



Newsletter



DEVON & EXETER
LAW SOCIETY

www.devonlawsociety.org.uk

JANUARY 2005 ONLINE EDITION

JANUARY 2005

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E-Mail: mail@devonlawsociety.org.uk

Tel: (01392) 411585

Fax: (01392) 431511

DX: 8361 Exeter

Registered Office: Renslade House
Bonhay Road
Exeter
EX4 3AY

Honorary Secretary: Anthony Spiers
Administrator: Monique Bertoni
Membership Services Manager: Tony Steiner

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DATES FOR YOUR DIARY

OPEN MEETING (Exeter)

Twining with the Zimbabwe Law Society

Friday 11th February 2005

2.00 PM – 3.00 PM (approx)

DELS ANNUAL DINNER (Torquay)

Friday 11th February 2005

7.30 PM for 8.00 PM Start

MEDICO - LEGAL MEETING

(Exeter)

Thursday 10th March 2005

6.45 PM Start

DELS AGM (Exeter)

Tuesday 19th April 2005

6.00 PM Start
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ANNUAL GENERAL MEETING

The Society's Annual General Meeting will be held on **Tuesday 19th April 2005** at **The Exeter Court Hotel, Kennford, Exeter, at 6.00 p.m.**

Guest Speaker to be announced.

Would members please make a note of the date and time in their diary now. The Agenda and copies of the various reports will be circulated to the membership with the March Newsletter. The format will be a short business meeting followed by a members' dinner.

YOUR COMMITTEE

Nominations are invited for the General Committee of the Society. The Committee consists of the Officers of the Society (President, Vice President, Junior Vice President, Honorary Treasurer and Honorary Secretary) together with "our" member of the Council of The Law Society, Chairmen of all Committees and Sub-Committees.

In addition, there is a maximum of 40 elected members as well as any co-opted member. All must be members of the Society. The Committee endeavour to ensure that there is co-opted to the Committee each year a solicitor employed full time in local government, a representative of the Devon Young Solicitors Group, and a solicitor employed full time in the Crown Prosecution Service if no such solicitor is an elected member of the Committee.

In the year 2004/2005 there were 8 elected members of the Committee in addition to the Officers of the Society and any co-opted members. Members of the Society are entitled to nominate to the Committee any qualified member of the Society to serve on the Committee.

Sir David Clementi's Report makes major recommendations for changes to the way the legal profession is regulated. Unless you are willing for others to set the future agenda you should make your views known. DELS Committee is the local forum for this.

The Committee needs more younger members to help mould the future of the profession. Devon & Exeter Law Society is highly regarded and its views are listened to at Chancery Lane. If you want to help shape the future start by completing the nomination slip herewith.

A form of nomination will be found below and this should please be returned to the Honorary Secretary by no later than: **5.30 pm on Monday 31st January 2005**

To: J A Spiers Esq,
 DELS Honorary Secretary,
 Suite 5, Renslade House,
 Bonhay Road,
 Exeter EX4 3AY
[DX 8361 EXETER]

I wish to nominate

of

For election to the General Committee and I confirm that the nominee is willing for his/her name to go forward.

Signed

Address

.....

Year of Admission of Nominee

**Please return this form by
 Monday 31st January 2005**

DELS NEW MEMBERS

We Welcome:

John Atkins

Atkins Public Law, Exeter

Emma Benyon - Tinker

Tozers, Exeter

Rebecca Bristow

Everys, Honiton

Cris Duggan

Cartridges, Exeter

Louise Hamilton

Ashfords, Exeter

Simon Harding

Everys, Exmouth

David Helman

Busbys, Bude

Mathew Jones

Ford Simey, Sidmouth

Timothy Lewis

Kitson Hutchings, Ashburton

Michael Martyn

Devon County Council, Exeter

Lee Osborne

Over Taylor Biggs, Exeter

Nicholas Penwell

Dunn & Baker, Exeter

Georgina Savill

Trowers & Hamlins, Exeter

John Shepherd

Eastleys, Paignton

Marcus Thorpe

Ashfords, Exeter

PRESIDENT'S DIARY

Paul Derbyshire

President

A Happy New Year to you all. As I write this I am aware that Santa may yet need some help with the buying of Christmas presents, so just a brief note to tell you what's happening. The Zimbabwe project is starting in earnest with a big collection of law books. I have asked the Devon trainees to seek out those old books which you need to jettison and we will collect them here in Exeter. Chancery Lane has offered to help with a contribution towards the cost of sending them – we are most grateful.

Joseph James, President of the Law Society of Zimbabwe, has emailed today to say that he can come to our dinner on the 11th February in Torquay. While he is here I am hoping to arrange a special meeting of interested parties, so that we can hear at first hand the needs and wishes of LSZ.

