

PRESIDENT'S DIARY

"The Final Chapter"

By Rod Mole
President



As I sit here contemplating the snowy outlook and the greatest challenge of the Presidential Year so far – dancing Salsa after the Society's Dinner – I wonder whether the weather will actually come to my rescue. In truth I hope not as I am very much looking forward to the visit of so many foreign guests, particularly those from South Devon. Thank you to all those that have chosen to support the event.

In the final chapter of "Travels with my Aunt" the Cosgraves and Moles attended together the Festivities of Sant Raimon de Penyafort held in Barcelona on the 10th of February. Part of the proceedings involved a Seminar on the employment relationships across Europe between lawyers and law firms. The formal part of the Festivities involved the presentation by the Minister of Justice of awards to 50 members of the Barcelona Bar who had completed 50 years service! There are of course no pensions! An award was also made to the Judge who showed most courtesy to the profession!!

On the international scene Andy and I had previously travelled to Paris to attend the Conference of the Bâtonniers of France which was held on the 27th of January. It was interesting to note that the only other U.K. representative was the President of the City of London Law Society. The main theme of the Conference related to Criminal Law and "Defending Defence Lawyers" (défense de la Défense). The new President's speech had many familiar issues:- the European wide move to liberalise the professions and the requirement for lawyers to stay united and to continue to stand for the core values of the profession, namely independence and client confidentiality. Although the weather in Paris was bitterly cold the warmth of the reception easily made up for it.

Back on the home front, on Tuesday the 28th of February the Society hosted an Open Meeting on the "Have Your Say!" consultation exercise currently being undertaken by The Law Society. The Deputy Vice President of The Law Society, Andrew Holroyd, attended the Meeting which I must say I personally found more reassuring than others I have been to in the recent past. DELS will be making its own response to the

consultation paper shortly, but in the meantime it is worth repeating that if you wish to influence the formation of a re-invigorated Law Society that will represent your interests with fresh commitment and focus you should engage in the consultation process.

On the 9th of March The Lord Chief Justice is due to visit the Exeter Crown & County Court and to deliver an address on the implications of the constitutional reforms which are due to take effect on the 3rd of April. Representatives of the Society have been invited to attend and that invitation has been accepted.

Well that just about wraps it up. By the time you receive your next newsletter Chris Hart will be in post and I hope will be better at meeting the editorial deadlines which I have regularly pushed to breaking point. I wish him well and I look forward to assuming the role of avid reader as opposed to harassed writer of this column.

COUNCIL MEMBER'S REPORT



By Christopher Palmer
Council Member

"Have Your Say"

The "Have Your Say" consultation began on 19 January with a prospectus and questionnaire launched in the Gazette. The questionnaire is also available on-line at www.haveyoursaylawsociety.org.uk.

The questions give members the opportunity to highlight the services that are most valuable to them, to comment on the governance of the Law Society and to suggest further services that they want from their professional body. The more people who contribute the more the result will be beneficial to the profession. The consultation runs until 21 April. Please participate. It is a unique opportunity to fundamentally review the future role of the Law Society following the separation of its regulation and consumer complaints functions from its representative work. The Society will need to ensure that the regulator properly considers the interests of solicitors as it puts in place a new regime for the regulation of alternative business structures.

People have enquired why we need a national representative body. The Law Society is the only body which can speak on behalf of the profession as a whole. The Law Society influences important stakeholders both nationally and internationally

Another frequently asked question is over the nature and level of fees. There could be a mix, in the future, including a mandatory fee for regulation and a range of work in the public interest, with a voluntary element for other services. This would be settled as part of the design work following the consultation of the profession. The Council will need to determine what to include in the mandatory fee and to obtain the agreement of the DCA or, in the future, the Legal Services Board. The representative function will need to be funded through voluntary contributions, or money raised through commercial activities such as the Gazette and the sale of other services.

