



# Newsletter

DEVON & SOMERSET LAW SOCIETY

[www.dasls.com](http://www.dasls.com)

**July 2010**

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## DASLS OFFICE IS ON THE MOVE



**We will be moving to new premises at  
Aston Court,  
Pynes Hill, Exeter  
in early August**

**Full contact details will follow.**



INVESTOR IN PEOPLE

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# WHAT DOES DASLS OFFER?

Devon & Somerset Law Society is a not for profit organisation whose sole purpose is to support the legal profession. It has experienced and able staff who can assist with most enquiries and have a significant network of resources at their disposal.

## Training Events

- ☺ Comprehensive programme of seminars at convenient locations
- ☺ Experienced and respected trainers
- ☺ Quality and content of events assessed by solicitors
- ☺ Highly regarded Professional Skills Course
- ☺ No penalty for substitute delegates at seminars
- ☺ CPD certificates issued on completion of course attendance
- ☺ Local events tailored to the requests of members
- ☺ Cost effective bespoke in-house training arranged
- ☺ Carpooling information
- ☺ CPD Accredited by SRA, The Bar Standards Board and ILEX
- ☺ Specialist Accreditation sought when appropriate – e.g. APIL

## Recruitment Agency

- ☺ Dedicated Recruitment Agency for Fee Earners
- ☺ Vacancies displayed on 'user friendly' website
- ☺ Personal service
- ☺ Automatic e.mail vacancy update on request
- ☺ Knowledgeable and experienced staff
- ☺ Permanent and Locum staff sourced

## EXCLUSIVELY FOR MEMBERS

- ☺ ***Discounted rates for seminars with extra discounts for multiple delegates***
- ☺ ***Discounted rates for Professional Skills Course***
- ☺ ***Discounted commission rates for recruitment services***

### Meeting other members and professionals

- ☺ Social functions
- ☺ Inter-firm Challenge events
- ☺ Inter professions networking

### Keeping in touch

- ☺ Free bi-monthly Newsletter relevant to legal practice in the region
- ☺ Buzz, our fortnightly electronic bulletin with news and details of events
- ☺ International referral network

### Help for legal professionals

- ☺ Fora for debate and exchange of non-competitive information
- ☺ Inter-firm benchmarking
- ☺ Special Interest Sub-Committees
- ☺ Free Complaints Conciliation service
- ☺ Civil / Commercial Mediation Panel
- ☺ Access to local and national networks
- ☺ Your voice at Chancery Lane and beyond

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# President's Diary

By Rebecca Parkman, President



My first two months as your President have flown by with I think only one week in which I have not been invited to attend an event or meeting on behalf of DASLS.

On 14<sup>th</sup> and 15<sup>th</sup> May I attended The Law Society Presidents' and Secretaries' Conference which was held at Chancery Lane. Our Law Society Regional Manager, Matthew Still, very kindly organised a meeting room and refreshments for those attending from the local Law Societies in his region. This was a welcome opportunity to talk to the Presidents of Bristol, Cornwall and Plymouth Law Societies and the Gloucestershire & Wiltshire Incorporated Law Society.

The first session on Friday afternoon was entitled "What Is Coming? The New Regulatory Landscape". We were addressed by Charles Plant, Chair of the Solicitors Regulation Authority (SRA) Board who indicated that the SRA are committed to a move to Outcomes-focused regulation. This will involve another rewrite of our professional rules (now published in draft form for consultation and available on the SRA website) and although we were told that regulation would not be "light touch" we were assured that it would be modern and proportionate. This means a complete change of culture at the SRA who plan to move from looking at breaches of rules to examining the overall risk profile of firms, including their financial viability. It was suggested that where there are concerns about a firm's risk profile there would be earlier audits with the object of avoiding full interventions.

We were then addressed by Elizabeth France, the Legal Ombudsman, who confirmed that the new Legal Ombudsman Service (LeO) will be the gateway for dealing with all legal complaints from 6<sup>th</sup> October 2010. Approximately 300 staff and 8 ombudsmen have been recruited and are currently being trained. She told us that the ombudsmen would be looking for proportionate resolution rather than taking an adversarial approach. She feels that the profession has to accept that if a complaint

gets as far as her office, there is a problem that needs to be addressed between the solicitor and the client, however that has arisen. The ombudsmen will be able to make compensation awards. So far as fees are concerned, it has for the time being been decided that a flat fee of £400 will be payable per complaint but only where the firm against whom the complaint is being made has had 2 or more complaints made against it during the preceding one year period.

The delegates then split into 3 groups for breakout sessions. I was asked to facilitate one of these following which I was asked to put our group's questions on "The Law Society's role in working with regulators" to the panel made up of Charles Plant, Elizabeth France and Helen Davies, one of our local Council Members who is chair of the Regulatory Affairs Board at The Law Society.

On the second day of the Conference we were addressed on the future operating model of The Law Society and how they propose to work together with local Law Societies and their members in the future.

Continuing the theme of changes to our regulatory framework, I attended dinner in Bristol with the Chair and Chief Executive of the SRA Board, Charles Plant and Anthony Townsend and the SRA's road show introducing Outcomes-focused regulation in Exeter. The SRA's stated strategy is to set, promote and secure in the public interest the standards of behaviour and professional performance necessary to ensure that clients receive a good service and that "the rule of law is upheld". I would urge you all to access the new online draft version of the SRA handbook and to encourage as many of you as possible to read and respond to the SRA's two current consultation papers "The Architecture of Change: the SRA's New Handbook" and "Outcomes-focused regulation - Transforming the SRA's Regulation of Legal Services" (<http://www.sra.org.uk/sra/consultations.page>). At their meeting in Exeter the SRA made it clear that they were very keen to receive any feedback whatsoever whether this be by response to the consultation papers as a whole or in part or simply individual comments on the new handbook or on

Outcomes-focused regulation generally. I know only too well how difficult it is to read through lengthy consultation papers but these changes are so important to us as a profession that it really is worth making the time if you can.

Outcomes-focused regulation does appear to be a positive move by the SRA to a more flexible, modern and, hopefully, appropriate approach to the regulation of our profession. However, the risk based approach may mean that firms which are struggling to be viable financially find themselves targeted for audit by the SRA. This will include firms who are encountering financial difficulties because of the behaviour of the Legal Services Commission who are woefully behind with payments to many firms. When this was raised by one of the solicitors attending the road show in Exeter the SRA's view was that this was an issue that the national Law Society should be taking up on our behalf and it is an issue that I intend to raise in the next conference call with The Law Society President and the Presidents of Bristol, Liverpool, Birmingham and Manchester Law Societies.

I attended the Conference of the Federation of European Bars (FBE) in Aix en Provence between 20<sup>th</sup> and 23<sup>rd</sup> May. This had as its theme the modernisation of the legal profession in Europe as a whole. Our Council Member and Committee member Rod Mole presented an excellent paper to the Conference.



Rod Mole at the FBE conference

Our Legal Sunday Service weekend this year was well attended by our members and international guests who travelled from Poland, Germany, Holland, Spain, Italy and Belgium. We were fortunate to have good weather for the procession from the Exeter Corn Exchange to the Cathedral.