The annual dinner will be a truly international affair. We have had acceptances so far from Aldo Bulgarelli (Verona), Pierre Coquentin (Rennes) and Jerome O'Sullivan (Cork). Speakers will be Alison Hook – Chair of International Section at the Law Society and the Hon. Mr Justice David Steel, Senior Presiding Judge of the Western Circuit. It will also be a special occasion for two of our colleagues. Marie Macfarlane of Veitch Penny has been declared the inaugural Young Solicitor of the Year and Zoe Dent, a trainee with WBW, is the winner of the 2004 Sir George Fowler prize. Many congratulations to both. They will receive their awards at the dinner.

So if you want to be part of the action and help to give our guests a good Devon welcome, please tell Monique to reserve seats/tables. Bookings are already brisk!

COUNCIL MEMBER'S REPORT

Christopher Palmer

Council Member

A year ago my report commenced with the announcement of Sir David Clementi's review of the regulatory framework for legal services, and also referral fees. It is more of the same!

On 15 December, Sir David Clementi issued his Report. So far as solicitors are concerned, his recommendations are, I think, about as constructive as could have been hoped. Much credit, in my view, should go to the Office Holders, Janet Paraskeva and the Senior Management Team. They have worked so hard, and effectively, throughout the last 18 months to influence what went into Sir David's report, responding to it and then laying the groundwork for the shaping of his recommendations.

To recap briefly, the Government appointment Sir David Clementi in July 2003 to recommend a regulatory framework to:

- Promote competition, innovation and a consumer market.
- Create an efficient, effective and independent profession.
- No more restrictive than is necessary.
- Consistent, flexible and transparent.

Encouragingly, the review now published does contain three fundamental themes. They are:

- Independence of the legal profession.
- A significant professional involvement in regulation.
- Recognition of professional "ethos".

Sir David makes three principal recommendations as follows:

The Establishment of a Legal Services Board

The Legal Services Board would be a new regulator to provide consistent oversight of the "front line bodies" such as the Law Society and Bar Council. The LSB would replace the current supervisory functions of the Master of the Rolls, Secretary of State for Constitutional Affairs, Judges and others. Although all regulatory powers would be vested in the LSB, it would have powers to devolve regulatory functions to "front line bodies" subject to their competence and governance arrangements. The "front line bodies" are to be required to make governance arrangements to separate their regulatory and representative functions. The LSB would have power to remove individual regulatory bodies' ability to regulate if they failed to discharge their responsibilities effectively. The LSB would have 12 to 16 members and be chaired by a non-lawyer.

These recommendations, taken together, are basically, B+. This was the option favoured by the Law Society i.e. a "light touch" Legal Services Board. The Law Society has accepted that the regulatory and representative functions of frontline regulatory bodies should be clearly split.

The Establishment of an Office for Legal Complaints

It is, perhaps, a little ironic and unfortunate that an OLC should now be proposed having regard to the considerable improvements made by the Consumer Complaints Service in dealing with service complaints. However, it was probably always inevitable that Sir David would recommend a single independent body to handle consumer complaints. He has done exactly that in respect of all front line bodies subject to oversight by the Legal Services Board. The OLC will deal with consumer redress but will pass discipline and conduct issues to the professional bodies. Interestingly, the OLC will absorb the functions of both the LSO and the LSCC.

The Establishment of Legal Disciplinary Practices

This recommendation, if implemented, would bring together lawyers from different professional bodies (i.e. barristers) and permit non-lawyers to be involved in management and ownership. Outside ownership/investment would also be permitted. The LSB would authorise front line regulators to regulate LDPs if satisfied with their competence and governance arrangements.

What Do These Recommendations Mean for the Law Society and the Profession?

→ Legal Services Board

The Law Society will need to demonstrate both "competence" and the effective separation of governance. (Regulation to be separated from Representation). The Law Society's own Governance Review Group has made recommendations to the Council already. Sir David Clementi said:

"... it should be a statutory requirement for a front line regulatory body to separate out its regulatory and representative functions, but ... the body would need to satisfy criteria laid down by the LSB ... the recommendations ... by the Governance Review Group represent a good checklist of criteria ... at present the governance arrangements made by the Law Society and the Bar Council ... are inappropriate for their regulatory functions."

→ Office for Legal Complaints

This will be a separate and independent organisation dealing with all consumer redress concerning lawyers, independent of all the professional bodies. Sir David has described it as "... a single system free to consumers."

Although not within the Report, he has said that this is:

"Likely to be based around 300 people at Leamington Spa ... I recognise that there is a level of expertise there."

