

Newsletter



DEVON & EXETER
LAW SOCIETY

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MAY 2005

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2005/2006

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PRESIDENT'S DIARY



Rod Mole
President

On the day that the world had a new Pope, the Society had a new President. May I first of all thank you for electing me to that post which is a great honour. DELS has the reputation of being one of the most proactive local Law Societies in the country and that role, I think, will be challenged during the oncoming year as the Law Society seeks to define its representational role post Clementi. As you will know DELS is currently undertaking a strategic review of its own role and services and I would encourage all members who have not already done so to respond to the consultation paper that has been issued in this regard (*Whilst the period of consultation has officially closed the document remains on the website at www.devonlawsociety.org.uk and we would welcome any further contributions – Ed.*).

The success of DELS is based on the dedication and enthusiasm of the members and of its administrators. Presidents come and go, however, I must pay tribute to the personal contribution made by our past President Paul Derbyshire during his year. Never before has a President featured in two consecutive editions of the Law Society's own Newsletter "In Progress", and I am certainly going to find it difficult to follow in Paul's footsteps both literally and figuratively.

Well, since the 19th April what has featured in the President's diary, and has it only been 3 weeks?

My first opportunity to represent the Society occurred within 48 hours at a luncheon held in Dawlish by the South West Region of the ACCA.

This was followed the next day by the annual dinner of the Gloucester and Wiltshire Law Society which was held in Calne. So the first lesson a President has to learn is either to eat lite or be prepared to go up a size or two in the clothing department!

On 3rd May I attended the AGM of the Association of South West Law Societies and on 4th May I had the honour, along with Paul Derbyshire and Chris Hart, to be presented to HRH The Princess Royal at the formal opening of the new Exeter Crown and County Court. Apparently, according to the issued Etiquette instructions, "it is appropriate to address the Princess Royal as Your Royal Highness in reply on the first occasion and to address her as Ma'am (rhymes with "ham") thereafter".

As I dictate this item for the newsletter I am packing my bags to join the group of intrepid international lawyers who are visiting Erlangen for a working session on road traffic accidents. Contributions are to be received from France, Italy, Germany, Poland and Turkey! Unfortunately, in the scenario presented for discussion it appears that our European colleagues have not yet appreciated the fact that once again we do things differently in the UK, i.e. drive on the left hand side of the road. It will be interesting to see the outcome of the debate. In addition to the working session we are promised a guided tour of the Nuremberg Courts and a visit to a beer festival!

The visit to Erlangen is to be followed, within 48 hours, by the Dresden FBE Conference and on 1st June by a visit to Verona on the occasion of the celebration of San Pietro Martire at the invitation of the President of their Bar Council.

Continuing the international theme we are of course once again due to play host to our European colleagues on the weekend of the Legal Sunday Service which is to be held on 12th June. In that regard we are hoping once again to make an impact on the sporting field and any budding basketball players should please contact the head coach, Paul Derbyshire.

Finally it is with very great sadness that I have to record the untimely death of a former President of this Society, Brian Nelson. Brian will be remembered fondly by many of us as a thoughtful and dedicated lawyer who once again made a valued contribution to the Society over his years of membership. Our thoughts are with Sheila and Brian's family at this sad time.



Solicitors Support Network

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- **Solicitors Assistance Scheme**
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- **Solicitors Benevolent Association**
Living expenses support for Solicitors & their dependants
- **LawCare**
Support ref. personal / alcohol / addiction / stress problems
- **Young Solicitors Group**
Assistance to Young Solicitors, up to 10 years pge
- **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

Obviously, the major difficulty here comes with regard to the uninsured claims where the opportunity to pool knowledge is not available to individual defendant firms who, as a result, can be left feeling that much more vulnerable.

I am aware that Websters have currently obtained instructions to represent over 100 firms out of what I understand to be about 700 that are involved nationally. They do, however, require a payment of £5,000 upfront in connection with the financing of a fighting fund.

Given that so far as I am aware, there are a number of firms in the Devon area who have some exposure to these claims, I wonder whether it might be helpful if there was some exchange of information and I should be grateful if representatives from those firms involved might care to contact me simply so that we can share information in a mutually beneficial way.