Home Information Packs

HIPs will become mandatory on 1 June 2007, as part of the Government's perceived reforms of the house buying and selling process. The Law Society has developed an on-line HIP solution to enable conveyancing solicitors to offer these services to these clients. However, the final form that HIPs will take has yet to be settled by the Government and so the full specification of the Law Society's pack is not yet finalised. The Law Society has arranged a number of seminars which will provide a demonstration of the Law Society endorsed HIP and an update on all aspects of the legislation and the practical implications for firms. For more information you can visit the Law Society property section HIPs portal at www.propertysection.org.uk. You can also register your interest by e-mailing hips@lawsociety.org.uk

Money Laundering

The Law Society continues to campaign both at European and domestic level for more proportionate legislation that respects core principles of an independent legal profession. The Law Society's intervention in the landmark case of *Bowman v Fells* reduced the reporting burden on solicitors and re-asserted the importance of legal professional privilege. The Law Society is continuing to lobby for a proportionate and risk-based approach to be applied to the implementation of money laundering legislation.

Training Framework Review

In November 2005, the Regulation Board approved the adoption of a more modified approach to the Training Framework Review. The key changes now being proposed are that:

The Legal Practice course should be retained as a general requirement of legal qualification, but the delivery of the LPC should be more flexible to allow for individuals with appropriate equivalent qualifications to apply for exemption from relevant parts of the course.

The assessment of work-based learning should be more objective and rigorous than the current training contract.

An element of centrally-set assessments should be introduced.

The Regulation Board will be reviewing the work of the Training Framework Review Group and the priorities for change.

The Carter Review

The Law Society has tried to co-operate as fully as possible with Lord Carter and has taken every opportunity to shape the outcome of the review: attempting to ensure that his recommendations and the timetable for implementation enable legal aid practitioners to make the necessary changes. His initial report on how criminal legal aid should be procured, proposes a market approach. The Law Society recognises that such a course can have a role in any new structure but it doubts that it would work universally across the system. Lord Carter has similar reservations and his Report acknowledges that a market model would not be appropriate in some circumstances and in some geographical areas. There are a number of fundamental issues at stake. Price competition must not undermine quality, independence, or choice for vulnerable clients. The Law Society will continue to work with Lord Carter as he refines his proposals on criminal legal aid and develops those on civil legal aid.

Miners Compensation Cases

As a regulator, the Law Society had to act promptly and robustly to deal with a complex and sensitive situation. It has made it as easy as possible for Claimants to lodge complaints about deductions from their compensation. The Law Society issued guidance to the profession on the circumstances when the making of a deduction was acceptable and when it was not. In essence the principle issues are whether the client was clearly told that a deduction would be made: whether the deduction was unreasonable; and whether the client was advised that other solicitors would not make a deduction. Apart from dealing with individual complaints, the Law Society is investigating approximately 30 firms in relation to suspected misconduct. This is the largest single series of investigations in the Society's history.

As always members are very welcome to contact me about anything to do with the Law Society. Whether or not I can provide the answer is another matter but I will probably know someone who can.

My contact details are:

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EX16 6LT

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REMEMBER

DELS can provide Personal Introductions to Lawyers in Mainland Europe Ring Monique on 01392 411585



Similarly, DELS is building up its international database to market its members with our twin Bars and more widely throughout Europe. If you wish to be included please send details to Monique with:

- Contact name
- Languages spoken
- Areas of legal expertise

For personal contacts with a difference, how about a work placement abroad? If you would like to find out more about the possibility of a week's visit sponsored by DELS at one of their twin bars of Erlangen in Germany, Leuven in Belgium, Rennes in France or Verona in Italy, again please contact Monique at DELS office.

DEVON & EXETER LAW SOCIETY NEW MEMBERS

Applications have been received from:-



Aslett-Jones, Sarah, Veitch Penny, Exeter
Bagwell, Richard, Foot Anstey, Exeter
Baker, Donna, Foot Anstey, Exeter
Baker, James, Michelmores, Exeter
Bakewell, Richard, Michelmores, Exeter
Bevan, Anne, Shirley May Yard, Sidmouth