→ Legal Disciplinary Practices

The Law Society will need to persuade the LSB of both its competence and governance. It is only then that the LSB will authorise front line regulators to regulate LDPs.

Sir David has said:

"... non-lawyers would be there to enhance the services of the law practice, not to provide services direct to the public."

Also that:

"... outside ownership of LDBs should be permitted ... subject to a 'fit to own' test."

The Law Society will now need to start work on designing a "fit to own" test.

The Government's Response

The Government has welcome Sir David's Report. Encouragingly it states that it is committed to the independence of the professions - including from Government. It is also committed to a fast timetable with a White Paper to be published in early 2005.

What Now?

The Law Society now needs to consider the recommendations against steps already taken by the Society, to plan the next steps and to develop the Society's own timetable of work. There is to be a special Council Meeting on 20 January followed by another Council Meeting on 23 February. It is possible there will be a draft bill for the 2005/2006 Session of Parliament. If that

happens then it is possible that the new framework would be implemented in 2007/2008.

Referral Fees

The debate continues! Members will recall that, in March 2004, the ban on the payment of referral fees was relaxed. The new rules permit solicitors to pay referral fees subject to a number of conditions. These include disclosure by solicitors to clients of all relevant information concerning the referral and, in particular, the amount of any payment. Members will also be aware that the profession was balloted in September 2004. 16% of the profession took part. 73% of those who voted were opposed to the March 2004 relaxation of the code. It was both a significant turnout and a significant majority.

At the December Council Meeting we had to consider a members' motion which, in effect, called upon the Council to "rescind" the March 2004 rules and to go back to an outright ban. Having regard to the views which I have heard expressed, within the Devon and Exeter and Somerset Law Societies, it was tempting to vote in favour of that resolution.

However, when the Master of the Rolls gave his concurrence to the amended provisions in March 2004, he requested that their operation be reviewed after a year. Thus, it seemed preferable to let that review take place and then for the Council to consider the matter again in May 2005. The Council were assured that the following work would be undertaken by way of reviewing the operation of the March 2004 provisions:

- Consideration of issues raised with the Professional Ethics Department via telephone or in writing.
- Feed back from the Practice Standards Units regarding those firms visited which have referral arrangements.
- Issues of interpretation considered by the Rules and Ethics Committee.
- Tracking complaints relating to alleged breaches of the referral fee provisions notified to the Compliance Directorate and to the Consumer Complaints Service.
- Writing to CABs, the OFT and others, inviting comments and evidence.

- An evaluation of the impact of the referral fees rule on public confidence in solicitors
- Writing to all Council Members and to all local Law Societies inviting them to provide information from their knowledge and contacts regarding the operation of the rule and whether or not it is felt to be working in the public interest.

It is proposed that the review be co-ordinated by the Professional Ethics Department taking all the above into account, including the result of the ballot in September, with a report being made to the Standards Board in March 2005 with a view to the matter being reconsidered by the Council in May 2005.

The members' resolutions to which I have referred were defeated by 57 votes to 25. I suspect, however, that the voting will be substantially different when the review has been completed and debated again in May 05.

I have only mentioned two topics in this Report. Another major area of consideration and debate is the future structure and size of both the Law Society and the Council when (as almost certainly will happen) the regulatory role is separated from the representational role. These issues are and will be the subject of much further work. I hope that the way ahead will become a little clearer after our January and February Council meetings. I will then report to you again.

I hope that all members have had a very Happy Christmas and you will have a prosperous, successful and enjoyable New Year.

STOP PRESS – ATTENTION

CIVIL LITIGATORS: *Guideline Recoverable Rates in Civil Litigation*

David Turner
Partner, Bond Pearce



Many of you will be aware that the current guideline rates in civil litigation have been reviewed recently. Indeed many firms operating in Devon were good enough to complete a rather detailed "cost of operating" questionnaire which I sent out in the last quarter of 2004.

All the information received was collated and presented to Judge Overend who, with our assistance, made representations to the Senior Costs Judge, Judge Hurst, on our behalf.

I have recently received an email from Judge Overend with the new guideline rates. The news is good and this briefing note outlines the results.

Firstly some background. Up until the year end 2004, there were four grades of fee-earners (A, B, C and D) and the guideline rates were as follows.