On a social note I was fortunate to attend the



A view of the Legal Sunday Service Procession.  
Exeter 13th June 2010

Annual Dinner of Dorset Law Society at which we were served an exceptional meal whilst admiring the stunning views of Portland Bill from the hotel. I also attended the summer party of the Gloucestershire & Wiltshire Incorporated Law Society at Chavenage House near Tetbury. We were fortunate to receive a talk from the daughter of one of the owners of the house which certainly brought its history alive. It is always very useful at such events to have the opportunity of talking to the members of other Law Societies about the issues affecting our profession and local Law Societies.

During the last two months I have attended meetings of our Education & Training and Social Sub-committees and the Managing Partners forum. Tony Steiner who is acting Chair of the Education Sub-Committee is keen to attract new members onto this Sub-Committee. Are there any members, particularly from Somerset, who would be willing to give up an afternoon 2 or 3 times a year to contribute to the work of this very important Sub-Committee? We need practitioners from a broad range of disciplines and with knowledge of the local courts in Somerset to help us plan the Society's education programme to make sure that it is relevant to practitioners and that we invite speakers who are respected by our members.

Finally at our Main Committee meeting, we were fortunate to be addressed by Barry Cotter Forensic Investigations Manager at the SRA. He gave a very interesting talk about the work of his team. He told us that he is in the process of visiting a number of local Law Societies to demystify and explain the work that his South West and London team carry out. Their main function is to ensure that dishonest solicitors are identified and struck off the Roll. A more detailed report will be included in our next Newsletter.

## District Judges' Corner

By District Judge Moon

### FACT FINDING HEARINGS IN CHILDREN CASES

#### GUIDANCE NOTES FOR SOLICITORS & COUNSEL

- To avoid delay in the proceedings, any application for a fact finding hearing should be made at the earliest opportunity [normally the first hearing].
- Prior thereto, the Party seeking a fact finding hearing should file and serve a schedule of the alleged facts.
- The Schedule should be concise, setting out the alleged facts in chronological order, numbered sequentially. The Scott Schedule format should be used with separate columns headed as follows-item number, date of incident, facts alleged, response, Judge's finding.
- The allegations should be facts ....not evidence nor background history.

- They should read like a charge sheet; "date" "place", "who did what to whom" and "with what effect" e.g. *On 01.04.10. at the Rose & Crown Public House the Respondent kicked the Applicant on the leg causing bruising.*
- Where directions are given for the filing of witness statements for a fact finding hearing, those statements should be confined to those allegations identified by the Judge. They should **NOT** include a history of the relationship and any background information should be limited strictly and concisely to that which is necessary for the Court to understand the allegation.
- The statement should follow the order of the schedule and identify by sub-heading in turn each allegation that is being addressed e.g. *Item number 3.....etc.etc.*
- Once a date is fixed for the fact finding hearing, it is the responsibility of the Parties to ensure that the case is ready for hearing on that date.

## TRAINEE SOLICITOR SECONDMENT CAN YOU HELP?

Rosie Bracher solicitors seek secondment for Trainee solicitor with grant from LSC covering half salary and course costs. Available for secondment of 6 months from September 2010 onwards. Will pass on full grant so cost will be ½ Law Society min salary. Trainee has covered Family law and some Wills and Probate and needs one or more other areas of law. Legal aid work preferred due to grant terms.

Please contact [rosie@rosiebracher.co.uk](mailto:rosie@rosiebracher.co.uk) or 01271 314904 for further information.

## DASLS Annual Membership Survey: Executive Summary

1143 members, affiliate and associate members were asked to participate in the second annual membership survey. They were asked to rate DASLS services and comment on other aspects of the Society's activities. This year members' views were particularly sought about the annual dinners.

The survey is taken during difficult trading conditions for the Society and its members.

157 returns were received; just 13.74% of the membership. This is a disappointing result being about two thirds of the response in 2009. The geographical spread of response appears to be representative of the membership in the area. Approximately 85% of respondents work in private practice, the remainder being retired, unemployed or working in-house within local government and commerce. 13% of returns were from individuals who are currently a member of a DASLS committee or have been in recent years. Whilst the number of returns is lower than in 2009 it is thought that they represent an appropriate cross section of the membership.

There are no significant changes in how the services are rated indicating that DASLS has, in the opinion of those responding, successfully maintained its high standards throughout the difficult economic climate.

Of those using the service area concerned, 96% of respondents said DASLS training services were Excellent or Good. 94% said the same about recruitment, 95% about help with complaints, 92% for international relations and 90% for the newsletter and social events.

Buzz, the Newsletter and Mediation gained approval from 88%, 85% and 84% of users respectively.

The Society's use of social media (Facebook / Twitter) was only rated Excellent or Good by 60% by those who had used it although a further 35% rated this as average.

Training, Buzz and the Newsletter were the services most used by members whilst social media, mediation and complaints handling were least used. There has been some decrease in the use of training and recruitment services in the last twelve months; this was expected and reflects the squeeze on training budgets and that fewer firms are recruiting.

The support of DASLS staff is appreciated and overall the feedback about DASLS activities is reassuring; a typical comment being *"A jolly good, well run and friendly Society. A big thank you to all"*. There are some requests for more events away from the Exeter area in North Devon and Somerset.

Comments about the Buzz e-Bulletin, introduced since the last survey, suggest that it has improved communications and is very useful.

75% to 78% of respondents say that they are generally aware or very aware of the work of the Main Committee as well as the Education & Training and the Social Sub-Committees. That range drops to between 60% and 52% for the other Sub-Committees.

It is difficult to draw a conclusion from the returns about the Devon and Somerset dinners. 36% of respondents had attended at least one Devon dinner but only 13% for the Somerset function. Nearly half of those who responded said that they would support a combined annual dinner (a number did not say) but the many comments on the topic give a mixed message. Whilst there is no clear lead about whether there should be one or two dinners, many respondents say they would not go in any event. Others say that it is important to have overnight accommodation available in situ. There are comments about the format and some criticise the dinners as being overly formal and expensive. Moreover they are not appealing to younger lawyers and that a more 'fun' event should be considered. There are suggestions of a summer ball noting that the two dinners are relatively close to each other albeit at each end of the winter. There are also ideas about

local lunches / dinners in various regions of the two counties. There is a strong body of support for continuation of the current arrangements.

This year there is an increase in members that would like to receive information by e.mail. 65.8% now say they wish to receive the Newsletter in this form (up from 52.6% in 2009) and over 83% would prefer to have training, social and other notices electronically (up by 10% on 2009).

There is a strong feeling amongst respondents that the Society is supportive and provides a useful local network within which views and information can be exchanged.

Members believe DASLS is well run and offers a strong voice at Chancery Lane and beyond. It performs well in its training and recruitment operations and communicates well through the Newsletter and Buzz. The social events are enjoyed and the Challenge Cup is thought to be a good initiative. Members say they would like to see more PR and lobbying activity.

There is a number of comments about the relevance of the Society's international activity and travel especially in the current climate.

The overall conclusion is that DASLS is on the right track and is maintaining its high standards. It should:

- Investigate opportunities to hold more events away from Exeter.
- Do more to communicate the work of all its Committees to the membership.
- Continue to develop the existing services.
- Maintain its lobbying activities and where possible promote the profession within the region.
- Continue to make information available by e.mail.
- Consider imposing a reduction in its international work.

