



Newsletter

MARCH 2004

ONLINE EDITION



**DEVON & EXETER
LAW SOCIETY**

www.devonlawsociety.org.uk

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Now 821 members

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**Glover Stanbury
Accountants**

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DELS Young Solicitor of the Year Award

We are delighted to introduce this award. The search is on for a young solicitor whose achievements exemplify the outstanding standards of the profession in the South West. Further details and a nomination form will be published in the May edition of this Newsletter and will be available in the Downloads section of our Website.

Thinking of Applying for Judicial Appointment?

JSB Training & Development and the Law Society are together running training for solicitors who are thinking of or who have already applied for judicial appointment including: Recorder, Deputy District Judge and Tribunal Chairman. The training takes place on two separate days, each lasting 3 hours. If there is sufficient demand a course may be run in the South West. For further details contact Linda Winter, Strategic Policy Directorate, The Law Society, Tel. 020 7320 5680 / e.mail linda.winter@lawsociety.org.uk, or Wendy Miles, Senior Client Co-ordinator, JSB Training and Development, Tel. 020 8371 7010 / e.mail wendy.miles@jsbonline.com.

SBA National Pairs Golf Championship

Finals to be played on the 10th September at the Belfry Hotel. Closing date for entries 12th April. Further details at www.sbagolf.org.uk or Tel. 01675 465566.

UMTV

UMTV is looking for Qualified Lawyers with Character to lead a new TV show. Interested? Send either a VHS or mini DV showing your best light to UMTV, 4-8 Rodney Street, London N1 9JH or e.mail hiten.vora@umtv.tv

THE LAW SOCIETY **COUNCIL MEMBER'S SURGERY**

Thursday 29 April 2004 at 5.00 pm
DELS Office,
Renslade House, Bonhay Road, Exeter

No appointment needed

DELS Council Member, Christopher Palmer, will be available to discuss Law Society issues.

Any member is welcome. Christopher would like to hear your views, comments and queries. He will take them to Chancery Lane and do his utmost to have them addressed.

We look forward to seeing you. If you are unable to attend and you wish to raise a matter you may e.mail Christopher at c.palmer@bevan-ashford.com or telephone him on 01884 242111.

PRESIDENT'S DIARY

I write this following a hectic three weeks. Seven days in St Anton, Austria; four days in Barcelona and the DELS annual dinner at the Palace Hotel, Torquay. The St. Anton trip was entirely for pleasure – skiing in the environs of one of the most beautiful villages in Austria. (Indeed, so proud are the Austrians of their village that they spent something like £90m on moving the railway station outside the village by a few hundred metres from the centre.)

Barcelona too is a beautiful city but Michael Cosgrave and Jeremy Ferguson and I (and spouses) were there principally to work – well in its broadest sense. We were there to attend the meeting of the FBE – Federation of European Bars on the occasion of the feast of St Raimon de Penyafort. Our principal task was to provide some input into the code of conduct for operation of the forthcoming international criminal court. I believe our joint wisdom contributed to the debate and ensured an English perspective to a very European model. Another former president of the FBE, a solicitor from London David Morgan, provided some very cogent input. Apart from him however, we were the only English lawyers present and so here again I believe we should be proud of DELS's involvement in an important international move.

I hope the nearly two hundred DELS members who attended the annual dinner on the 13th Feb found the evening entertaining and good value for money. At the very least it provided an

Devon & Exeter Law Society Newsletter – Online Edition

opportunity to meet other lawyers whom they may have not seen for some time, but also a time to learn of the goings on at Chancery Lane and at our own Law Society and of the musings of the criminal bar. Judging by the very pleasant comments I have had since the evening it seems to have gone down well. Personally I was proud to be your President at such an evening.

Looking ahead we have the visit of the 'Clementi roadshow' on the 17th March. Sir David Clementi has been required by the Government to review the "Framework of the Regulation of Legal Services" and to make a report to the Government by December 2004. He is to publish a consultation document in early March and so that the national Law Society can gain the views of the profession, a series of road shows is being held. The road show in the South West is to be held at the Woodbury Park Hotel, Woodbury and begins at the reasonably convenient time of 4.30 pm. Do try to attend or ensure that at least someone from your firm does.