Andrew Laugharne,
Chanter Ferguson
Bridge Chambers, Barnstaple, EX31 1HF
DX 34961 BARNSTAPLE

email: andrew@chanterferguson.co.uk
Tel. No. 01271 342268

DISTRICT JUDGES' CORNER

District Judge Crosse
*Exeter Crown & County
Court*



Family practitioners will be aware that Exeter has become an approved Care Centre and we are already receiving cases transferred from the North Devon, South Devon and Central Devon Family Proceedings Courts.

In the process of making out a business case for Exeter, considerable support was received from local practitioners who believed that they and their clients would, in most cases, achieve a saving of time and expense if Public Law cases could be case managed and listed for final hearing in Exeter.

Although there may be occasions, when for very good reasons, it would make sense for the case to be heard in another court, this will tend to be the exception rather than the rule in so far as the

THE ACCIDENT GROUP

Andrew Laugharne
Chanter Ferguson.

It would seem that Chanter Ferguson is not alone in having been the victim of the disintegration of the Accident Group and the consequential litigation.

Obviously for those elements of the claims where we have insurance cover, we can rely on our insurers to put forward a defence where they will be able to benefit from the collective experiences of their insured firms of solicitors.

allocation and case management hearings are concerned.

We hope that this new service will be beneficial to practitioners and their clients, and we shall do our best to assist whenever possible. If any problems are encountered these should, in the first instance, be directed to our Court Manager Tony Hammond.

These changes are bound to put pressure on listing and so in appropriate cases the District Judge may direct a private law application to be transferred across to the Family Proceedings Court. This will be of particular benefit to the parties if the case can be heard earlier than would have been possible in the County Court.

At a recent meeting Judge Tyzack (Designated Family Judge) decided that our Family Court User meetings should be combined with a meeting involving those concerned with care cases. It will be known as the Family Court Forum and the next meeting will be held on 8th September 2005 at which I hope many of you will be able to attend.

MONEY LAUNDERING AFTER BOWMAN V FELS

Trevor Hellawell
Ex-L Professional Skills

Since 2003, solicitors and others have been under obligations in the Proceeds of Crime Act 2002 (POCA) and the Money Laundering Regulations 2003 to report to the criminal investigation authorities (NCIS) any matters in which we are involved, or information which comes to our notice which involves the use of the proceeds of criminal activity.



This has caused particular problems in litigation and matrimonial matters as much information comes to light during that process which may oblige lawyers to report matters, thus suspending the normal litigation process until consent has been obtained to continue.

The Court of Appeal has now been afforded the opportunity to consider the application of this regime to litigation and other matters, and has concluded that the POCA reporting obligations do not apply in a litigation matter, or when giving advice in many other legal contexts.

This certainly makes our professional lives easier, but the money laundering “issue” has not gone away entirely, even for litigators. This article explores the extent of the “carve-outs” offered by the *Bowman v Fels* judgment and where and why we still need to exercise some caution.

THE LAW - Money laundering offences

The Principal POCA offences are to:

- i) conceal, disguise, convert, transfer or remove from the UK any criminal property (s 327)
- ii) enter into or **become concerned in an arrangement** which a person knows or suspects facilitates the acquisition, retention, use or control of criminal property by someone else (s 328)
- iii) acquire, use or have possession of criminal property (s 329).

“Criminal property” is a person's benefit from criminal conduct. This may involve tax evasion, VAT, insurance, mortgage or benefit fraud. It is immaterial who carried out the conduct or when it was committed. We must know or suspect that funds are criminal in origin. Speculation that illegality may have taken place is insufficient to trigger obligations under the Act.

The main concern had been that the litigation process could itself be an “arrangement” within the meaning of s 328, thus obliging those conducting litigation to report suspicions to NCIS. This had the effect of suspending the normal process of litigation – including vacating hearing dates – until NCIS had been informed. The Courts had accepted that this was a, possibly unintended, consequence of the way POCA had been drafted in *P v P* in 2003.

BOWMAN V FELS – THE COURT OF APPEAL JUDGMENT

The substantive issues in the *Bowman* case – a matrimonial case involving a dispute over rights to the matrimonial home - had been settled, but the Court of Appeal took the opportunity to review the POCA regime because many organisations had intervened in the case seeing it as a chance for clarification of a difficult and troublesome piece of law.