## New & Affiliate Members

Please join us in welcoming the following new members:

Jemma Chiltern-Hunt  
*Solicitors' Title, Exeter*

Ruth Le Page  
*Clarke Willmott, Taunton*

John David Llewelyn  
*Broomhead & Saul, Taunton*

Philip James Marsden  
*Bailhache Shaw Marsden, Taunton*

Michael Justin Colleypriest Miller  
*Peter Peter & Wright, Holsworthy*

David Jeremy Morgan-Wynne  
*Harold Michelmore, Newton Abbot*

Catherine Jane Murton  
*MacLachlan, Sherborne*

Richard James Lutley Pugsley  
*Hole & Pugsley, Tiverton*

Nigel Steven Pullen  
*Nigel Pullen, Perranporth*

Kate Stone  
*Recompense Ltd, Totnes*

Claire Louise Woodhall  
*Bartons, Totnes*

### Affiliate Members

Elizabeth Mary Kendall  
*Business Relationship Manager, The  
Injury Care Clinics Ltd, Exeter*

Anthony Smith  
*Trust Manager, Hooper & Wollen,  
Torquay*

*The following new members are all  
from Foot Anstey in Exeter:*

Jonathan Bouchta  
Matthew Peter Dunne  
Charlotte Alison Price  
Rachel Louise Parker

*The following new members are all  
from Michelmores in Exeter:*

Carl Andrew Hedger  
Karen Marie Hole  
Lucy Rebecca Mesley  
Robert Dodds Nicholson  
Tom Stenner-Evans  
Tom Michael Torkar

## Letters to the Editor ...are always welcome.

Please write to Tony Spiers at Suite 5, Renslade House, Bonhay Road, Exeter, EX4 3AY (DX 8361 Exeter)  
or e-mail [mail@dasls.com](mailto:mail@dasls.com)



### Missing Will

Would members please check  
if their firm holds a will for:

Mr Ian Macdonald Munro  
Late of Flat 2  
7 Smith Street  
Dartmouth  
Devon  
TQ6 9QR

If so please contact:  
Mrs Tabetba Tebay  
6 Lister Way  
East Allington  
Totnes  
Devon  
TQ9 7RU  
Tel. 01548 521876

### Date for your Diary!

## The Somerset Dinner

Friday 12th November 2010 at 7pm  
at  
Somerset County Cricket Club, Taunton

3 Course Dinner

with

Special Guest Speaker:

The Honourable Mr Justice Royce  
Presiding Judge of the Western Circuit

**WATCH OUT FOR FURTHER DETAILS!**

# Interview of the Month: David Bowen

DASLS Junior Vice President and Crown Prosecution Service Representative



## Why did you join Devon & Somerset Law Society?

I'm proud to say that I joined the old Somerset Law Society as a newly-qualified solicitor back in 1980. My old firm in Somerset signed me up. It turned out to be a very good thing because (a) at their annual dinner in Taunton the wine was free, and (b) the Young Solicitors had a lot of fun playing cricket in those long-off summer days when one could be spared for an afternoon, and, yes, when I could be classified as a Young Solicitor. When I moved to Devon I joined the Devon & Exeter Law Society in 1998 for much more sensible reasons – to serve on the committee as a representative of the CPS.

## Why did you choose a career in the legal profession?

There are so many reasons, but I can trace it all back to an inspirational English teacher who revealed the magic of words and the power of argument. Then there were the visits to criminal courts (to watch!) and in the background the charmed life of my Uncle Phil who was a solicitor. So I took a law degree and have thought of no other job since – hence, perhaps, the answer to the next question!

## What is your dream job?

At this stage of life perhaps it should be something non-legal that indulges an interest. How about delivering yachts in the Baltic?

## What has been the most embarrassing moment during your professional career?

There's a long list of contenders, I'm afraid, and not all printable. An early example occurred when, as a novice lawyer, one's

ego was easily bruised. It happened during my first gowned-up County Court trial, which happened to be in the town hall in Wells. As I left court, I thought it had all gone fine and that everyone seemed unusually cheerful. The reason became apparent when I looked in the mirror. Having earlier wrestled to put on my court collar and tabs they in fact became spectacularly adrift during the hearing, clearly to everyone's amusement. However, at least this is not in the same league as a great solicitor friend of mine who managed to set fire to his trousers in court, but that, as they say, is another story.

## Which sort of work gives you the most job satisfaction?

Anything that turns a muddle into sense.

## What do you do in your spare time?

My abiding interest is yachting – particularly around the Western and Northern Isles – highlights such as sailing into village bay St Kilda to the West, rounding Cape Wrath to circumnavigate the Orkney islands, and anchoring in the Shiant islands. I also ring bells – which is the only thing musical I can do. I started years ago when I was in Somerset and have rung regularly ever since.

## What book are you reading at the moment?

I usually have a couple on the go at any time. A WWII military history book called "Das Reich" by Max Hastings which recounts the bravery and terrible cost of French Resistance after D-day, and, for light relief, a yarn called "The Burning Land" by Bernard Cornwall – whilst more famous for his Sharpe novels, this one is based in Anglo-Saxon times.

## What is the most recent film you have seen?

Robin Hood – limitations on historical

authenticity were entirely compensated by Cate Blanchett. At my local cinema, you can get tickets for three adults and three boxes of chocs, and still get change from a tenner!

## What is your favourite food?

A wonderful thing called a Clark's Pie. This just happens to be the finest meat pie in the world, and an institution in Cardiff. I grew up around the corner from their pie-shop on Cowbridge Road. The round pie used to cost 6 (old) pence, and was a special treat. Just Google for their history. And try one.

## Which is your favourite restaurant?

A Turkish Restaurant in Covent Garden called SOFRA – as much for its bustle and intimacy as for its Arnavut Cigeri (liver with raw onions and parsley) and Mulhallebi (ground rice pudding with almonds and rosewater).

## Where is your favourite holiday destination?



The glaciers, fjords and mountains of Western Norway but only in Spring and Summer! From the bottomless clear waters of a fjord, past the tiny fields and cherry orchards and brightly painted wooden farms, up through the woods and wild raspberries to the forest and high summer pastures, over the racing green-water streams to the very edge of a glacier. You need good boots.

## What is your favourite pet?

It's funny isn't it, how the children leave home yet their pets remain behind. My favourite is my daughter's old Chinchilla Zebedee, who is more of a kindred spirit than a pet.

## Would you be interested in receiving your newsletter via e-mail?

DASLS have established a 'e-newsletter' format to complement our existing print version.

If you would like to be included on the mailing list for the e-newsletter then please email [mail@dasls.com](mailto:mail@dasls.com) with "e-newsletter" as the subject of your message. \*\*\* The e-newsletter will not replace the print version but will just offer an alternative form of accessing and reading the newsletter. \*\*\*

# News from the Contentious Business Sub Committee

By David Turner, DASLS Vice President and Chairman of the Contentious Business Sub Committee

## Proposal on the Provision of Court Services in Devon and Somerset (and Cornwall, Avon and Gloucestershire)

A consultation paper was published on 23 June 2010 by Her Majesty's Court Service. The consultation paper seeks the views of everyone with an interest in local justice arrangements. The consultation paper states that the Lord Chancellor will take all views expressed into account before making any decisions on which Courts ought to be closed and when. Various recommendations have been made in the consultation paper.