Boyland, Benjamin, Michelmores, Exeter
Brereton, Angela, Foot Anstey, Exeter
Bryars, Sally-Anne, Reynolds Porter Chamberlain, Tiverton
Canning, James, Kitson Hutchings, Torquay
Causey, Catherine, WBW, Newton Abbot
Cobb, Philippa, Chagford
Craner, Kevin, Hooper & Wollen, Torquay
Dandy, Iain, WBW, Exeter
Drake, Jonathan, Reynolds Porter Chamberlain, Tiverton
Edgcombe, Nicola, Bartons, Totnes
Edwards, Mark, Hooper & Wollen, Torquay
Gibson, Andrew, Michelmores, Exeter
Hanson, Nigel, Foot Anstey, Exeter
Hole, Amelia, Hooper & Wollen, Torquay
Holmes, Richard, Kitson Hutchings, Torquay
Howells, Angharad, Ashfords, Tiverton
Huddleson, Matthew, Atkins Law, Exeter
Jackson, Helen, Stephens & Scown, Exeter
Jaffa, Anthony, Foot Anstey, Exeter
Kneen, Richard, Roger Richards, Paignton
Livingston, Andrew, Trowers & Hamblins, Exeter
Makin, Piers, Locum, Exeter
McMonagle, Jenine, Ford Simey, Exeter
Mulhern, Margaret, Kitson Hutchings, Newton Abbot
Phare, Nicole, Tozers, Newton Abbot
Phillips, Anna, Foot Anstey, Exeter
Pitt, Jessica, Foot Anstey, Exeter
Plumbley-Jones, Karen, Foot Anstey, Exeter
Pool, James, Ford Simey, Exeter
Robins, Katja, Foot Anstey, Exeter
Robinson, Rachel, Foot Anstey, Exeter
Roome, Mark, Toller Beattie, Barnstaple
Rushton, Denise, Michelmores, Exeter
Scott-Tucker, Matthew, Michelmores, Exeter
Serby, Tom, Reynolds Porter Chamberlain, Tiverton
Sherwood, Luke, Hooper & Wollen, Torquay
Smith, Cathryn, Foot Anstey, Exeter
Sutherland, Stephanie, Veitch Penny, Exeter
Swan, Ciara, Michelmores, Exeter
Symonds, Martin, Symonds, Plymouth
Willden, William, Kitson Hutchings, Torquay
Wilson, Anthea, Scott Richards, Teignmouth

HIGHER RIGHTS OF AUDIENCE

**By Christopher Over
Over Taylor Biggs**



Robin Challans suggested I did this brief report to encourage anyone thinking of applying for their Higher Rights Certificate.

When leave to Appeal a decision of Judge Weeks in Bristol to the Court of Appeal arrived just after my advocacy certificate, the opportunity seemed too good to miss. The clients were quite happy that I should deal with the matter rather than Instructing Counsel and with a hearing date some six months ahead it all seemed rather a good idea – at the time. What could be so difficult about arguing points of construction of a contract on which Lord Hoffman had laid down the law on at least two occasions in the House of Lords?

The Respondents' Skeleton Argument was the first hurdle but as you have to do that within 28 days of the Order for leave was not too Arduous. The rules require "Counsel" for both sides to cooperate over a core bundle and bundles of authorities. Unfortunately my Opposing Counsel did not seem to understand the word co-operate and consequently we ended up with an Appellant and Respondents' bundle and I provided the marked authorities, he only providing a bundle on the day of the hearing with a complicated certificate attached somehow absolving him from responsibility.

Terror set in about three days before the hearing. I had sat behind Counsel in the Court of Appeal on 4 or 5 occasions, none of which had been terribly comfortable even when we won. By the time I actually got to Court I could barely remember what my name was let alone anything about the case I was to argue. Thankfully we were listed in the Court next door to that in which the Master of the Rolls was sitting but Court 74 still looked pretty frightening. We only had two Lords of Justice (Ward and Moses) which would normally indicate that they had taken a view beforehand. My opponent managed to utter one sentence before their Lordships leapt on him like a couple of terriers on a new toy. After half an hour of this I was feeling quite chirpy. My opponent had a form of delivery which was quite sharp but rather soft. He was repeatedly being asked to speak up. (Note to self 1 – if it is possible to speak when you stand up do so loudly!). He also rather lost himself on a couple of occasions in long sentences which again drew

biting sarcasm from Moses L J. (Note to self 2 if you can think of anything to say do it in short sentences).

Unfortunately my relaxed mode was short lived. My opponent started to move their Lordships in his direction and far from not being called upon, by the time he had finished their Lordships told me that he had persuaded them from their preliminary view and it was over to me. Within seconds of standing up we were off and all those hours trawling through the authorities and the bundle paid off. I was not even allowed the luxury of a complete sentence before being subjected to an hour or so cross examination. Fortunately I successfully brought them back to agreeing with Judge Weeks and was awarded my costs.