A. Solicitors with over eight years post qualification experience including at least eight years litigation experience £150.00 per hour;

B. Solicitors and legal executives with over four years post qualification experience including at least four years litigation £135.00 per hour;

C. Other solicitors and legal executives and fee-earners that have equivalent experience £115.00 per hour;

D. Trainee solicitors, para-legals and fee-earners of equivalent experience £85.00 per hour.

I outline the new rates below which take effect immediately. Before I do that however, can I explain that the Senior Costs Judge has distinguished the rates between those firms operating in Exeter and Plymouth, from those firms operating in the rest of Devon and Cornwall. The rates are different. I think it is important to say that we did not, as a local Law Society, present the information as distinguishing between Exeter and the rest of Devon. Indeed on the contrary, our submissions were made for the *whole* of Devon and it was the Senior Costs Judge who has made the distinction between Exeter and the rest of Devon.

The new rates are as follows (by Grade of fee-earner):

For **Exeter** and **Plymouth**:

A £173.00 per hour;

B £152.00 per hour;

- C £126.00 per hour;
D £95.00 per hour.

For the rest of Devon and Cornwall:

- A £158.00 per hour;
B £142.00 per hour;
C £121.00 per hour;
D £90.00 per hour.

Can I also please make some brief points:

- These increases in the guideline rates are of course good news; very good news for Exeter where the increases are approximately 17%, the largest in the country.
- The guideline recoverable rates are just that: guidelines. In any particular case that determination of the hourly rate is a question of looking at the individual case in question. Arguments and presentations can still be made to move outside the guidelines.
- We would not have been able to achieve these increases if it were not for all your hard work in completing the financial questionnaires. Thank you.

If there is sufficient demand, I think it would be beneficial for a short seminar presentation to be made outlining some of the ramifications of these rises and discussing the issue of guideline recoverable rates in general. If anyone is interested in attending such a seminar could you please feed in your interest to the Devon and Exeter Law Society offices and I will be happy to prepare and present such a seminar – with CPD hours of course.

Thank you once again for all your help. Happy New Year.

“TRAVELS WITH MY AUNT”

Rod Mole
Vice President



In a parody of the Graham Greene novel I have in my year as Vice President been persuaded to abandon

the comfort and security of Bideford, my vegetable patch and my Rotary Club and travel the “Michael Cosgrave way” to a number of European venues to represent the Society.

Those travels have not only given intoxicating entertainment but have also made me realise how small a continent Europe is and how large a role the Society can play and indeed does play in the debate over common issues which challenge the profession throughout the Member States.

After earlier trips to Verona and Lyons, Andy and I had the pleasure of once again joining company with Michael and Liz Cosgrave to attend the meeting of the European Bars Federation which was held in Foggia in October. Unfortunately our President found himself committed to attend the Law Society National Conference in Birmingham. Ah well, its an ill wind.....

Whilst Foggia does not have the architectural qualities of other towns or cities in Italy and is very much the product of post war development it was clearly very proud of its achievement in securing the host status for the FBE Stage 2004. Nearly every roadside bill board carried posters advertising the conference which was also the subject of special coverage by the press and TV and radio stations.

To illustrate the commonality of issues the programme sought to address the role of the Lawyer in society, the threats to the Lawyer’s independence, the drive to allow wider competition in the delivery of legal services, the impact of the money laundering legislation and the requirement for compulsory continuing education. Contributors to the debate included Julie Swan, the Head of Continuing Education at the Law Society, Julian Lombay from Birmingham University and our very own Jeremy Ferguson.

The main business of the Conference was conducted over two days with the working sessions extending to some ten hours! Unfortunately it took me a while to adjust to Italian time keeping (laid back) and although the interpreters skills were excellent, on occasions I am sure the sense of what was being said was lost in translation.

The formal business programme of the Conference sits alongside an entertainment programme arranged for partners and spouses so while I was trying to get to grips with matters of State, Andy was being treated to guided tours of the region, its surrounding National Park, numerous galleries and churches. Who says it's a man's world? Nonetheless we were both able to share the evening entertainment which had been laid on. On the first night we were treated to a mountainous alfresco selection of anti-pasta at an exclusive sports club only to realise too late that a formal seven course meal awaited us inside. On the second night we were treated to a wonderful evening of opera at San Severo and on the third night to a gala dinner.

And that was Foggia.....

On 17th December without the company of "my Aunt" I was again privileged to represent the Society on the International scene by attending with Andy the annual dinner of the Bilbao Bar. Remembering Michael's recommended dress code I presented myself in dinner jacket and black tie only to find everyone else in lounge suits. However that did not matter. We were seated on an international table along with Aldo Bulgarelli from Verona, the Bâtonnier of Bordeaux and representatives from Antwerp, Oporto and the host Bar. We had a splendid evening and on the following day were treated, once again, to the lavish hospitality that very often accompanies such visits. As you may be aware the Society is hoping to formalise its twinning arrangement with the Verona Bar later this year. Verona is already twinned with Bilbao and I believe Bilbao would like to foster a continued three-way relationship.