Clearly the process has the potential to affect all members of DASLS. This brief article sets out the proposals recommended by the consultation paper and urges all members to take part in the consultation process. In addition DASLS will be responding on behalf of all members. The consultation paper addresses Magistrates Courts and County Courts. In this article I only address Courts in

Devon and Somerset but recognise that for some members the Courts outside our area will have significance. In that regard I urge everyone to read the consultation paper.

### Magistrates Courts

The consultation paper recommends that HMCS continues to operate Magistrates Courts in Barnstaple, Torquay, Exeter, Bath, Yeovil and Taunton. However, the consultation paper recommends the closure of Magistrates Courts in Honiton, Totnes, Newton Abbot, Bridgwater and Frome.

### County Courts

The consultation paper recommends that HMCS continue to operate County Courts in Torquay, Exeter and Barnstaple. There are no proposals to close any of the County Courts in the region covered by DASLS.

The consultation paper also contains a five

page questionnaire addressing various issues and asking various questions as to how the proposals for the closure of the Magistrates Courts and the County Courts affect you.

Please do take this opportunity to respond to the consultation paper and let HMCS have your views. Responses are requested by 15 September 2010 and there is therefore plenty of time to make your views known. There is potential for changing the proposals being made. In the recent consultation paper which proposed the closure of the Cullompton Magistrates' Court, there were only six responses, one of which was from DASLS, which opposed the closure. If enough people respond with their views, and those views coincide, then one would hope that such a response would have some influence.

Accordingly, please do respond to this consultation paper.

**Did you know that ...back copies of the DASLS Newsletter can be found at [www.dasls.com](http://www.dasls.com)**

# News from the Social Sub Committee

By Ashley Bevans, DASLS Social Sub Committee Chairman

It certainly feels like summer! After the "scorching summer" predicted by some last year that never materialised (unless you were a statistician) it is finally great to relax outside after work with friends and family, or to enjoy a lunch break out in the sun on the green. For the sports fans amongst you, it has certainly been a period of twists and turns!

Notwithstanding our temperamental weather or football performance, one thing that will not continue to disappoint is the DASLS Challenge Cup. Already well into its third year, the competition is certainly heating up with more firms participating each year. I am especially proud of having been part of the Social Sub-Committee when the idea for the Cup first came into being, and to be a part of its inaugural success.

Being a progressive Sub-Committee, we always seek to try and expand the ways in which we can bring value added to our

members. We are attempting to organise a summer BBQ event for our members and hope to shortly circulate details. With all the good weather we are having I am sure we will all have well-honed al-fresco skills, whether enjoying or cooking food!

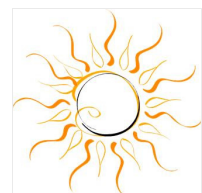
You may have noticed in the DASLS Buzz details of other events that the Sub-Committee are considering, one of which is a "Britain's Got Talent" style contest. As well as boasting some of the most talented lawyers in the country, we are sure there are other skills our members can offer. Are you able to name all the capital cities in the world? Can you make like John Travolta on the dance floor? Everything (and anything!) can be up for grabs. We would welcome your feedback as to whether you would like such an event, either as a participator or spectator, so please do get in touch!

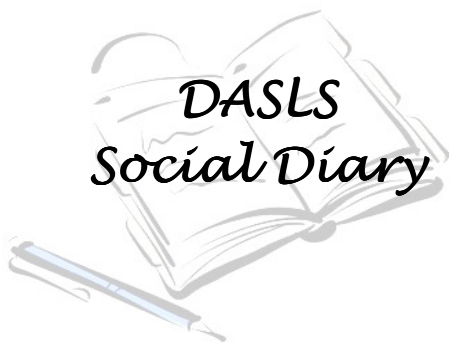
Whilst I still have a little room left, please do not forget that DASLS is completely with the

21<sup>st</sup> century. Aside from our website, we also have a dedicated Facebook page where you can keep up to date with what the Society is doing and chip in with your own thoughts and opinions. Stay tuned for details of an internet based competition via our Facebook page at <http://www.facebook.com/group.php?gid=19890036060&v=wall>.

Finally, I would like to take this opportunity to say that the Social Sub-Committee ultimately represents the thoughts and wishes of our members. We are always more than happy to hear from you and of course would welcome anyone interested in joining the committee.

Enjoy the weather!





**Did you know that  
Buzz is  
Twittering?**

**For twitter fans follow  
DASLSBuzz  
at [www.twitter.com](http://www.twitter.com)**

# Do you have Talent?

The DASLS Social Sub-Committee is considering a Charity Talent Show - an opportunity for those of you who can sing, dance or otherwise perform in a good cause.

We hope that this would be a fun way of raising money for charity whilst attracting some positive publicity for the profession.

Before developing the proposal we need some expressions of interest. So if you have an act and would be willing to take part please e.mail [tony@dasls.com](mailto:tony@dasls.com)



**Don't forget to register at DASLS Facebook Page for updates on Social and other events at [www.facebook.com](http://www.facebook.com)**

**DASLS Challenge Cup**

There are still many events to compete in, coming up for the rest of the challenge cup year we have:

- ★ TENNIS - Thursday 16th September 2010
- ★ 5-A-SIDE FOOTBALL - Wednesday 8th December 2010
- ★ QUIZ - January 2011
- ★ Look out for full details on our website
- ★ No Team??? Join the DASLS Open Team
- ★ Any member who is interested in taking part but is unable to form a Challenge team from within their own firm is welcome to contact Tony at DASLS ([tony@dasls.com](mailto:tony@dasls.com)) who will endeavour to put them in touch with others in a similar position.

The Solution to May's Crossword is below.  
Congratulations to our winner,  
Martin Lazslo from Jeremy Wood & Co Solicitors, Yeovil

	C		M		M	E	M	S	A	H	I	B		
B	R	O	N	S	O	N		I		A		R		
E		B			O		M	I	L	K	Y	W	A	Y
V	A	U	G	H	N		A		I		A		N	
V		R		U		A	G	I	T	A	T	I	O	N
Y	O	N	D	E	R		N		I			I		E
			E		E	L	I		A		F	A	I	R
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# Somerset Community Foundation: Philanthropy in Somerset

By **Stuart Thorne**, Solicitor, Clarke Willmott

Over the past few years Somerset Community Foundation (SCF) has quietly been growing and developing to becoming one of the most important independent funders of local communities in the county. Along with Devon Community Foundation, they are part of a national network distributing over £60m in local grants a year.

What sets Community Foundations apart is their unique ability to respond to local needs and support 'community philanthropy', building funds and supporting donors who wish to make a difference at a very local level. From the donor's point of view making a difference on your doorstep and contributing to your local community can be exceptionally rewarding but sometimes very difficult also. (Most of us will be able to think of family charitable trusts that were set up with great enthusiasm but soon struggle to distribute funds locally). Reaching small, voluntary organisations without websites or marketing teams is not easy.

By channelling funds through a local

Community Foundation donors can concentrate on the impact they wish to make and take advantage of the Foundation's local knowledge and experience to target funds wisely. SCF has distributed over £2.5m over the past 8 years and built an endowment fund over £1m over the past 3 years. The significance of the endowment fund is that it allows donors to make a sustained impact locally, addressing changing needs for generations to come.