After an extensive review of the European Directives behind POCA, their recitals and text, the CA noted that the UK Government had gone

further in imposing duties on the legal profession than the EU had envisaged, and that this “gold-plating” had led to some absurdities. It had never been the intention of the EU that lawyers when “ascertaining the legal position of a client or representing the client in legal proceedings” be obliged to report money-laundering suspicions (2001 Directive Recital 17). The Directive’s text watered this notion down slightly, leaving it to national Governments to decide the extent to which legal professional duties could be overridden and POCA demolished it still further by failing to protect privilege in the part of the Act dealing with the principal money-laundering offences, including s 328.

The CA however, taking a purposive view, concluded that the proper interpretation of s 328 was that it was not intended to cover or affect the ordinary conduct of litigation by legal professionals. Such conduct was not an “arrangement” for the purposes of the section. This includes any step taken by them in litigation from the issue of proceedings and the securing of injunctive relief or a freezing order up to its final disposal by judgment. They also expressly indicated that consensual resolution of a litigious matter was also exempt, but exercised caution in indicating a distinction between genuine mediation discussions and sham bargaining that may have an ulterior motive.

Moreover, in a separate discussion, the CA took the view that the part of POCA dealing with the principal offences could not be taken to override fundamental principles of human rights and access to justice by the use of general words. Thus legal professional privilege must still subsist even under these principal provisions (the opposite view to that taken in *P v P*).

It would seem, therefore, that there is no obligation to report suspicions arising during the ordinary course of a litigation matter, OR whenever we are ascertaining the legal position for a client and information is being relayed for the giving or receiving of legal advice.

This latter limb of the judgment extends its reach into many other areas besides litigation. It would seem that whenever information comes to light during discussions with a client that shows them to have benefited from criminal activity, that information, and the advice based on it, will be privileged and not susceptible to report. However, whilst advice may not be an “arrangement” for the purposes of s 328, or even if it is, then it is

privileged, any outward steps taken to advance the transaction would be – and a report to NCIS would be required.

GUIDANCE – THE LAW SOCIETY VIEW

In its revised guidance the Law Society express the view that the exemption for litigation matters also extends to dealing with the final division of assets in accordance with a judgment or settlement, including the actual handling of any assets which are criminal property. Though the CA did not address this matter, this must be correct as it would be bizarre to permit a lawyer to conduct a matter to conclusion without reporting, but then require notification and consent to actually implement what the Court ordered.

The Law Society also takes the view that the carve-out for consensual resolution of disputes must include all forms of ADR, whether conducted by lawyers or others, a view consistent with the overriding objective of the CPR themselves.

The Law Society may be thought to be reading into the judgment what is not there to be read in an attempt to water down the POCA provisions for the good of the profession, but the guidance does have the support of many comments from the CA in its judgment and will no doubt be vindicated in any further cases that may be brought.

Where the guidance remains thin is on the question of the extent to which *Bowman v Fels* affects non-litigious transactional work. The CA consistently phrased its comments on the issues in the case in the alternative – “lawyers conducting litigation OR ascertaining the legal position for clients or giving advice” – and this leads to the conclusion that the judgment has ramifications elsewhere too.

The writer’s view is that the judgment permits advice to a client – but not any outward steps or moves to advance a transaction once our suspicions have been triggered.

PRACTICAL ISSUES

The thrust of the CA judgment in *Bowman v Fels* is to confirm that those involved in contentious work, insofar as it concerns the process of litigation, from the issue of proceedings .. up to final disposal, any settlement negotiations, ADR or mediation process and the implementation of

the judgment, settlement or outcome of other alternative process are NOT subject to the reporting regime.

However, care must still be taken.

Sham litigation, bogus negotiations, the management of funds not covered by the judgment or settlement process and the client's subsequent use and possession of the funds WILL still be subject to the reporting requirement.

Moreover, any subsequent dealings with the client, third party or the funds involved in the contentious matter BY OTHER DEPARTMENTS within the firm WILL still be subject to the reporting requirement. This concern is based on comments by the Courts in cases such as *Bolkiah v KPMG* that "there is a presumption that information moves within a firm....unless there are [rigid structures] within the firm to prevent it".