The Judges could not have been more pleasant. Their questions were testing but entirely appropriate and at no time was I treated with any condescension or indication that being the only wigless person there I was less worthy. Indeed as long as you are reasonably confident about your case the opportunity to debate issues in such a forum is quite exhilarating – or so it seems now its over.

Given the opportunity to go again, would I do so absolutely. The other side are seeking permission from the House of Lords to Appeal. Now that would be a challenge!!

DO YOU ENJOY THE CUT AND THRUST OF THE POLITICAL SCENE?



The Society keeps in touch with all the local MPs through a small group of members – Parliamentary Liaison Officers (PLO).

For many years DELS Past President Jeremy Robinson has actively shadowed the MP for East Devon currently Hugo Swire. Jeremy has developed strong links with the successive East Devon MPs and our thanks go to him for all his endeavours.

Jeremy has now retired from Practice and we are seeking a member to take over his role as PLO for East Devon. Interested?

Please contact Tony Steiner at DELS on 01392 494110 to discuss.

ACCOUNTING BY LLPs - DRAFT CHANGES TO THE ACCOUNTING SORP

First Published in New Law Journal



By Simon Young

After the Limited Liability Partnerships Act 2000 came into force on 6th April 2001, a major instrument in shaping the practicalities of limited liability partnerships ('LLPs') was a Statement of Recommended Practice ('SORP') published by the Consultative Committee of Accountancy Bodies ('CCAB') on 29th May 2002. This was entitled *Accounting by Limited Liability Partnerships*. By and large, the professions have, in the intervening three years, become used to the ideas introduced by the SORP, though it is fair to say that the concept of allocation of profits continues to cause some heads to be scratched.

The CCAB has been keeping the SORP under review, particularly bearing in mind the development of accounting standards generally, and of International Financial Reporting Standards ('IFRS') in particular. Since the turn of the year, LLPs have been entitled to adopt IFRS voluntarily to govern their accounts. Now, the CCAB have published an exposure draft of a revised SORP which, if implemented, will apply to all LLPs which have not taken IFRS on board. It is presently intended that the new arrangements will apply to all accounting periods ending after 31st March 2006.

There are three main changes which will apply if the draft SORP is brought into force. None of these will involve any alterations to the cash position of a business, but what they may entail is a very different apparent presentation of the financial health of the business to a stakeholder who may not have a detailed knowledge of the applicable accounting policies.

Since the differences will appear to be uniformly against the firm, it will be essential for those managing the firms accounts to be able to explain why the figures look as they do. This could be important in relation to assessments of the firm by, for instance

- Banks and other lenders
- Landlords assessing the strength of the LLP's covenant
- External providers of equity capital (if the current White Paper proposals proceed)
- Prospective new members being asked to

commit to the LLP

- Existing members who are unfamiliar with the business's accounts.

Capital – debt or equity?

The first change will affect the capital of the firm. Up to now, the idea of capital introduced to the LLP has largely followed the partnership model. It is money or property introduced to the business by the members, which is not a loan, and which is accordingly available for the creditors if things go wrong. It is shown in the balance sheet as an asset of the LLP.

Now, however, capital will have to be analysed into two classes, taking careful account of the partnership agreement which governs the members' rights. In brief, if the members are entitled to be paid the money at some time, it will be regarded as a debt of the corporate LLP, and shown in the notes together with the loans and other debts due to the members. Only if the LLP has the right to withhold payment, i.e. an absolute discretion as to whether payment shall ever be made, will the property subject to that discretion be regarded as equity capital.

The logical consequence is that most LLPs, where the members expect to receive all of their capital back when they retire or die, will have no equity capital at all! Only if, exceptionally, the LLP has the right to retain capital will any equity element be shown. An example might be where a business has created an unallocated reserve account to absorb the hike in revenue recognition required by Application Note G to FRS 5 – a current hot topic for many firms. If an LLP has done this, in order to avoid the increase artificially inflating members' capital accounts without any cash to back the increase, then that reserve account would presumably be considered as equity. It might be, however, that there was a residual provision that the reserve should at some future point be allocated, e.g. on winding up of the LLP. An examination of the agreement governing the reserve would then need to be undertaken to determine whether in the end it was shown as debt or equity.