Here at Clarke Willmott we have been able to use SCF on a number of occasions, and I would be very pleased to see other Solicitors involved. Here are some examples of how we have worked together:

- A £170,000 trust which had become dormant after trustees had moved away was transferred to SCF in 2006, since then over £15,000 has been distributed to the donor's community
- A client of mine without any children wished to set up a legacy to her local

community, but was unsure which projects to support. I advised her to consider setting up a fund within SCF as they would be able to fulfil her wishes.

- As a firm with a strong connection with Somerset, we wanted to put something back. Our staff are busy fund-raising for the Clarke Willmott Fund held by the Community Foundation. Not only does it achieve our Corporate Social Responsibility objectives, it has done wonders in terms of team building.

I should declare at this point that I was so impressed by SCF that I agreed to join its Board as a trustee, and it is with that hat on that I would urge you to consider ways that SCF could help you in your client relations and perhaps also help your firm make a difference in your local communities.

**To find out more contact SCF's Director, Justin Sargent on 01749 344949, or visit [www.somersetcf.org.uk](http://www.somersetcf.org.uk)**

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# CROSSWORD CORNER

Compiled by David Stephens of Battens

## Competition!

For your chance to win a bottle of champagne, simply complete this month's crossword and send it to Monique Bertoni at DASLS, along with your name and address. The winner will be drawn from all correct entries received by Friday 13<sup>th</sup> August. DASLS address can be found on the front cover. The solution will be published in September's Newsletter.

*The competition is open to DASLS Members, Associates and Affiliates.*

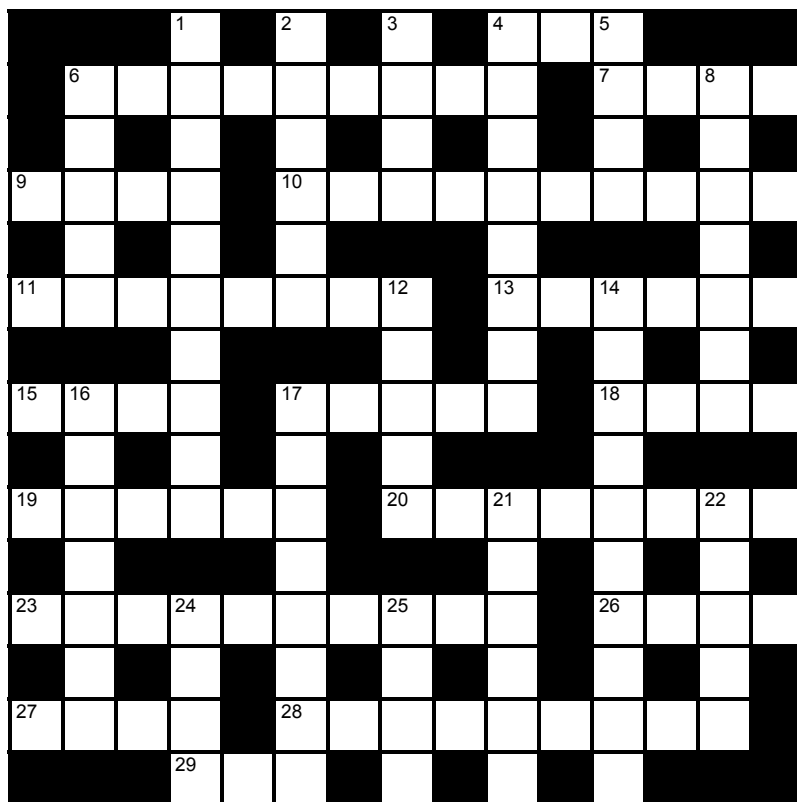
Champagne supplied by



Regency Wines

Telephone:

01392 444123



### Across

- 4 Buffalo loses flab and is sighted in the sky (3)
- 6 Vegetable found mashed on Arab bed (5,4)
- 7 Pawn contents of German cellar (4)
- 9 Bowl out 17 13 (4)
- 10 17 13 get closure, in a round-about way (10)
- 11 17 13 Order of the day - but not today (8)
- 13 NYC out - out in part of England (6)
- 15 Exchange backward feet (4)
- 17 13 from The Welsh I recall (5)
- 18 Japanese box found in..... in Rome! (4)
- 19 Fungal problem? Try Rod? (3,3)

- 20 Found on the beach in glum rows (8)
- 23 Soldiers unwell - Capri asked about (4,6)
- 26 Irish 13? sauce! (4)
- 27 Like Serb-free bearskin (4)
- 28 Secret lie 17 produces 13 (9)
- 29 fix cup match (3)



### Down

- 1 Accountant sets off beeper - ok! ok!! (10)
- 2 Leisurely form of Goa aid (6)
- 3 Razor-edge is nothing without

### Edgar (4)

- 4 Unusual mode of transport makes uncle icy. (8)
- 5 Resistance units of serving the Queen (4)
- 6 No hocus in blockhouse for him! (5)
- 8 Upset? He's cert for 13 town (7)
- 12 Tool training (5)
- 14 Mini yurt of regularity (10)
- 16 17 13 formed in battle over Scottish Town (7)
- 17 Can be satisfied with a bestial disturbance (8)
- 21 6 removes tat from gazetteer (6)
- 22 26 king is civic leader (5)
- 24 13 Knoweth not how (4)
- 25 Caucasian continent (4)

# Quality Assurance

By Ryan Senior, Director Aon Limited

## Because insurance matters, so does Quality Assurance.

Rule 5 of the Solicitors' Code of Conduct raises the spectre of a Law Firm's principals being disciplined if they fail to make appropriate "arrangements" for the management and supervision of their practices. Whereas Rule 5 doesn't explicitly refer to the term "Quality Assurance", the Code's general guidance for Rule 5.01 states: *"The term 'arrangements' is used broadly in 5.01 to encompass all systems, procedures, processes and methods of organisation put in place to achieve the required outcome"*. I would assert that this is as good a definition of the term 'Quality Assurance' in the context of a Law Firm as you're ever likely to get.

Guidance on Rule 5 also states that there is no requirement that arrangements take a particular form but, clearly for arrangements to be compliant, they must be presented in a systematic manner and therefore become an overall system of Quality Assurance. I would further assert therefore, that the sub-text of Rule 5 in effect implies that any given Law Firm should have such a Quality System in place. I think we all agree that the accepted standard for best practice expressed in a codified form, in order to demonstrate compliance with the over-arching Rule 5, is Lexcel which is specific in regard to the need for a Quality System. 1.3 of Lexcel stipulates that *"Practices will have a Quality Policy, which must include: (a) the role that the Quality System plays in the overall strategy of the practice..."*.

## Quality Assurance and the legal professions

Concepts of Quality Assurance in the legal professions are by no means new. The old Legal Aid Board mandated compliance with its specification LAFQAS as a pre-condition for undertaking publically funded work, and of course is still with us in the form of SQM. When LAFQAS was first launched, I recall many firms reacting in bewilderment and being quite shocked that someone other than themselves should have the temerity to impose a codified regime of management and administration upon them. None-the-less, SQM is still with us and, whereas Lexcel is not mandated, Rule 5 most certainly is. The net effect for some Firms is

that they, for many reasons, have to comply with a multitude of regulations and standards, as well as statutory obligations such as Health & Safety.