Thus, what the litigation team knows about a client's affairs, all other departments will be taken to know thereafter, and whereas the litigious matter may not have been reportable, subsequent dealings will be.

Accordingly, all departments should be alerted, by internal systems under the control of the MLRO, to any suspicious information that might compromise our ability to act in the future, and all departments must be vigilant to ensure that appropriate reports are made as and when the (future) need arises.

CONCLUSIONS - PRACTICE & PROCEDURE

When to Report

If you:

- know or suspect that money received or to be transferred in the course of acting for a client might have been derived directly or indirectly from an illegal or improper origin.
- know or suspect that a transaction is going to be based on, or involve the use of, such funds whether in possession of client or third party (litigation is NOT a transaction for this purpose, nor is legal advice, pure and simple).
- come into possession of information that suggests that someone, somewhere may be committing a money laundering offence by using or being in possession of improperly obtained funds.

When there's no need to Report

If:

- after clarification, you are satisfied that there is no illegality involved in the history of the funds.
- after discussion, the client disinsturcts the firm, and no other steps are required of the firm involving the funds.
- the information was divulged to us in privileged circumstances, eg by a client seeking our advice.
- the matter involves litigation, from the issue of proceedings .. up to final disposal, any settlement negotiations, ADR or mediation process and the implementation of the judgment, settlement or outcome of other alternative process.

Steps to take when you are suspicious:

- 1 **Discuss concerns with clients, third parties and colleagues to ascertain nature of matter and our instructions, to alleviate concerns if possible**
- 2 **Discuss concerns with MLRO if not immediately and completely satisfied by client/third party explanations**
- 3 **Record decision NOT to report - if that is the appropriate course (which it will be if the matter is litigious or the matter merely involves advice)**
- 4 **Complete Suspicious Matter Report Form if that is the appropriate course (which it will be if litigation is sham or bogus or the matter involves transactional activity) - complete with details of steps to be taken, timescales and need for urgency**
- 5 **Hand matter file over to MLRO to deal with**
- 6 **Do not discuss the fact that a report has been made with anyone until consent conferred to proceed and even then, only if absolutely necessary.**

This article expresses the personal views of the author and does not necessarily stand on its own and is not intended as a substitute for legal advice. No responsibility for loss occasioned by any person acting or not acting as a result of this material can be accepted by Trevor Hellawell or Ex-L Professional Skills

INTERNATIONAL WORKING FOR YOU

Monique Bertoni
Administrator

Tel. 01392 411 585
monique.bertoni@devonlawsociety.org.uk

The work of DELS International Relations Sub-Committee goes from strength to strength and here is an update on its activities.

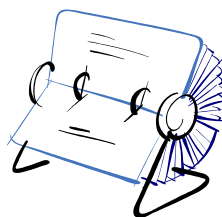
Whilst over 400 books are now ready to be despatched – and many thanks again to all who have contributed - the Zimbabwe link is still in its infancy. We need more volunteers on our “E-friend” list. The idea is that lawyers from Zimbabwe can be linked to a DELS solicitor who will provide research help and general support. Please contact Monique at DELS office if you want to join this scheme.



Members are also invited to put their names forward if they wish to be included in DELS delegation to go to Verona from 30 September to 2 October 2005 for the solemn signing of our twinning agreement with that great city. Again please contact Monique at DELS office. It is proposed that we make a block booking for both flight and hotel accommodation. More details will follow.



Your Sub-Committee is also considering ways of diverting international business to Devon for the benefit of DELS members. The proposal is to set up a database which we will be able to promote to the Society's Twin Bars and which can be used when dealing with requests for help from abroad. If you would like to be included on this database, either as a firm, or an individual member, please let Monique have the relevant details i.e. language skills and practice areas.



ARE YOU MAKING THE MOST OF PRO BONO WORK?

Rebecca Rickard
Business in the Community

Many legal firms undertake pro bono work for local community groups and charities on an informal basis, seeing it as part of their responsibility as ethical firms, to give something back to society.

However, many firms do not make the most of the exciting opportunities that pro bono work presents, both in terms of regenerating our local communities and developing significant new business.