Profits – expenses or real profit

The same principle of analysis is also to be applied to profits (and of course losses). Mention was made above of the matter of allocation of profits. Essentially, this is the idea that until the LLP, acting by a decision of the members, decides to allocate profits which have been earned, those profits remain the property of the LLP. This is so notwithstanding that payments to members made on account of those profits (i.e. what will be regarded as drawings) have been taken. Unless those drawn profits are allocated

as they are paid, they remain an asset in the LLP's balance sheet, being a debt due back from the individual members.

The best analogy that can be offered is that of a company and dividends. If directors / shareholders take monies (other than salary) from the company, then those monies are a debt due back from the director. It is not until the company votes a dividend that monies may become due to the individual, which may be used to reduce or extinguish that debt. The comparison is not exact, but will serve.

One thing which has emerged over the last few years is that, extending the above example, it is important that any losses are not normally allocated at all, as such allocation would only increase the debts from individual members (which would of course defeat the whole object of the exercise of incorporation). Instead, they will normally be left to form an unallocated negative reserve.

Underlying all this is the concept that, until positively allocated, all profits (or losses) are the property of the LLP. Unless the partnership agreement specifies otherwise, it has total freedom to decide whether and when to allocate all or any part of the profits. It may well be under an obligation to divide any allocation in certain ways, but the making of the allocation is a matter for its discretion.

This principle will now underlie the second of the new accounting principles, namely that the profit of the LLP shall be shown in two ways. The first is the aggregate of monies which the LLP is obliged to pay out. This may arise either because they are normal profits which have already been allocated; or because they are monies over which the LLP has no initial discretion, e.g. interest on capital for which there is provision for non-discretionary allocation. Each type of payment to members will need to be examined to show whether it is discretionary or not. If it is not, then it will be shown as a trading expense of the LLP. This may even apply to unpaid elements. So, for instance, if an LLP is contractually bound to allocate all its profits to members, but has not paid out all by the end of the financial year, then the unpaid balance will be shown as a liability in the balance sheet, rather than the asset it would be if allocation were discretionary.

In presentational terms, this means that the end of the Profit & Loss account will need to show

Profit or loss for the financial year before members' remuneration and profit shares	X
Members' remuneration charged as an expense	(Y)
Retained profit or loss for the financial year available for discretionary division amongst members	$X - Y = Z$

Those responsible for explaining the accounts to anyone will therefore need to ensure that, if these accounts are being compared with those of a partnership, the figure which is the comparator is X not Z, especially as it is quite possible that Z may equal zero!

Retirement benefits as a liability

One of the drawbacks of LLP status for some businesses has, from the start, been the obligation to provide in the accounts for retirement benefits due to former members. In other words, if the LLP has been obliged to pay annuities or anything similar to former members, whether the amounts are related to future profits or not, it has been obliged to capitalise those potential debts, and to show them as a liability. This could have the effect, in certain cases, of making the balance sheet look very sick, as a large debt suddenly appeared on it with no countervailing cash. At least, however, this did not need to be put into effect until the payment obligation came into effect, i.e. nothing needed to be shown in respect of obligations which might kick in, in future, when current members retired. Under the draft revisions to the SORP, even that relief would disappear. If rights are being built up, by existing members, to receive payments at some future date such as their retirement, and if the LLP will have no discretion to withhold those payments once due, then provision will have to be made in the accounts for the anticipated eventual amount of this liability. The assessment of the relevant capital sum will have to take into account such matters as any uncertainties as to timing of payment / retirement. It is likely that, whether such amounts payable are profit related or not, they will have to be actuarially valued every year, with the consequent expense to the LLP.

These figures will not impact solely upon the balance sheet. Changes in the level of obligation during the year will reflect in the profit & loss account. These changes may result from rights being increased with length of service; or alternatively diminishing as finite annuities to ex-members come to an end. Any change in the amounts due to former members will show as a simple trading expense. Such changes in

respect of current members will show in the heading 'Members' remuneration charged as an expense'.