What has been the product of my travels? At a personal level I have made friends and contacts across Europe and enjoyed wonderful hospitality without exception. As an Ambassador of the Society I hope I have contributed in some small way to the influence that the Society already has within the European Legal Community and in cementing existing and fostering new links with that Community.

DELS COMPLAINTS SERVICE

Paul Derbyshire
President



In the three years or so since Tony Steiner and others drew up and organised the DELS complaints service, there have been many satisfied customers. Of 42 complaints notified, all but seven have been resolved locally. In most cases this was done within 14 days and on an informal basis. This is a win-win situation with a happy client and a relieved solicitor no longer expecting an unwelcome letter from Leamington Spa.

However, a number of complaints still go directly to the newly-styled Consumer Complaints Service simply because clients are unaware of the DELS facility. Tony has redesigned the leaflet and the scheme is set out on the DELS website. He also contacts Citizens Advice Bureaux and libraries to broadcast the message.

Members can help too by inserting appropriate wording in their client care letters on each new instructions. Here is a suggestion:-

Complaints

The firm's in-house complaints procedure is described above. We usually find that most complaints can be resolved by that method. If our in-house scheme has been used and you are still not satisfied, please be aware that there is a free conciliation service operated by the Devon & Exeter Law Society who can be contacted by telephone on 01392-411585 or via the DELS website—
www.devonlawsociety.org.uk

One local law society has actually insisted that all its members use similar wording. We don't go that far, but suffice it to say that the wording comes with the strong recommendation of the DELS Committee.



Solicitors Support Network

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COLLABORATIVE FAMILY LAW UPDATE



Ian Walker
Partner, Tozers

I am writing this short piece shortly before the Christmas holiday 2004 to bring you up to date as to our efforts to bring collaborative family law training to Devon. You will recall that the Solicitors Family Law Association had indicated that they would be prepared to run a collaborative law training course in Exeter if we could show that we had 40 people willing to undertake the training. Since November, when my original piece was published (see DELS website) I have felt like Yul Brynner to Tony Steiner's Steve McQueen, gathering together the Devon family law equivalent to the Magnificent Seven - the Collaborative 40!

I'm pleased to say that to date there are 64 people interested in attending the course. Sarah Lloyd, who organises the course for the SFLA, has told us that next time the collaborative law trainer is in the UK. is likely to be either early summer or in September 2005, when a course will be run for us. You may also have seen a recent article in the Law Society Gazette at the beginning of

December which suggested that the Legal Services Commission had decided to run a pilot to consider the benefits of collaborative family law to publicly funded clients mentioning that the two areas had already been chosen where the pilot was to run. I understand from the strategy development manager at the LSC's children and family services team (responsible for running FAlnS), that in fact a decision hasn't yet been made as to where the pilot will be run, and that when it is, it won't be announced until the end of January 2005 at the earliest. The good news is that the LSC is interested in exploring Exeter as a venue for the pilot – I will keep you posted!

In the meantime the list that Tony Steiner is keeping of those interested in undertaking training is still open and even though the places on the course are provisionally filled it is still worth registering your interest with him in the event that some on the list ultimately drop out. In addition if we get to 80 names then maybe we can try to have two courses!

If you would like to have more information about the collaborative law process then do please contact me at Tozers on 01392 667694 or by email i.walker@tozers.co.uk.

Before the course runs work needs to be done in fixing dates, the fee, and deciding under whose banner the course is to run i.e. whether it will be DELS, National SFLA and Devon & Cornwall SFLA or a combination of all three. The SFLA March 2005 course in London is being charged at £500 + VAT for a two day course which of course carries two days of CPD. To have attracted the first collaborative law training outside of London is an achievement and we have hopefully maintained our place at the forefront of family law practice. Further updates to follow.

LIFE AFTER CLEMENTI ASWLS MEETING 12TH JANUARY 2005

Paul Derbyshire
President

The meeting of the Association of South Western Law Societies is a quarterly affair and is often filled with fairly routine agenda

items. This time we were honoured with the presence of Ed Nally, the National President. The hot topic of course was life after Clementi. The report recommends a separation of the role of the Law Society as regulator of the legal profession from its role as a professional services body. The model chosen by Sir David Clementi was B+. This means that if the Law Society can achieve a proper separation of its two roles, and fulfil the criteria laid down by his report, the Law Society can retain its regulatory function. A rule-making body will need to be hived off so that it is independent from the Law Society's Council and will need to have lay representation. It is important however that we as solicitors retain overall control of the regulation of our profession rather than surrendering it to a government quango.