Now a new programme in Devon has been set up, which can help make your pro bono work more effective.

ProHelp is the largest pro bono programme in the UK, involving over 1000 firms nationwide in offering £6.3 million pounds a year of free professional support to the voluntary sector. ProHelp groups of like-minded firms exist all over the country, with the Devon group being one of the newest.

Devon ProHelp consists of local and regional professional firms from a variety of disciplines, including architects, surveyors, accountants, property consultants and legal firms. The firms pledge to give a number of pro bono hours a year to assist not-for-profit projects in the local community, on a one-off basis. The firms choose how many hours to give, and can accept or decline projects at their discretion.

Being part of ProHelp enables firms to play a role in some of Devon's most exciting regeneration projects – the group is already involved with major community development schemes in areas such as Princetown and rural mid-Devon. These projects are bringing networks of professional firms together working as teams, which leads to excellent new business leads for all. It is also generating high-profile press coverage in support of its members' work, as demonstrated by a recent series of features in the Western Morning News. ProHelp also helps community projects get funding, which means a high proportion of pro bono clients turn quickly into fee-paying clients.

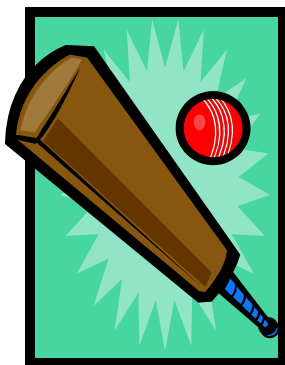
But most importantly of all, being part of ProHelp offers firms the chance to increase their impact on the community without undertaking more hours. By recording their pro bono hours officially as part of ProHelp, community groups can in many cases, get matched funding for firms' in-kind support, effectively doubling the amount of help received. So for every £100 worth of free time a firm gives, the community group could receive another £100.

The Devon group, chaired by architects, Stride Treglown, already has over twenty member firms, with legal firms such as Ashfords and Wolferstans involved in a variety of work, including lease negotiations and helping community groups get charitable status. However ProHelp firms do not offer help with litigation.

The group is growing rapidly and is attracting some of the county's leading professional practitioners. It is now looking to recruit more legal firms. If you are interested in finding out about joining Devon ProHelp, please contact Rebecca Rickard at Business in the Community on 01392 421740 or email rrickard@bitc.org.uk

DELS CRICKET TEAM

Keith Biggs
Foot Anstey



The fixture list has now been settled for this Summer's fixtures which, as usual, will be against the Devon & Exeter Accountants and the Cornwall Law Society.

The accountants' game is an afternoon match (40 overs a side) which will take place at the County Ground in Exeter. This year's Cornwall game is an away fixture, and will be an all day game down at Falmouth Cricket Club. The accountants' game is due to take place on **Monday 25th July** (2pm start) whereas the Cornwall game will start at 11.30 a.m. on **Friday 8th July**.

Please could any new members or lawyers to the area wanting to be considered for selection contact **Nigel Butt** at:-

Windeatts

19 High Street, Totnes, Devon EX1 1RF

Telephone Number: 01803-862233

E-mailAddress:

nigel.butt@windeatts.co.uk

...to confirm their availability for selection.

We are always looking for new blood and so please mention the games to colleagues in the office who may not receive the newsletter.

DELS DINNER & DANCE 2005



This year's dinner and dance was well attended and enjoyed by all. Even DELS Staff were able to take time from their duties to trip the light fantastic!

N

FIND OUT HOW TO MAKE THE MOST OF PRO BONO WORK

Devon and Exeter's law firms are being invited to attend a **free breakfast event** to find out how to make the most of pro bono work through ProHelp.



O

The event takes place on Thursday 30 June from 7.45 - 9am. It is being held in conjunction with the South West Regional Office of the Law Society and is hosted by the Bank of England, Dix's Field, Exeter, EX1 1QA.

The purpose of the event is to show how firms have developed their businesses and their employees by working in local communities, and to explore new opportunities for firms to get involved in exciting projects on their doorsteps, through ProHelp.