Jeremy Howell

LEGAL WEEKEND

Friday 21 May - Sunday 23 May 2004

Please let Monique know by **Friday 19 March** if you want to process or attend the service.



Lunch is available after at the White Hart Hotel at £12.50 per person (meal only). Please advise if you will require places.

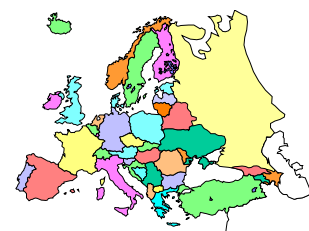
Details and booking form for the **2004 Joint Reception with the Bar and the Judiciary** to be held on Friday 21 May at Exeter Guildhall are also within this Newsletter.

These events combine with this year's **European Lawyers' Meeting** which DELS is hosting with a full day **CPD Conference on Mediation**. A flyer for this event is with this Newsletter.

REMEMBER

DELS can provide Personal Introductions to Lawyers in Mainland Europe

Ring Monique on 01392 411585



March 2004

NEW MEMBERS

We welcome:

David Ager, Michelmores, Exeter
Peter Barnes, Stones, Exeter
Simon Bean, Michelmores, Exeter
Miss Rebecca Boast, Kitson Hutchings, Torquay
Adam Bradford, Triggs Read & Dart, Barnstaple
Christopher Butcher, Michelmores, Exeter
Scott Cann, Stones, Okehampton
Crispin Carpenter, Michelmores, Exeter
Jeremy Craig, Hooper & Wollen, Torquay
Graham Cridland, Michelmores, Exeter
Benjamin Darby, John Darby & Co., Torquay
David Deekes, Milford & Dormor, Axminster
Mrs Catherine Dunn, Michelmores, Exeter
Mrs Hannah Edwards, Michelmores, Exeter
Miss Sarah Farquharson,
Kitson Hutchings, Torquay
Miss Eleanor Grant,
Foot Anstey Sargent, Exeter
Jonathan Green, Foot Anstey Sargent, Exeter
Daniel Gwynn, Kitson Hutchings, Torquay
Stephen Harris, Bond Pearce, Exeter
Ian Holyoak, Michelmores, Exeter
Miss Sophia Honey, Hooper & Wollen, Torquay
Miss Helen Jarvis, Scott Richards, Dawlish
Mark Johnson, Toller Beattie, Barnstaple
Edward Judge, Scott Richards, Teignmouth
James Lee, Scott Rowe, Axminster
Andrew Lovett, Stones, Exeter
Douglas MacFarlane,
Crosse Wyatt Verney & Ayre, South Molton
Nigel Mckay, Gilbert Stephens, Exeter
James McNally, Slee Blackwell, Exeter
James Orpin, Michelmores, Exeter
Jeremy Phillips,
Crosse Wyatt Verney & Ayre, South Molton
Miss Morwenna Pugsley,
Crosse & Crosse, Exeter
Miss Charlotte Reavey, Stones, Exeter
Miss Sian Rees, Stones, Okehampton
Ms Sally Rice, Michelmores, Exeter
Syed Shah, Toller Beattie, Barnstaple
Andrew Simpson, Scott Rowe, Axminster
Miss Rebecca Smyth,
Trowers & Hamblins, Exeter
Edgar Stafford, Bevan Ashford, Tiverton
Ms Amy Sutton, Dunn & Baker, Exeter
David Thompson, Michelmores, Exeter
Mark Turner, Stones, Exeter
Miss Karen Warner, Stones, Tiverton

COMPLAINTS

Did you know the Society helped with service complaints?

Over the last few years we have been able to resolve around 40 complaints made to this

Society by clients of member firms using an informal local procedure.