Reorganisation of the representation arm will follow and is to be debated in Council in the coming months. The report gives the Law Society an opportunity to have a good hard look at how it represents solicitors. Is the size of the existing Council too unwieldy – is there too much/too little special interest group representation?

The recommendation is that complaints be dealt with under a body named Office of Legal Complaints which would cover not only solicitors but barristers and licensed conveyancers. For those who are still trying to come to terms with the acronyms SCB and CCS, this will be another new one to remember. We will have an opportunity to lobby for our local conciliation scheme to be dovetailed into any new reorganisation. Indeed there is no power to prevent us continuing to run our local scheme on a voluntary basis.

The Clementi report is a recommendation to government. It is unlikely that the government will respond much before a general election. The feeling, however, is that whichever party succeeds we can expect to see a white paper in late 2005/early 2006. Any structural changes will require primary legislation, so after the consultation process the earliest we are likely to see Legal Disciplinary Partnerships or the like is 2008.

DELS VISIT TO PLYMOUTH DISTRICT LAND REGISTRY

Graham Carey
Kitson Hutchings
Solicitors



The representatives of DELS Non-Contentious Business Sub-Committee who attended the meeting where:- Graham Carey Rod Mole, Robert Coram & Alison Lavery.

The principal issue, which the land registry concentrated on, was the question of voluntary registration of unregistered title.

The registry is charged by the Government with ensuring that all land, which comes under the control of the UK Land Registry, is registered by the year 2012.

Each registry has a register development manager and Plymouth manager is Angela Jackson whose direct telephone number is 01752 636248 and email address is: angela.jackson@landregistry.gsi.gov.uk

Angela will be pleased to discuss voluntary registration with practitioners and indeed to attend at our offices or even our client's offices to discuss the issue.

Because the Land Registry has a target to meet it is anxious to encourage registration of unregistered titles particularly of owners of large land banks.

The Registry says that there are currently some 19 million unregistered titles which they believe represents 84% of the potential number of title although that is not necessarily a percentage of the relevant registerable land mass.

The Registry is keen to point out the advantages of registration of which we are already aware.

The Registry can agree registration fees with practitioners based on the value of the whole application or on a basis of £7.50 per unit where there is a total fee of at least £525.00.

The Registry is keen to point out that the fees are attractive at present.

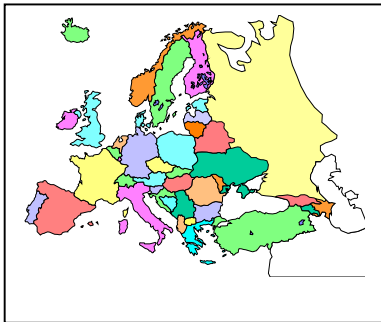
Because of the Government's target for registration it is likely that the new rules will be brought in with additional triggers inducing first registration.

Both the members of DELS and Andrew Pain and his colleagues for Plymouth District Land Registry confirmed their respective commitment to communicating and liaising with one another, which was felt beneficial to all concerned.

REMEMBER

DELS can provide Personal Introductions to Lawyers in Mainland Europe

Ring Monique on 01392 411585



"STARS IN LAWYERS EYES"



Katrina Mullan
Gowmans Solicitors



6 law firms from Torbay got together in November to put on a charity spectacular at the Inn on the Green in Paignton called "Stars in Lawyers Eyes".

The aim of the event was to raise money for South Devon Women's Aid, an organisation that helps women and children suffering as a result of domestic abuse.

Staff from Eastleys, Gowmans, Hooper & Wollen, Kitson Hutchings, Michael W Pipe and WBW Solicitors psyched themselves up for the event by collecting hundreds of pounds in sponsorship money. Gowmans Solicitors went all out and produced flags, banners and stickers in support of their act and raised an amazing £1,300!

On the night, the "stars" dressed up in order to imitate their chosen artists and demonstrated their hidden talents to three judges and to a crowd of over 400 people.

The acts included Bjork, Diana Ross, Dido, The Booze Brothers and Sordid Sisters and Mariah Carey.

Jenny Pinsent of WBW Solicitors won the contest with her knockout rendition of Mariah Carey's "Hero" and took away the Stars in Lawyers Eyes trophy. The event was organised by Katrina Mullan of Gowmans Solicitors who said "I was completely stunned by the amount of people who turned up to support the event, it was a huge success. Everyone really let their hair down and supporters pledged generously, the estimated amount raised for South Devon Women's Aid is £2,500. I would like to say a huge thank you to all those who supported the event.

Following the success of Stars in Lawyers Eyes, I am hopeful that we can make it an annual event".



Anyone who is interested in participating in the Stars in Lawyers Eyes 2005 should contact Katrina Mullan of Gowmans Solicitors on 01803 546 120.

