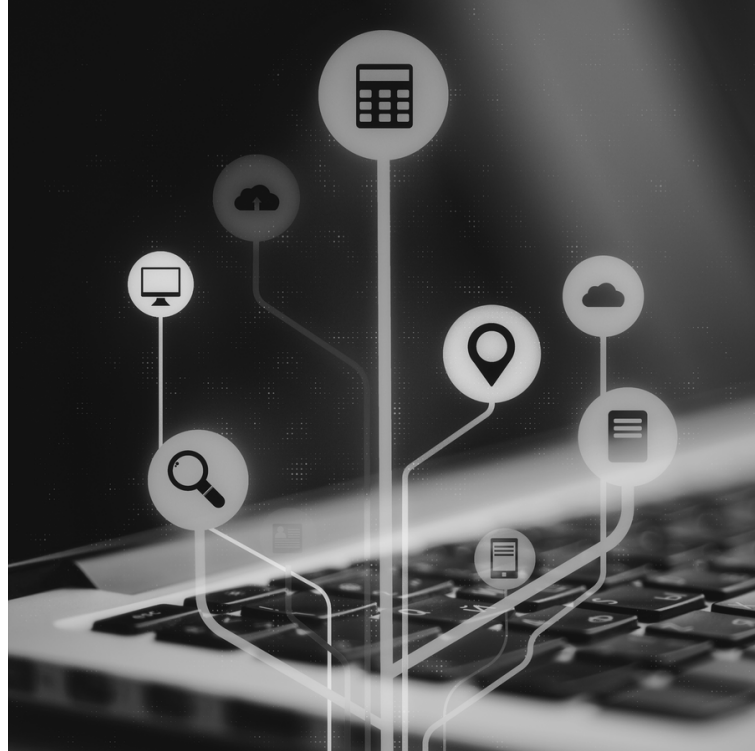
you could have a look at my DNA, and it would say "property lawyer." I followed the path into practice, and it led me into residential conveyancing.

**(IQ) Secondly, do you still enjoy your work?**

**(SK)** Absolutely, but I should explain that I left private practice a decade ago in order to co-found The CS Partnership. Nowadays, I help different property departments streamline and modernise the software and products that they are using. That means departments stop wasting time on administrative tasks, profitability increases, and fee earners have more time for their clients. I also look at the risks conveyancers have to deal with and find ways to help them deal with those regulations more easily. So, I love my job!

**(IQ) When you are onboarding a new client can you share examples of situations where alarm bells might ring and when you would decline to act?**

**(SK)** Any situation where clients are not forthcoming about their details, or they avoid being contacted, would raise alarm bells. When we write workflows for clients, one of the first steps we include is a "welcome call" – a scheduled and documented call to every client on a transaction, to confirm their details and explain the process to them. We get some pushback on this - conveyancers don't like to do it (usually because they are too busy), but I think it is





important to double-check the information that has been collected during the onboarding process and to get your own feel for the transaction. I think it is even more important in firms where there are dedicated onboarding teams. Any client who avoided that call would raise the first alarm bell for me and I have turned work down where the instruction felt “too good to be true” – even if the promised fee was very high (which let’s face it, is suspicious anyway!).

**(IQ) If there was one thing you could suggest to make the residential conveyancing process smoother and more efficient what would it be?**

**(SK)** I would advise all conveyancers to embrace the technology and make it work for them. All of us hate change. Conveyancers are so busy that it is hard for them to carve out time to look at the changes that might be needed, plot solutions for them, and then ensure those solutions are adopted. Give someone (or a team) the role of leading the change and keeping up to date with the noisy market. There is a lot of talk in the market about A.I. taking over from lawyers. In my

opinion, we are highly intelligent and adaptable people. We can manage the next decade and thrive, but embracing change needs to be as important to the firm as billing targets. Create an environment where constant and never-ending improvement is part of your culture.

**(IQ) If you were taking on a new trainee or member of your support staff what would be your three most important pieces of advice when acting for a buyer in a residential transaction?**

**(SK)** I think my 3 pieces of advice would be:

1. There is no such thing as a stupid question. If we haven't explained something to you yet, then that's on us, not you. Always ask questions if you are not sure about why you are doing something. Property has its own language, and you will get used to it.
2. Buyers are anxious people because they are aware they may lose the house that they have fallen in love with. They are also used to being able to buy any product on Amazon, and have it delivered

immediately – and we work to a pretty slow timeline compared to that – which can increase their anxiety. Always remember that we are here to help them. Without them, we don't have a business.

3. Don't be rushed or bullied into doing anything on a transaction, no matter what the story is from the client. If you are worried about a file for any reason, take it to someone senior as quickly as you can.

**(IQ) How do you deal with pre-exchange buyer client inspection?**

**(SK)** When I was still in practice, I was a residential and mixed-use development lawyer. I used to insist that I visited every development site – even though developers did not think it was necessary. I once stood on a plot of land while the developer effectively jangled his keys impatiently (so I would hurry up) – and noticed a gate. When I asked the surveyor client who used the gate, he had no idea. He thought nobody used it – and it didn't show up on the searches. That inspection saved them a lot of hassle and future money (as you can imagine) because it was a public right of way across the land.

Conveyancers don't have time for site inspections on every residential purchase. Most transactions don't "stand" that level of work, but technology makes it so easy to do now. These days, I would get a client to use video chat on their phones where possible. They could show the fee earner (sitting at their desk) the house and boundaries on a virtual

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walk round. That's the kind of technology I would be adopting to modernise the transactions.

**(IQ) Where do you stand on reporting on title? Do you prepare interim reports on title or a full and complete report on title when the due diligence process is completed?**

**(SK)** Every single lawyer - in every team - in every practice, answers this question differently!

Personally, I would report on the basic title information, searches and the mortgage offer as soon as I had each piece to hand. As I reported on each individual piece, I would be using the technology to build my main report on title - to minimise the number of times a fee earner is reading the title information.

I think there is more chance that a client would read everything in increments as the transaction progresses, and in this "instant" world, it would mean more constant communication with the client.

Having said that, I would still

provide them with one complete report prior to completion, to protect the practice. I would also go through that main report on title on video chat, with each client, and make a note that we had done that together too.

**In next month's 'Ask the Expert', Ian will be talking to Zahrah Aullybocus, Consultant Solicitor, Nexa**



### Meet the contributor

**Sarah Keegan**  
Partner

**The CS Partnership**

Sarah qualified as a Solicitor in 1996 and has over 20 years' experience as a property lawyer. She headed up one of the biggest residential property departments in the country and co-founded The CS Partnership in 2012 with the mission to help law firms modernise and change the way that they deliver their services.

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