Following a review, the service has been refined and the new procedure is set out below:

1. Complainants will initially be informed of The Law Society's Practice Rule 15 procedure and referred back to the firm concerned.
2. Where complainants have exhausted the Rule 15 procedure and the complaint regards a firm within DELS area, DELS Office will obtain details of the complaint. Complainants will be advised that the Society is not the regulatory body and does not act for either party. Checks will be made for conflicts of interest.
3. DELS office will give these details to a DELS complaints officer. (Complaints officers are current DELS officers and volunteer Past Presidents).
4. The officer will contact the complainant and determine what further information, if any, is required and whether the complaint is capable of resolution by DELS procedure. If the complaint is not suitable for DELS conciliation it will be referred to The Law Society.
5. The officer:
 - will at the earliest opportunity and within 7 days contact the senior partner of the firm advising them that a complaint has been received and discuss what steps the firm intend to take to resolve the matter.
 - when appropriate will offer to conciliate between the firm and the complainant.
 - will take whatever steps they feel appropriate to resolve the matter.
 - will have discretion to refer the matter to The Law Society at any time.
6. DELS Office will monitor the progress of each complaint every 2 weeks.
7. Complaints that have not been resolved after 8 weeks will automatically be referred to The Law Society.

Complaints that are resolved at a local level can save firms time, money and clients. You are welcome to publicise this service in your client care materials.

Tony Steiner
DELS Membership Services Manager

BILL HALLETT

18 June 1916 – 9 January 2004

Bill would have been proud to be thought of as an old fashioned solicitor. He was well suited to an era when solicitors competed in quality of service, rather than price. He would not have been greatly impressed with the benefits of computers and Emails, or targets and time-costing, but he always found time to speak to people. With his charming but sometimes blunt diplomacy and common sense he was a good practical lawyer. Clients were often delighted to find that Bill had taken the trouble to go out and have a look at the property he was buying for them.

Bill had a strong sense of honour and duty, and was actively involved in everything. He served for 24 years on Exeter City Council becoming Sheriff, Mayor, and Alderman. Like his Father L J Hallett before him Bill was a Past President of Devon and Exeter Law Society. Bill seemed to know everyone, and everyone seemed to know Bill. He was always good company. If you were chatting to him (or indeed in the middle of a Partnership meeting) you came to recognise that a smile, and a mischievous little chuckle and the words "Do you know...Funnily enough..." would lead off into one of his many anecdotes, often on a fairly loosely related subject. He met everyone with an old-fashioned kindness and courtesy, and was to all of us at Cann & Hallett a good Senior Partner, and a good friend.

Robin Challans

THE SOUTHERN LAW ASSOCIATION DINNER **20TH FEBRUARY 2004**

The Southern Law Association is the formal name for the Cork Law Society in Ireland. At their invitation I attended their annual dinner in Cork. The trip was simplicity itself with just a one hour flight via Air Wales from Plymouth. Frank O'Connell collected me at the airport. You will remember that he was one of our guests last year – he is coroner for South Cork and a sole practitioner.

The dinner was entertaining as well as being an eye opener to the Irish legal system. I was surprised that the speeches from the President – James O'Sullivan – and from other representatives were given at the start of the meal. I was told that if they left them until the end, it was unlikely that anyone would be listening! In fact the end of the meal saw two members get up on the stage and perform a comic duo (to music) poking fun at most of the dignitaries present including the mayor and all the local judges. Everyone took it in good heart and when I left at 2am the party was still in full swing.

As a personal injury lawyer myself I was interested to find that they have introduced a personal injuries board. This government sponsored body is designed to review quantum in employer's liability personal injury claims before they are issued in court. In effect they establish what the damages will be, leaving the parties to decide whether to contest liability. Of course it is not long since Ireland still had personal injury claims assessed by juries. They are also considering a one year limitation period for personal injury claims – something that will be resisted by most of the solicitors to whom I spoke.

Frank said that Cork would be sending a delegation to our May weekend, complete with football boots to show us how to play properly!

Dream on.