TROUSER SNAKE ?!

The following extract was received by a member firm (who shall remain anonymous) in all seriousness from another firm of solicitors who shall also remain nameless...



"We refer to your letter of the 22nd November enclosing a draft Judicial Separation Petition upon which we have now taken our client's instructions. Unfortunately our client will not be able to accept a Petition drafted in these terms as he denies having committed adultery with ' ' and indeed states that because of a reptile dysfunction he would be unable to commit adultery in any event".

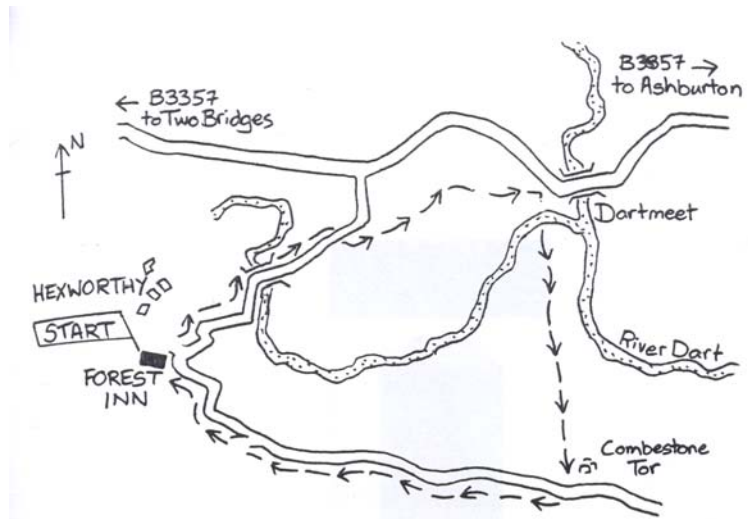
WALK OF THE MONTH

THE FOREST INN, HEXWORTHY (GR 655726)

Distance: 3 miles.

Hexworthy is just south of the Ashburton to Princetown road between Dartmeet and Two Bridges. The turn off is about half a mile from Dartmeet and 4 miles from Two Bridges. The pub is $\frac{3}{4}$ of a mile from the turn off.

This walk incorporates something of everything: babbling rivers, rolling fields, open moorland and breathtaking scenery. It is all relatively easy with only a few gentle climbs. BEWARE! Check at Dartmeet to make sure that the stepping stones are above water. When the river is in spate it can be difficult to cross and you will have to turn back.



The Walk

Go left down the road outside the pub (signposted to Princetown). As it curves left, notice the house on the left hand side called Jolly Lane Cot, which has an interesting history. It was the last house in Devon to be built according to an ancient tradition which laid down that anyone who could enclose a piece of land, build a house on it and light a fire inside one day between sunrise and sunset became the legal owner.

One day in 1835, when the farmers who held ancient tenants' rights to the land in the area were at Ashburton Fair, a man called Tom Satterley, with the help of local labourers, set about enclosing the land and building the house. By the time the fair finished and the farmers returned, the fire was lit. Its appearance has changed somewhat over the years, especially with the addition of a second storey early this century and the replacement of the thatch with slates, but it is not too difficult to imagine the simple cottage that it once was.

Follow the road around the right hand bend, cross the stream below and continue among the trees alongside it and then along the rather wider West Dart river. Cross at the beautiful stone bridge and go straight on up the hill. Soon after you pass a little church the road curves to the left. Turn right here up a track and after a few yards turn left (signposted 'footpath Dartmeet'). Go through the gate into a field and cross the field following the yellow stakes which mark the path. At the top of the rise there is a footpath sign, and you look straight ahead to Yar Tor above the popular picnic spot of Dartmeet. There are also extensive views behind you.

Continue to follow the yellow stakes down the field to a gap in the wall on the right (signposted 'Dartmeet'). This leads you onto a path between walls with yellow dots painted on the rocks to show you that you are on right route. Cross a stile and continue to a gateway marked with yellow dots. Go through the gateway and follow the yellow stakes across the field below down to the house at the bottom. Then go right (signposted 'bridlepath to Combestone via stepping stones'). This takes you down to the river and the stepping stones. They are usually quite dry and easy to negotiate, but after heavy rain they can become wet or even completely covered by water. If they do happen to be covered, then it is best not to try and cross and your only alternative is to return the way you came.

Once across the river go straight on up the hill and into the trees to a gap in the wall ahead (marked with a blue waymark). Go through and follow the line of trees on your left. Go through the gap in the next wall and keep straight on, now with the wall on your left. Cross a track and carry straight on (signposted 'bridlepath Holne Road at Combestone Tor'). At the top, your view is dominated by tors on all sides and ahead you can now see Combestone Tor and the rolling moorland beyond.