Firms will receive an invitation to the event in the next few weeks, but for more information please contact Elizabeth Dyer at elizabeth.dyer@lawsociety.org.uk or by Tel. 0117 929 5170

T

'STARTING OVER' – A DOCUMENTARY ABOUT DIVORCE FOR CHANNEL 4

Betty tv is an independent television production company which specialises in documentaries about real people and real issues that can face any of us.



'Starting Over' will be a documentary following a separating family through mediation or collaborative family law for Channel 4.

They are looking for a family who want to negotiate their separation amicably to take part in this film.

For further details please contact;

Lana Salah on 020 7290 0660 or lane@bettytv.co.uk

I

AON Presents:

C

PROFESSIONAL INDEMNITY INSURANCE AND MANAGING YOUR RISK

This presentation will keep you up to date with the progress within the Professional Indemnity Insurance market. It will provide practical guidance on developing a risk aware culture within your firm, bring home the types of errors that frequently occur, provide Aon's thoughts about the forthcoming 2005 renewal season and how you may best present your firm's risk profile.

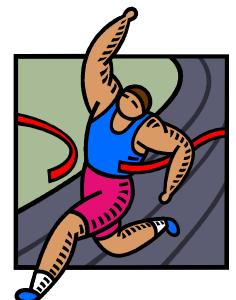
E

Date: 25th May 2005
Time: 9.30 am – 12.45 pm
Venue: The Devon Hotel, Matford, Exeter
Course Cost: £25 donation to Devon Air Ambulance Trust

Please contact AON directly on 0117 948 5037 for further details and a booking form.

S

CONGRATULATIONS to Lee Osborne of Exeter firm Over Taylor Biggs who completed the Flora London Marathon 2005 in 4 hours and 8 minutes. He ran the race in aid of CLIC (cancer and Leukaemia in Childhood) and has so far raised over £1000.



Any further donations would be greatly received.
Please contact Lee at: Lee.Osborne@otb.uk.com

Members of the Devon & Exeter Law Society
and Members of the Judiciary and local Bar
are warmly invited to a



JOINT RECEPTION



To be held on Friday 10th June 2005
at 6.00 p.m. at Larkbeare, Exeter.

Members are warmly invited to attend this informal joint function between Solicitors in the DELS area and members of the local Judiciary and the Bar. This is the sixth Reception and this year it will be held at Larkbeare House, Topsham Road, Exeter.

Tickets to include a selection of canapés and nibbles, wine and soft drinks are available at **£15.00** + VAT (£17.63) per head.

Dress is Lounge suits. Please complete the form below and return it to the Administrator, Miss Monique Bertoni, with your payment. Places will only be allocated when **accompanied with full payment** and strictly on a first-come, first-served basis.

✂-----

JOINT FUNCTION DELS/BAR/JUDICIARY, FRIDAY 10 JUNE 2005, LARKBEARE

Name in full

Firm / Chambers

Address (DX Preferred)

.....

..... Tel. No.

I wish to attend the Joint Function on 10 June 2005 at Larkbeare House and enclose my cheque for £17.63 (£15.00 + VAT) in favour of the "**Devon & Exeter Law Society**".

PAYMENT MUST ACCOMPANY ALL BOOKINGS.

Please return this form to:- Miss Monique Bertoni, Administrator, Devon & Exeter Law Society, Suite 5, Renslade House, Bonhay Road, Exeter EX4 3AY.
DX 8361 Exeter 1 - Tel. 01392 411585 - Fax 01392 431511
e.mail monique.bertoni@devonlawsociety.org.uk



Devon & Exeter Law Society Young Solicitor of the Year 2005 Award



Following the successful introduction of this award last year, the Devon & Exeter Law Society is delighted to repeat its search for a young lawyer whose achievements exemplify the outstanding standards of the profession in the South West.
Terms of the award printed overleaf.

NOMINATION FORM

How to apply:

Nominations should be accompanied with a note or explanation which should not exceed 500 words, setting out your reasons for making the nomination, listing any achievements by the solicitor. Please include any achievements either within or outside the legal profession – 2-5 achievements would be ideal.

Closing date for entry is 4.00 p.m. on 31 October 2005.