Paul Derbyshire
Vice President

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- Solicitors Benevolent Association
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- LawCare
Support ref. personal / alcohol / addiction / stress problems
- Young Solicitors Group
Assistance to Young Solicitors, up to 10 years ppe
- Trainee Solicitors Group
Assistance for Trainees, Junior Paralegals & Students
- Black Solicitors Network
Advice for black / Afro-Caribbean Solicitors
- Solicitors' Sole Practitioners Group
Support for sole practitioners
- Association of Women Solicitors
Advice / re – training / mentoring / maternity issues for women solicitors
- Group for Solicitors with Disabilities
Assistance for trainees and solicitors with disabilities
- Solicitors in Local Government
Assistance for local government solicitors
- Commerce and Industry Group
Assistance for in – house solicitors

LEGAL AID LAWYER OF THE YEAR AWARDS

The Legal Aid Practitioners' Group with Independent lawyer magazine are looking for nominations in seven categories. A nomination form is below. Please note the closing date is 31 March 04.

<p>LEGAL AID LAWYER OF THE YEAR 2003-4 NOMINATION FORM</p> <p>NOMINATION:</p> <p>Nominee's name:.....</p> <p>Nominee's organisation name and address:</p> <p>.....</p> <p>Phone number:.....</p> <p>E-mail address:.....</p> <p>Category of nomination (tick one): <input type="checkbox"/> Crime; <input type="checkbox"/> Immigration; <input type="checkbox"/> Social and welfare; <input type="checkbox"/> Family; <input type="checkbox"/> Mental health; <input type="checkbox"/> Team; <input type="checkbox"/> Young lawyer</p> <p>Reasons for nomination (continue on separate sheet):</p> <p>NOMINATED BY:</p> <p>Organisation name and address:.....</p> <p>.....</p> <p>Phone number:.....</p> <p>E-mail address:.....</p> <p>GUIDANCE</p> <ol style="list-style-type: none">1. Nominees must work in a private practice solicitors' firm, a law centre, or a solicitor agency, which has a specialist level contract with the Legal Services Commission. Solicitors, legal executives, employed barristers and paralegals are all eligible. A "team" may include people falling outside this definition, including self-employed barristers or non-lawyer agency staff, but must include at least one person within this definition.2. Nominees for the Young Lawyer award must be trainee solicitors working under a current training contract, or must be no more than 3 years qualified on 17th October 2003.3. Nominees for the team award can be a department within a firm, a solicitor or barrister combination, or a whole organisation. A very broad interpretation will be applied. The decision of the LAPG Director as to whether a nominee is a "team" for this purpose shall be final.4. The social and welfare category includes all legally aided fields that are not covered separately.5. Self-nomination is permitted. Nominations do not need to be seconded. However, nominations supported by an external nominee will carry more weight with the judges.6. Membership of LAPG is not required either to nominate someone or to be a nominee.7. Non-lawyers may nominate people for awards.8. The judging panel has the right to nominate anyone who meets the criteria, and will be solely responsible for awarding the Personality of the Year Award.9. Nominations must include a statement of no less than 200 and no more than 500 words setting out the reasons for the nomination, and the name and details of the person making the nomination. The statement may be set out on the nomination form or on a separate sheet.10. The decision of the Director of LAPG as to whether to accept a nomination as valid shall be final.11. Nominations must be completed and sent to the Legal Aid
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NOTES FROM KENYA

Lucy Wright, Solicitor with Ford Simey is currently on sabbatical in Kenya working with CLEAR, an organisation set up by Kenyan Christian Lawyers. She sends the following report:

After the initial six weeks of heartlessly revelling in the novelty of new surroundings, I am now missing family and friends. Thank you SO much for the emails and texts - its great hearing news from home. I am still really enjoying the Kenya experience and it is wonderful to have so many Kenyan friends.

So what's Kenya like? Each day one crosses time zones: from the 21st century central Nairobi, packed with mobile phones and a few smart buildings to government departments which have no computers and appear to be back in the 70's! Then just a few miles out of Nairobi, is the largest slum in Africa. Here 600,000 people live in a 5km squared area, which make scenes from the original Black Adder look quite pleasant. The government changed last year and people are full of hope. Bribery had strangled the economy for so long. The government says they are committed to fighting corruption. In my first week here, 12 High Court Judges and numerous Magistrates were suspended on bribery charges. The newspaper went onto give a tariff of the amounts required persuade a Court to find in one's favour.