The track crosses a cattle grid and then curves to the left. At the signpost 'bridlepath Holne Road at Combestone Tor' bear left off the track to climb up to the tor for the best views of all. Suffice it to say that the panorama is quite stunning.

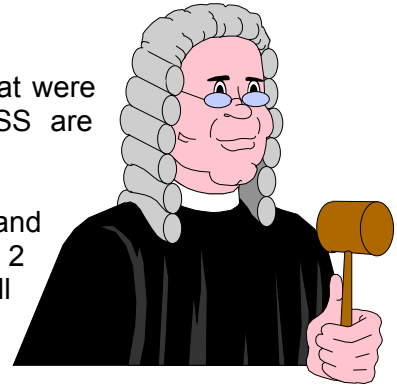
After a rest, go right from Combestone Tor along the road. Follow it down the hill across a bridge and a cattle grid and then up the other side with good views across the river to the right. At the junction go straight on (signposted to Princetown) and down to the pub.

STOP PRESS! STOP PRESS! STOP PRESS! STOP PRESS!

DISTRICT JUDGES' CORNER

Following a recent family court users meeting and suggestions that were canvassed there, the District Judges with the aid of CAFCASS are developing a variation on the normal CAFCASS mornings.

They will continue to take place on most Wednesday mornings, and the 1st Wednesday in each month will continue with the benefit of 2 officers, with 5 cases listed at 10.00 and 5 at 11.15. The parties will be seen by the District Judge both before and after the conciliation appointment with the Child and Family Adviser as before.



The 2nd Wednesday of each month will be called a mediation morning, where 4 cases will be listed with one officer at 9.45 and thereafter every 45 minutes through to 1pm.. These cases will have been identified in advance by the District Judge as being suitable upon being issued for a more formal style of mediation at court. They will not at that stage see a District Judge, and so they will not be encouraged to bring solicitors. As a result it will only be in unusual circumstances that the costs of such an attendance will be allowed on any assessment of costs. At the end of each mediation the adviser will make a note of any proposals or agreements and these will be given to the District Judge. The parties will be asked to re-attend at 2.15 with their solicitors to go in front of the District Judge to make any orders that are necessary. These will be block listed at 2.15 for 30 minutes in total. Possible proposals may be to organise further mediation or for the children to be seen directly (but not at court).

It is hoped that these proposals will help those cases that would benefit from early intervention, but clearly there will be some cases which are inappropriate for such a meeting. Those cases where there are substantial allegations of violence, child protection issues, alcohol or drug abuse, mental health issues MAY not be appropriate. This information should be on the face of the application but if not, and it is felt that the case has been inappropriately referred, then an application will need to be made in the normal way for the case to be removed from that list with reasons given.

This new regime will commence in February, and will be kept under review.

District Judge Crosse
District Judge Wainwright
District Judge Harvey
17th January 2005

STOP PRESS! STOP PRESS! STOP PRESS! STOP PRESS!



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NOTICEBOARD

DISTRICT JUDGE RETIRES

District Judge Turner retired on the 31st October 2004. The post of Resident District Judge will be filled by District Judge Read who will transfer from Bromley County Court on 10th January 2005. She will sit at Barnstaple four days each week and sit at Exeter Combined Court Centre Every Monday. Exeter District Judges Crosse & Harvey will cover Monday sittings at Barnstaple.

BOOK SALE

A complete set of **Halsbury's Statutes** are for sale. All offers should be made to Susan Meads of J and S P Pope by no later than Friday 28th January.

Tel no: 01392 274 006

EXETER RELATE

Exeter Relate, part of the well-known registered national charity, is seeking a new trustee to join the seven already in place. We have a broad range of expertise among the existing trustees but currently lack someone with legal knowledge and experience.

Previously we have had invaluable support from Peter Payne and Kay Rumford from Stephens and Scown, but they have stepped down after many years of service. Trustees comprise the majority of the executive committee which usually meets quarterly. Additional trustees meetings are convened, when required, on a monthly basis.

Further information is available from Dr Richard Tillett, Acting Chair of Exeter Relate : telephone (work) 01208 251337 or (home) 01392 841268.

BRITISH & IRISH LEGAL INFORMATION INSTITUTE

BAILII is a non-profit making charitable trust which is building and operating an interactive database of full text primary legal materials available without charge on the Internet. Recent surveys show that many law society members throughout the UK and Northern Ireland now consult BAILII on a regular basis.

BAILII requires funds to continue and are seeking new organisational and individual sponsors. For further information see:

www.bailii.org/support/sponsors.html,

Or contact Joe Ury at :

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