- NOMINEE
- NAME
- FIRM
- POSITION
- PHONE
- EMAIL

NOMINATED BY

- NAME
- FIRM
- POSITION
- PHONE
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**DEVON & EXETER LAW SOCIETY
YOUNG SOLICITOR OF THE YEAR AWARD**

YOUNG SOLICITOR OF THE YEAR AWARD 2005

TERMS & GUIDELINES

Eligibility: The award is aimed towards a young solicitor whose contribution to the legal profession has been judged by a panel of experts to be the most outstanding of the year. Essentially candidates should stand out from their colleagues as a lawyer who has made a significant impact, taking into account the time they have been practising and any notable difficulties they may have overcome.

Each nominee must be:

- 35 or under on the date when nominations close
- A qualified solicitor
- A member of DELS

The judging panel will be looking for a young solicitor who:

- demonstrated involvement at a responsible level in interesting, challenging or new areas of law.
- shows a dedication to clients
- has involvement in projects with significant impact on the community i.e. the ability to participate in local projects and contribute to local charities, education e.g. schools and active participation in community life.
- can demonstrate involvement in and understanding of the region
- is determined and motivated to succeed within the legal profession and carries out their work to the highest professional standard.
- has good communication skills.

Notes:

The award is mainly directed towards fee earning work which assists clients. However, non-fee earning work for instance marketing, new initiatives and a broader contribution to the profession may be considered.

The winner of the award will be presented with a certificate and a cheque for £100.00 at the Society's dinner and dance on 3 March 2006.

How to apply:

- The DELS will ask member firms and other member organisations e.g. local authorities, CPS to submit nominations.
- These nominations should be accompanied with a note or explanation which should not exceed 500 words, setting out your reasons for making the nomination, listing any achievements by the solicitor. Please include any achievements either within or outside the legal profession – 2-5 achievements would be ideal.
- Closing date for entry is 4.00 p.m. on Monday 31 October 2005.
- The judging panel will be the Vice President's Committee for the time being of DELS.
- In judging, the judges will apply the criteria using their skill and judgment, considering information that is put to them in the nomination form, and their knowledge and experience of the legal industry.
- The judges will declare the winner by 1 December 2005.
- The decision of the judging panel is final.

YOUNG SOLICITOR OF THE YEAR AWARD 2005

OFFICERS OF THE SOCIETY FOR 2005/2006

The Officers were elected as follows:

President	..... P R Mole (North Devon), Chanter Ferguson, Bideford.
Vice President	..... C D Hart (South Devon), Hooper & Wollen, Torquay.
Junior Vice President	..... V E S Salomonsen (Exeter & East Devon), Bond Pearce, Exeter.
Honorary Secretary	..... J A Spiers, Michelmores, Exeter.
Honorary Treasurer	..... R A Adams, Crosse & Crosse, Exeter.
Immediate Past President	..... P A Derbyshire (Exeter & East Devon), Ford Simey, Exeter.
The Law Society Council Member	..... C J C Palmer, Ashfords, Tiverton.

One person was elected to the Committee for three years. Apart from the Officers above, the Committee Members are as follows:

Chairman: Education & Training Sub-Committee including Advocacy	..... G G N Bond, Tozers, Exeter.
Chairman: International Relations Sub-Committee	..... P A Derbyshire, Ford Simey, Exeter.
Chairman: Litigation & Costs Liaison Sub-Committee	..... A M McNicol, Foot Anstey Sargent, Exeter.
Chairman: Mediation Sub-Committee	..... J J Ferguson, Chanter Ferguson, Bideford.
Chairman: Non Contentious Business Sub-Committee	..... R S Coram, WBW, Exeter.
Chairman: Practice Management Sub-Committee	..... S Sanger-Anderson, Tozers, Exeter.
Local Government Representative	..... R Gash, Devon County Council, Exeter.
Crown Prosecution Service Representative	..... R D Bowen, Exeter.
Solicitors Benevolent Association Representative	..... J C R B Lee, Symes Robinson & Lee, Crediton.

D P White, Ashfords, Exeter.
Mrs C S Reynolds, Hartnell Chanot & Partners, Exeter.
T G Penny, Notary Public, Willand.
J Griffin, Everys, Honiton.
M B G Cosgrave, Harold Michelmore & Co., Newton Abbot.
R J G Blair, WBW, Torquay.
Mrs M Macfarlane, Veitch Penny, Exeter.