The message generally is that there are advantages for firms in removing post-retirement benefits from the LLP arena altogether. Members should where possible be responsible for their own post-retirement finances; and partners in a firm thinking of converting to LLP status will, if that firm has provision for such benefits, have to think of whether they can be got rid of, or whether an LLP is really the right vehicle for them.

Summary

These changes are unlikely to have any operational impact upon businesses, save that the provisions regarding post-retirement benefits might put some firms off the idea of conversion from partnership to LLP status. They will however give rise to the need to analyse carefully the conceptual nature of all payments to members; though this is likely to be a one-off exercise unless the terms of the partnership agreement change.

What they will mean is that the average reader of the accounts is likely to be more baffled than ever, and that those responsible for the presentation of the accounts either internally or externally will have to spend considerable time and effort explaining what the logic behind the new arrangements is, and how the accounts can be compared either with businesses not afflicted by the SORP, or those who are affected but have chosen to adopt different policies.

They will not help the LLP at all. Frankly, it is difficult to see who they have been designed to help, and they can be seen as yet more interference from the backroom boys of the accountancy profession. Does anyone recognise shades of Application Note G to FRS 5, and UITF Abstract 40?

YOUR CLIENTS YOUR BUSINESS – HOW TO IMPROVE CLIENT RELATIONSHIPS



The Law Society has launched a new 33 page information guide for solicitors to consider how they can improve their relationships with clients.

"Your clients – your business" draws on the experience of Law Society departments that have direct involvement with solicitors and their clients. It combines both regulatory requirements and

best practice in an easy-to-use guide which highlights some of the problem areas that can arise for solicitors in their dealings with clients.

It deals with first interview with a client, content of the client care letter, terms and conditions of the relationship and how to deal effectively with complaints. Also set out in Annex A is the new model Conditional Fee Agreement for use in personal injury and clinical negligence cases and client leaflet and in Annex B Solicitors' introduction and referral code self-checklist.

To access the guide online go to www.lawsociety.org.uk. To request a hard copy email info.services@lawsociety.org.uk or phone 0870 606 6575.

IT'S YOUR LAW SOCIETY - HAVE YOUR SAY

Kevin Martin, *President of the Law Society of England & Wales*, writes:



Your national professional body, the Law Society of England and Wales, is changing to reflect what you and your colleagues tell us you want.

We're finding out what it is that you want in two ways. Firstly, we have the results of an NOP survey based upon a sample of solicitors. And secondly, we are now consulting the entire profession to get a full and rounded picture.

Why is this necessary? The solicitors' profession, even since I qualified, has changed almost beyond recognition. There are now 100,000 of us practising and we are, I am pleased to say, a far more diverse group than we were back then. We are also far more specialised in our work and some 20% of us working in commerce and industry or government.

At the same time, consumers have become more active and the legal services sector has become more competitive. The scope for innovation in

ECJ Update

The Law Society's ECJ (European Court of Justice) Update is a monthly publication summarising the main cases that are being heard by the courts and which are of importance and interest to practising solicitors in the UK. To receive it free, email Brussels@lawsociety.org.uk



practice models is also about to increase as part of the package of Clementi reforms that includes changes to the regulatory framework.

The Law Society has anticipated these changes and acted accordingly. It has already separated its regulatory and representation functions, with two new independent boards, the Regulation Board and the Consumer Complaints Board, overseeing the Society's regulatory and complaints functions since 1 January 2006.

These major changes give the Council of the Society the opportunity to reshape the way the Society delivers its representation and law reform work and support services for solicitors.

The initial NOP market research tells us that the Society must be member-focused, lean, responsive, decisive and e-enabled if it is to meet the expectations of its members. Solicitors have also told us that we have less than 18 months to deliver these changes – a challenge we are determined to meet.

We need all solicitors to help us by telling us what they want from the Law Society. The consultation will end on 21 April and work on designing the new look Law Society will continue so that the Council can approve plans at its meeting in July this year. Implementation will begin immediately so that we have the Society on a firm footing for the future.