Now add to this more recent phenomenon the attention insurers are paying to risk management to individual Firms. Risk management is the most essential component of any Law Firm's Quality System and, understandably, insurers and brokers alike are increasingly championing the drive to persuade the profession to adopt robust Quality Systems.

## Because insurance matters so does Quality Assurance.

Insurers are now looking very closely at risk management and Quality Assurance, as well as more traditional indicators of risk such as claims history, as your current arrangements for risk management are seen as an indicator of what your claims history will look like in the future. Couple this with the trend of insurers' cherry-picking, hiking rates or refusing terms, it has never been more important to demonstrate that, through effective management control, you are a preferred risk. In response to this, as the title of this article suggests, some insurers and brokers are proactively assisting Firms with design and implementation of Quality Systems.

Some Firms still react with bewilderment to these requirements and proceed very much on a wing and a prayer. I would earnestly recommend Firms to ask their brokers what schemes, if any, are in-place to help improve their risk profiles by assisting them with the implementation of a Quality System. Whereas approaches might vary, I believe that a structured approach leading the Firm down a progressive route to better risk management practices is the most effective. Furthermore, the very best of these will offer ongoing support such as a Lexcel Gap Analysis and various precedent templates, such as practice manuals and terms of business, to fill in any risk management gaps identified

## One size does not fit all

From a risk management perspective, one size most certainly does not fit all. Therefore, the most appropriate service package will encompass not only the

requirements of the code but also those of Lexcel, SQM and appropriate legislation. Chris Lush, the Senior Partner at Whitehead Vizard has participated in a scheme of this sort. I asked him if the scheme he participated in was flexible, accessible and structured enough to ensure that a properly tailored and cost-effective solution for the Firm had been arrived at, and if he would urge others to go down this route. Chris's response was *"Indeed I would. The scheme we participated in was totally focussed and tailored towards the needs of our Practice. Not only did it take full account of our existing internal culture and work profile but it also gave us the opportunity to develop and finely tune our arrangements for risk management thus building upon the work we had already undertaken. As a result this Firm feels more confident in progressing to accreditation as, with such external help, now we are better informed about what is expected of us"*.

In summary, I would suggest that risk management and quality management has come of age in the legal profession for all of the reasons I have covered. If your Firm is uncertain as to how it measures up in this regard, you might well seize this year's PI renewal process as an opportunity to test this by signing up to a broker driven scheme. Aon is renowned for their Professional Indemnity insurance offering. This is one of the insurance products that we have developed specifically for solicitors and if you would like to find out more please contact:



Marco D'Ovidio on 0117 948 5116 or  
[marco.d'ovidio@aon.co.uk](mailto:marco.d'ovidio@aon.co.uk)

Grahame Davidson on 0117 948 5117 or  
[grahame.davidson@aon.co.uk](mailto:grahame.davidson@aon.co.uk)

Ryan Senior on 0117 948 5014 or  
[ryan.senior@aon.co.uk](mailto:ryan.senior@aon.co.uk)

# Report on the 2010 Twin Bars Meeting

By Rob Newman, DASLS Past President

## Beer and Bankruptcy in Erlangen

DASLS' international twinning links, as they approach their 20<sup>th</sup> anniversary, continue to thrive. Our earliest connection, with Rennes, has grown to include others across Europe. The beautiful Flemish university city of Leuven, (equally famous now for its beer); the historic Baltic city of Gdańsk, Poland's largest port; and the university and medical and light engineering centre of Erlangen, in northern Bavaria. Membership of the Federation of European Bars (FBE) has brought links with bars and law societies across the continent, while friendly ties have developed with the bars in Bilbao, Verona and Cork. Most recently we have also been seeking to establish links with the Law Society of Zimbabwe.



*Twin Bars meeting, Erlangen.*

This year's Twin Bars meeting, on the 20<sup>th</sup> to 23<sup>rd</sup> May was the sixth to be hosted by the Erlangen Anwaltverein. Topics they have covered over the last 20 years have covered such matters as divorce, inheritance disputes, personal injury claims and – this year – insolvency. The common theme running through these varied topics is the format. A scenario to consider, a presentation from each of the participating bars on how the problem would be resolved in their jurisdiction, and, usually, some drama, some debate and perhaps a mock trial – all loosely linked to the theme of the year. Very often the conclusion is that all lawyers face common problems, but that the most surprising result will often come about in England.

There was a good turnout this year from all of the twinned bars. Representing DASLS

in the business session we had Stephen Lawson, as the insolvency expert, Jeremy Ferguson as the international mediator, and Rob Newman as the interpreter. Our respective wives came too, though they were spared the business session and spent Friday enjoying the sights of northern Franconia.

The chance to gain an insight into the insolvency laws of a range of European countries proved surprisingly interesting. It was particularly remarkable to learn that England is becoming the bankruptcy capital of Europe. Visitors no longer flock to London, it seems, just for the history, the culture and the shops. They are now just as likely to be "Insolvency tourists", lured by the prospect – not available back home – of a bankruptcy which is easy to get into and almost as easy to get out of. The regime in Germany, for example, is significantly more difficult.

Over the years these meetings have acquired a routine of their own. And so it was this year. Saturday was a tour of Nuremberg, involving a reception by the Bar, a visit to a remarkable local museum and a park, and a significant amount of eating and drinking.

The weekend also included an evening at Erlangen's 250 year old beer festival. Over twelve days each May, around a million visitors drink between them several million litres of beer and consume extraordinary quantities of sausages and associated local foodstuffs. This year the English (not to mention the French, the Belgians, the Poles and the Italians) all entered fully into the spirit of the occasion, and a fine time was had by all.



*Lawyers from the various Twin Bars involved in the Friday working sessions.*

Throughout the weekend we were all struck by the warmth of the welcome we were given throughout our stay, both by our host families – like old friends, which indeed they are – and by all members of the Erlangen Anwaltverein with whom we came into contact. These events are, as we have discovered, not easy to organise, and it was clear that a huge amount of planning had been put into making this weekend a success. As always, it was much appreciated by all of us.



*DASLS Past Presidents Stephen Lawson, Rob Newman and Jeremy Ferguson together with Susan Lawson and Sue Newman.*

DASLS' twinning links are truly unique, a valuable resource for all DASLS members.

Next year's Twinned Bars Meeting will take place in Leuven. Watch this space.

Rob Newman

*Members who would like to know more about any of our twinned bars should contact Monique at DASLS office in the first instance. DASLS is happy to assist in arranging short term exchanges or accessing legal help and advice in other jurisdictions for members and their clients. Stephen Lawson is happy to field questions on insolvency procedures.*

# Review of the Digital Economy

By Dr. James Griffin, Law Lecturer at the University of Exeter

Prior to the 2010 election, a controversial Bill received royal assent on April 12<sup>th</sup>.<sup>1</sup> The Bill had been subject to numerous criticisms. It was described as the “Digital Controversy Bill”<sup>2</sup> by a solicitor at law firm Bristows,<sup>3</sup> and has been portrayed as an “Orwellian nightmare”<sup>4</sup> that was “likely to result in a ‘bureaucratic burden and muddle’”<sup>5</sup> which “could provoke citizen backlash”.<sup>6</sup> The Act makes a number of important changes to UK copyright law. The most significant of these are a) to introduce a regulatory structure that will permit an OFCOM regulated system of ‘three strikes and you’re out’ for any ISP subscriber who uses an Internet connection to repeatedly infringe copyright, b) permit courts the right to require ISPs to block access to websites that infringe copyright, c) to introduce a special appeals system for alleged infringers, and d) impose a duty on ISPs to limit unauthorised copying by prolific copyright infringers.