And work? Changes in staff over the summer meant CLEAR's work had slowed down. However, a new Officer, Joyce a young lawyer has now been hired. She is enthusiastic and has a heart for the work and we are working well together.

In Nairobi, as no other voluntary organisation assists prisoners, this is the area that CLEAR primarily focuses upon. We regularly visit a prison where there are 3000 inmates on remand, in a prison built for to accommodate 800, by the British at the turn of the century. In cases where it appears there has been injustice, the person's case is referred to an Advocate.

Many claim to have been framed for a crime they did not commit and were not able to pay the Police the bribe sought to secure their freedom. Others suffer, in appalling conditions, as they wait years for their case to be heard. It is not uncommon for a man to be on remand for three years. I met a man whose trial was part heard as the Judge had died and no steps had been taken in the last year, to continue his case. He

has been on remand for eight years! One of our Advocates is now acting for this man.

Given only a few prisoners can be offered legal representation, I have been working on a "one-to one" legal education programme. A number of law students volunteer and the plan is that they will give prisoners some basic advice about their case. For my lawyer friends who read this and the potential negligence claim and indemnity alarm bells are ringing, they are not day-to-day concerns here! The students will be supervised.

I have heard stories of trials being conducted in a language that the Defendant did not understand and hence he never even denied the charge! The law does provide there should be an interpreter but if the Defendant doesn't raise this, sadly Magistrates rarely ensure there is fair play. We will also help in-mates obtain copies of the Prosecution's witness statements and suggest a few questions to be used in cross-examination.

We also have educational seminars in a number of prisons. The Prison officers and inmates always welcome us.

One of CLEAR's objectives is to provide Legal Education generally and I am organising some seminars in far-flung parts of Kenya, where the people have no idea about their legal rights. More on this in the next letter, when one has taken place.

Other Adventures? Kenya is a fantastic country to visit and has a real variety for the traveller. And shall we say I'm not letting the opportunity pass me by. The other Intern, Monique who is based in Mombasa is totally up for "jaunts" too. At Christmas two of my friends are coming out. We are going to climb Mt Kenya, followed by a safari and a visit to Rift Lakes - all very exciting.

The sailing season hasn't ended here! I've become a temporary member of Lake Naivasha sailing club and have been crewing in a Fireball (for the sailing mates who will want the specifics). It is a deep Crater Lake, with no crocs and the hippos stay in the shallow waters. It's very beautiful.

GLOVER STANBURY

Following the welcoming of Nigel Bennett into the partnership from 1 January 2004, North Devon Chartered Accountants, Glover Stanbury & Co are now a five partner firm offering particular skills to solicitor firms both for themselves and for the benefit of mutual clients.

Glover Stanbury & Co does look after many solicitor practices and even your own Devon and Exeter Law Society. However, in addition to the services you would expect from such a pro-active firm of tax and business advisors, a unique selling point is their IT software development arm BBS Computing Ltd. Software developed within Glover Stanbury & Co for every day use on clients' affairs is marketed to other professional firms (mostly accountants) on a national basis. Indeed one of their products was nominated for the award of Best Tax Software 2003. Some of the software tools are of use not only to accountants but also to solicitors.

Business Analyst is a program which enables a solicitor practice to model their firm based on fee earners and chargeable hours in order to allow "what if" analysis and identify the contribution of particular individuals or groups to profitability.

IHT calculator, as its name suggests, is a comprehensive model facilitating Inheritance Tax Planning and illustrative calculations as well as producing computations for use in probate work.

Headed by IT partner Kevin Salter, who is a member of the national IT Faculty Committee of the Institute of Chartered Accountants in England and Wales, expert advice and assistance on the use of technology in professional practice is provided in a timely manner and the firm is naturally expert in the use of and training on Sage, TAS and QuickBooks accounting systems. Payroll can be provided by a bureau service or the training of a solicitor firm's own staff.

Litigation support and expert witness work is undertaken by fellow partner Brian Ross who has established a strong and constructive reputation in this area of work.

The firm offers an e-mail based newsletter service to which you can subscribe simply by emailing your contact details to news@gloverstanbury.co.uk. Their website is at www.gloverstanbury.co.uk.



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