It's an exciting time for the profession and I look forward to working with you to create a reinvigorated Law Society that will represent your interests with fresh commitment and focus. You can complete the questionnaire online and find out more at: www.haveyoursaylawsociety.org.uk

BUSINESS IN THE COMMUNITY CELEBRATES WITH PRO BONO PARTNERS

By Erik Salomonsen
*Junior Vice
President*



I attended an interesting evening event on 9 February to celebrate the 10th year celebration of ProHelp at the Royal Western Yacht Club, Plymouth. Business in the Community is the largest provider of free professional help to the voluntary sector in the UK. I was one of around thirty five guests including accountants, architects, surveyors and marketeers. There were three speakers:

- Kevin McDonald, Stride Treglown,
- Karen Bridgford, Devon County Council

- Bob Northey, BITC ProHelp

So what did I learn?

I learned much more about what professionals are doing through ProHelp on a probono basis to help the local community/voluntary sector. At a national level there are 1000 professional firms committed to ProHelp and involved in giving advice free of charge at a value of £6m per annum. In Devon more than 30 firms participate and the value of their work has totalled £130k over the past two years. The firms treat those who seek help as professional clients, the hours are counted and reported to Business in the Community. (I am told that sometimes such involvement can lead to fee-earning work).

The presentation included practical examples, illustrated with photographs, of how local surveyors, architects, accountants and lawyers are involved in community projects including Tamar Development Trust, Ockment Centre, Duchy Square (Princetown), Playtots Child care and Flameworks Creative Arts, whether it be giving advice on refurbishment, costing redevelopment or assisting in advising on leasehold premises. ProHelp works with the local community in areas of most need. ProHelp is an interesting concept and seems to be a good channel for focussing probono work. I understand from Mary Jackson, the Regional Manager that there was a breakfast event in June 2005 to encourage more Devon firms to get involved. At the Plymouth event I met Robert Coram, WBW Solicitors who has recently signed up and currently engaged in the programme. He is enthusiastic about the whole concept.

In a world of increasing accountability and Corporate Social Responsibility (CSR) perhaps this is something for our members to consider more seriously. If any firm reading this is interested in knowing more please email Bob Northey, Prohelp Manager bob.northey@bitc.org.uk or have a look at their website www.bitc.org.uk I myself am keen to find out more.

THE RED LINE ALERT

The Red Alert line of The Law Society is available to **all** members of the profession and their staff to report concerns about a fellow solicitor, member of staff or generally about a legal practice. Any report is treated with strict confidentiality and can be unsubstantiated concerns or issues supported with hard evidence. Please give as much specific information as is available. It is preferable to receive any information at the earliest feasible

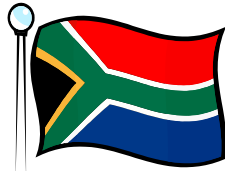


time to enable The Law Society to deal with any problems, where possible, before the development of more serious consequences.

The Red Alert line is administered by the Fraud Intelligence Unit of The Law Society and can be reached on either **0845 850 0999** or **01926 439673**

HEARD IT ON THE GRAPEVINE!

By Andrew Ford
Quay West Wines



At the Southern tip of Africa two mighty oceans meet. Here in the shadow of Table Mountain lies Cape Town which is one of the great wine capitals of the world and gateway to the South African winelands. For over 350 years the cultures of Africa, Europe and the East have mingled here giving rise to a long established winemaking history. The Cape's wines reflect the classicism and tradition of the Old World but are also now influenced by the contemporary styles of the New World. A new generation of Cape Winemakers is tapping in to the most advanced viticultural trends to produce wines which express the soils, climate and grape varieties and consequently are gaining international accolades.

South Africa has 5 wine regions divided into 18 very diverse wine districts classified under the country's *Wine of Origin* scheme. Some of these regions consist of smaller wards where specific micro-climates dictate marked differences in grape varieties and wine styles.

Cape wine country extends over a substantial geographic area, from the northernmost Orange River region to the near desert of the Klein Karoo. More than 110000 hectares of vineyards are cultivated by some 4435 primary producers and wine is made at more than 505 wineries and estates. The climate of the Western Cape is mild with gentle summers and cool winters - winds from the two oceans, the Indian and the Atlantic moderate the summer warmth.

Over the past few years over 45% of the vineyards have been replanted as the industry has realigned its products to compete globally. Once dominated by white grape varieties, red plantings have increased dramatically.

Red Wine Varieties -

CABERNET SAUVIGNON - Grown in almost all the regions of the Cape but most extensively in Paarl & Stellenbosch. This grape has become the

most widely planted red variety accounting for 25% of the area allocated to red grapes.