The Digital Economy Act increases the ability of right holders to be able to observe the actions of potential infringers. Under s3 of the Act ISPs are placed under a duty to “notify subscribers of copyright infringement reports.” In turn, ISPs, under s.4., will be placed under a duty to provide a “copyright infringement list” to right holders if either right holders request it, or if a code set out by OFCOM requires it. This is to set out, for each subscriber, the infringements that are alleged to have taken place. If an ISP does not take adequate action against the subscriber who is alleged or identified by the ISP to be infringing, under s9 the Secretary of State can direct OFCOM to place technical measures against the subscriber. The Act defines such a measure as one that “limits the speed or other capacity” of the ISPs service, and could include the suspension of service

In the initial draft of the Bill, there was also a highly controversial clause, clause 17, which provided additional powers to the Secretary of State to amend the law at whim:

“The Secretary of State may by order amend Part 1 or this Part [of the CDPA 1988] for the purpose of preventing or reducing the infringement of copyright by means of the Internet, if it appears to the Secretary of State appropriate to do so having regard to technological developments that have occurred or are likely to occur.”

The provision had been heavily criticised.<sup>7</sup> It was ultimately removed by the House of Lords, but was replaced with a provision that provides courts with the power to order that any website that infringes copyright be blocked by ISPs. However, this provision could result in access to less well funded websites being blocked by ISPs because they do not want to incur legal costs.<sup>8</sup>

Once a subscriber has been ‘observed’ infringing, the Act provides for the use of first tier tribunals, as set up under the Tribunals, Courts and Enforcement Act 2007. A subscriber to an ISP may appeal the “determination” of them to a first-tier tribunal. This may, under s.13, be “based on an error of fact, wrong in law or unreasonable.” In response to this, the tribunal has the power to either withdraw or “confirm” a “technical measure”, alter the enforcement of the measure, or remit the appeal to OFCOM.

The technological measures used by right holders and ISPs are likely to result in a situation where subscribers are aware that they are being constantly monitored. This, coupled with the general lack of certainty over what constitutes an infringement,<sup>9</sup> could consequently induce a situation where not just obviously infringing works will not be downloaded or uploaded, but also those that only have the *potential* to be infringing. In addition, the Act does not resolve some underlying uncertainties, namely:

- The depth of the right of access held by right holders to information held by ISPs over the use of right holders copyrights
- Lack of certainty as to how the lists of infringers will be drawn up
- The vagueness of the legal system: How easy will it be to initiate appeals? How will subscribers demonstrate a file has not been downloaded?

However, perhaps the biggest concern of all is the manner in which the Bill was drafted. It went from an idea to reality in the space of six months, and there was limited time in which to debate the fundamental issues. The amendments to clause 17 are a case in point, where the introduction of powers to be held by courts to restrict access to infringing websites was subject to extremely limited

scrutiny. Finally, the Act itself fails to address some of the broader issues of copyright law, particularly in regard to the uncertainty of assessing when an infringement is likely to have occurred, and whether copyright law provides an adequate balance. In addition, there has been a myriad of reports from various public bodies recently concerning copyright law, and the issue of balancing, but the Act itself does not address many of these concerns. With luck, the coalition Government will begin the process of specifically addressing these issues in future consultations.

<sup>1</sup>The Act entered into force on 12<sup>th</sup> June 2010.

<sup>2</sup> <http://www.bristows.com/?pid=46&nid=1491&level=2> (last accessed on 9<sup>th</sup> March 2010).

<sup>3</sup> See <http://www.bristows.com/articles> (last accessed on 9<sup>th</sup> March 2010).

<sup>4</sup> [http://www.top10-broadband.co.uk/news/2010/01/digital\\_economy\\_bill\\_an\\_orwellian\\_nightmare/](http://www.top10-broadband.co.uk/news/2010/01/digital_economy_bill_an_orwellian_nightmare/) (last accessed on 9<sup>th</sup> March 2010). See also <http://www.dailymail.co.uk/money/article-1244025/MONDAY-VIEW-The-copyright-crackdown-pay-for.html> (last accessed on 9<sup>th</sup> March 2010).

<sup>5</sup> <http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=410184&c=1> (last accessed on 9<sup>th</sup> March 2010).

<sup>6</sup> <http://www.techeye.net/internet/digital-economy-bill-could-provoke-citizen-backlash> (last accessed on 9<sup>th</sup> March 2010).

<sup>7</sup> <http://www.guardian.co.uk/technology/2009/dec/02/digital-economy-bill-google-facebook>; (last accessed on 9<sup>th</sup> March 2010) <http://news.bbc.co.uk/1/hi/technology/8500876.stm> (last accessed on 9<sup>th</sup> March 2010); <http://www.theinquirer.net/inquirer/news/1590819/digital-economy-bill-breaches-human-rights> (last accessed on 9<sup>th</sup> March 2010). For detailed discussion of the clause see <http://blog.harbottle.com/dm/?p=29> (last accessed on 9<sup>th</sup> March 2010).

<sup>8</sup> Particularly in relation to smaller Internet websites, who may not be able to afford to indemnify the ISP for costs. For general discussion see *inter alia* <http://8el.com/news/industry-news/isp-providers-outraged-at-digital-economy-19652564.html> (last accessed on 9<sup>th</sup> March 2010); <http://www.telegraph.co.uk/technology/news/7368174/YouTube-under-threat-from-Digital-Economy-Bill-changes.html> (last accessed on 9<sup>th</sup> March 2010); [http://news.zdnet.co.uk/communications/0\\_1000000085\\_40070583\\_00.htm](http://news.zdnet.co.uk/communications/0_1000000085_40070583_00.htm) (last accessed on 9<sup>th</sup> March 2010).

<sup>9</sup> Consumer Focus Report, Time to Change the Tune, February 2010, available from <http://www.consumerfocus.org.uk/assets/1/files/2010/02/Consumer-Focus-Time-to-change-the-tune2.pdf> (last accessed 17<sup>th</sup> June 2010).

Dr James Griffin  
[J.G.H.Griffin@exeter.ac.uk](mailto:J.G.H.Griffin@exeter.ac.uk)

## DEVON AND CORNWALL POLICE

Birmingham firm, Hadgkiss Hughes & Beale, are working with a number of other solicitors and barristers around the country on compiling a dossier of cases involving Devon and Cornwall police in which corruption may have featured. The ultimate aim is to either lodge application with the Court of Appeal or the Criminal Cases Review Commission. They have written to DASLS to see whether solicitors in DASLS area have dealt with cases where police malpractice featured.

Specifically, they are looking for cases where convictions have been quashed, cases discontinued or where police officers have given provably false evidence. The earliest case that Hadgkiss Hughes & Beale are dealing with dates back to an offence committed in 1981 for which their client is still serving a life sentence.

Would any member able to provide information such as falsification and planting of evidence, misuse of informants, obtaining of cell confessions in dubious circumstances and any other police malpractice, please contact Mr Maslen Merchant direct – Telephone 0121 449 5050 or

[maslenmerchant@hnb-mo.co.uk](mailto:maslenmerchant@hnb-mo.co.uk)

Hadgkiss Hughes & Beale Solicitors  
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## **Taunton Crown Court Users' Group**

Would any member interested in representing the local Solicitors at Taunton Crown Court and attend the Group's meetings please contact Monique Bertoni at DASLS office [monique@dasls.com](mailto:monique@dasls.com) so that nominations can be put forward for these important meetings.



## **Plastic Envelopes**

Did you know that DASLS newsletter is now being distributed in clear plastic envelopes?

These envelopes can be recycled in the carrier bag recycling bins found in local supermarkets!

# Supporting Solicitors - The Law Society's free helplines

From the Practice Advice Service at The Law Society

The Law Society offers a wide range of helplines which provide advice and support for solicitors and members of their staff.

## Practice Advice

The Practice Advice Service is a dedicated support line staffed by eight experienced solicitors who answer questions from practitioners on all areas of legal practice, policy and procedure. Common queries relate to anti-money laundering, conveyancing, solicitors' costs and probate, though assistance can be provided in most areas. In the event that a complex issue is raised, the team holds a weekly meeting where it draws on the experience in practice of the solicitors who work in the team and other sources of information within the Law Society. Practice Advice cannot provide legal advice.

The service is free and confidential. The majority of enquiries are received by telephone and are answered immediately. When enquiries are received by email, we aim to acknowledge and provide a verbal response within 24 hours.

## Money laundering

Practice Advice provides assistance in navigating the Law Society's practice note on the Money Laundering Regulations 2007 and related legislation. In light of the legislative changes and the potential criminal sanctions against solicitors for breaching such rules, the Practice Advice team is a useful starting point for providing clear and concise guidance to enable practitioners to focus on their duties and responsibilities. The sheer volume and diversity of calls received on this matter may well provide practitioners with reassurance that this minefield need not be crossed alone. Indeed, without discussing details, the team may refer to other similar cases and discuss principles on that basis to provide guidance.

## Conveyancing

Practice Advice provides guidance and assistance on all stages of the transaction, including enquiries relating to current issues such as land registry requirements. If a policy issue is raised, this can be referred to a policy adviser for further guidance. Matters potentially affecting the profession as a whole may be referred to the Conveyancing and Land Law Committee for consideration.

## Costs

Practice Advice has published a series of booklets that provide general information on costs. 'Payment by results' covers the often controversial and evolving areas involving contingency fees and conditional fee agreements. Our other booklets include 'Contentious costs' and 'Non contentious costs' Common queries relate to solicitors' bills and potential challenges, and the team can assist by providing advice on the current guidelines regarding the various charging regimes.

## Probate

Specialist cost-related queries relating to the administration of estates are common, as are queries on foreign assets in addition to general queries on practice and procedure. We also receive questions relating to tracing beneficiaries and the information which a solicitor should provide in relation to a disputed will.

## Multi-party actions and group litigation orders

Practice Advice maintains a database of group litigation orders and is the first port of call for practitioners' queries on details of potential and actual multi-party actions, and on firms who have registered their involvement with us. It is a requirement of the Civil Procedure Rules that all group litigation orders are registered with Practice Advice.

**Call Practice Advice on 0870 606 2522 or email [practiceadvice@lawsociety.org.uk](mailto:practiceadvice@lawsociety.org.uk)**

## Lawyerline

Lawyerline is another solicitor staffed service which provides specific, bespoke advice on areas relating to client care and complaints handling. We provide advice to solicitors who may be developing or implementing their own internal complaints handling procedures in compliance with their professional obligations as set out in the Solicitors' Code of Conduct 2007.

Lawyerline is also able to provide guidance on the practice and procedure of the Legal Complaints Service. We can provide updates on the proposed reform and widening of the complaints handling system that is likely to occur with the opening of the Legal Ombudsman scheme in late 2010. Lawyerline promotes the message that if a complaint does arise, adopting good practice in complaints management can have a real benefit in changing a negative perception about the way a client may view your firm.



**Call Lawyerline on 0870 606 2588 or email [lawyerline@lawsociety.org.uk](mailto:lawyerline@lawsociety.org.uk)**

## Pastoral care

Practice Advice acts as a referral service, guiding solicitors, their staff or relatives to the relevant helpline for assistance with personal, professional, financial or employment difficulties.

**Call Pastoral care on 020 7320 5795**

## Heard it on the Grapevine: South Africa

By April Marks, Regency Wines Ltd



I'm writing this article on the eve of the England versus Slovenia game, nail bitingly unaware of the destiny of our country's football team I thought the focus of this edition's 'heard it on the grapevine' should be on the hosting nation's wine industry.

South Africa falls under the 'New World' wine bracket, which seems slightly ridiculous when you realise that they have been producing wine for over 350 years. South Africa has more vineyard acreage than Australia, however only part of the grape harvest is sold as wine. The lower grade grapes are consigned to grape juice concentrate and Brandy grape juice.

South Africa is unlike any other wine making country as it is overwhelmingly co-operative based with over 4,500 grape farmers selling their grapes to co-operatives. At the other end of the spectrum, there are around 100 wine estates, defined as producers who grow their own grapes rather than buying them in.

The Marmite of the wine world has to be South Africa's national treasure *Pinotage*. This black grape was created by Professor Perold in 1925 while working at Stellenbosch University, he crossed the Pinot Noir



and the Cinsault varieties to create this unique style. The flavours are very distinctive, mulberry, blackberry and damson fruit, also toasted marsh mallows and sometimes burnt rubber.

We have a great choice of Pinotage wines ranging in style and cost, starting with the Cape 312 at £5.50; a deep, dark centred wine with sweet blackberry and smoky aromas on the nose that follow through nicely to the palate. This is then completed by a round finish and soft tannins.

If you prefer softer reds then perhaps the Welmoed Pinotage is the one to try costing £5.99; a charming medium-bodied wine with a vivid ruby-red colour. Banana, raspberry and ripe fruit on the nose. Ripe mulberry fruit palate with elegant tannins and a soft fruity finish. Well integrated oak aromas complements a well balanced wine.

From the mid-range is the very well made False Bay Pinotage at £6.99; a heady mix of fruit, mulberry, damson and plums, supported by soft tannins. Delicious with roasted or grilled meats. Partners game and rich red meat dishes.

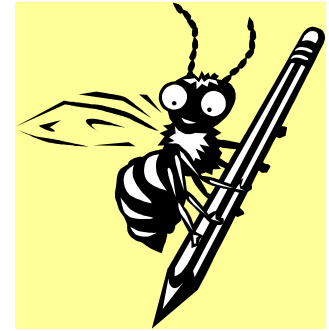
From the top end we stock the Kumkani Pinotage at £8.99; dark plum colour, aromas of full ripe fruit with plums, berries, spices and oak overtones with a balanced structure.

To celebrate the world cup we are offering **10% off all South African and English wines** until the end of July 2010, please bring this article with you and we will be delighted to help you select the right wines for you, plus with the discount you can take home wines at great prices. I truly hope at this point that Gerard and the boys will have given us something to celebrate!

Written by April Marks –

**Regency Wines**  
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Richard Snape

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### TBA (Barnstaple)

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