MERLOT - Traditionally blended with Cabernet Sauvignon, Merlot is now increasingly bottled on its own. This fruity rich variety is found mainly in Stellenbosch, Paarl and Worcester, as well as along the West Coast.

PINOTAGE - In 1925 a South African viticulturist named Professor Perold crossed Pinot Noir with Cinsault (formerly known as Hermitage) and Pinotage was born. This variety is unique to South Africa and is celebrated worldwide for the style of wine it produces.

PINOT NOIR - Although plantings of Pinot Noir are still relatively small in South Africa, some outstanding examples are produced in the cooler Walker Bay & Elgin areas.

SHIRAZ - Shiraz is well suited to the Cape and intense smoky, spicy wines with a high alcohol content are being produced. Plantings have increased significantly, particularly in warmer areas.

OTHER REDS - Cinsault is fairly widely planted and used mainly for blending. Plantings of varieties such as Cabernet Franc, Grenache, Malbec, Mourvedre and Petit Verdot have also increased.

White Wine Varieties

CHARDONNAY - Many new vineyards have been planted to this popular grape in recent years. The wines are made in a variety of styles such as oak-fermented, matured or unwooded.

CHENIN BLANC (STEEN) - The Cape's most widely planted variety. Modern growers are raising the standard of Chenin Blanc to a new level by making lively and full-flavoured wines with excellent maturation potential. These food friendly wines are suited to a variety of cuisines including spicier dishes.

SAUVIGNON BLANC - South African wines made from this variety flourish in cooler areas like Groenekloof near the Atlantic Ocean.

SEMILLON - Once the Cape's most dominant variety, today it represents a small percentage of the total vineyard area.

OTHER WHITES - Other whites include Cape Riesling (Crouchen Blanc), Colombard, Gewurztraminer, Muscat de Frontignan, Muscat d'Alexandrie, Pinot Gris, Riesling and Viognier.



In 1973 legislation was introduced to recognise and protect the distinctive qualities that wines

derive not only from certain areas and estates but also from specific grape varieties and vintages. South Africa's winegrowing areas have been classified by region, each of which is broken down into smaller districts, wards and individual estates.

This classification is administered by the Wine & Spirit Board, appointed by the Minister of Agriculture. A seal which has been certified by the Wine & Spirit Board appears on each bottle of wine, guaranteeing the reliability of all the information relating to origin, grape variety and vintage as stated on the label.



OFFER OF THE MONTH

Devon & Exeter Law Society in association with Quay West Wines are pleased to offer Society members a 12 x 75cl bottle case at the reduced price of £49.99 (that's only £4.17 per bottle) saving **£19.00** per case. The case comprises 7 easy drinking elegant whites, 4 fruit driven reds, and a stunning rose.

Delivery is free throughout Devon and there are no other hidden costs.

If there is ever a particular wine you are looking for we will do our best to source it for you.

To contact us:-
Tel: 01392 – 841833
Fax: 01392 - 841996
Email: sales@quaywestwines.co.uk

DELS COMPLAINTS SERVICE



This service has been available to members for nearly five years. In that time the Society has been able to resolve the vast majority of matters without further recourse to The Law Society. This year 90% of all complaints handled by DELS have been resolved locally.

A number of complaints still go directly to the Law Society's Consumer Complaints Service simply because clients are unaware of the DELS facility. Details of the service are on the Society's website and are made available through local libraries and CABx.

Many firms have now included reference to the service in their own client care materials. If your firm has not yet done this the Committee invites you to do so.

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

SOFTWARE SOLUTIONS GUIDE 2006

The eighth edition of the Law Society's Software Solutions Guide has been published. It contains extensive information on 15 case and practice management software suppliers (including market research into the views of existing users). Copies have been sent to all law firms in England and Wales but the guide is also available online at www.lawsociety.org.uk, then click on News and events, then News from the Law Society, then E-business newsletter – issue 3.

Articles in the guide include explorations of risk management, compliance, security and business continuity along with suggestions on how to select legal software. In his introduction, Law Society President Kevin Martin puts legal technology in context: "Legal technology's true role in life...is to help you make more money, get home earlier of an evening – and still keep the client satisfied".

