

# Newsletter



DEVON & EXETER  
LAW SOCIETY

[www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk)

**May 2007**

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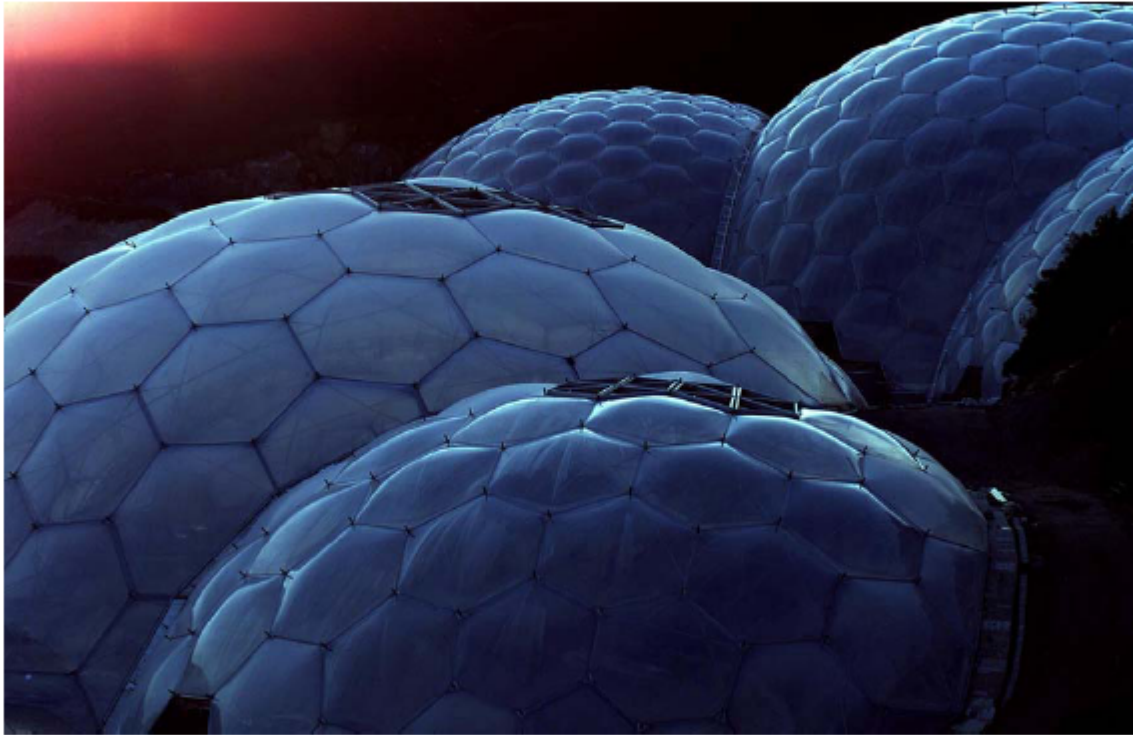
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# President's Diary

By Erik Salomonsen, President

I am proud and delighted to have taken over as President from Chris Hart.

He said at last year's AGM that his year would be one of considerable change for The Law Society and indeed we now have, to coin a phrase, 3 independent voices and one profession.

Chris has managed to balance the work of a busy Managing Partner in a successful law firm with his leadership of DELS and his representation of the profession in Devon & Exeter.

Chris is not only held in high esteem by all of us, but also by the national Society. In February he spoke at a conference in Chancery Lane and then took part in the Panel discussion with the Chief Executive, the Vice President and the President of the Leeds Law Society. He has ensured that DELS' profile and views are heard at the highest level.

I was very pleased at the AGM to be able to propose a vote of thanks on behalf of all of you to Chris for his hard work.

The membership of DELS has never been higher. The successful introduction of associate status last year enabled us to involve younger members of the local profession in our activities.

I very much hope that this will continue during the current year. At the AGM I said that I was, of course, aware of the tensions within firms leading to pressures on all practitioners to fulfil time, money and business winning targets. Whilst this is essential we must never lose sight of the fact that we are members of a profession and, as Rule One of the new Code of Conduct says, our principal duties are to uphold the rule of law, and to act with integrity and in the best interests of each client.

I very much hope that this year DELS can continue to broaden its appeal to you as the membership and I would urge you to become involved in the activities of the Society, or if you do not believe that the activities are the right "fit" please let me know and suggest what you would find appealing.

Members of the Committee and Sub-Committees devote many hours of their time to DELS' activities and representation, not all of it acknowledged. I know as I take office how much we depend upon the work which they carry out, underpinned of course by the committed and hardworking staff at Renslade House.

I also strongly believe that members of the local profession devote many hours of their time to charitable and voluntary work within their local community.

I hope that you will all join me this year in raising funds for the two charities that I have nominated for my year in office.

The first is "Farms for City Children". This is an educational charity founded in Devon 31 years ago by Michael Morpurgo, whose aim is to develop children's potential and build up self esteem. During the last 31 years the charity has enriched the lives of thousands of children from our inner cities, including many who are disadvantaged and many who have special educational needs.

The second charity is Macmillan Cancer Support, which currently supports the work of 65 specialists in Devon and is funding new cancer care services in North Devon, at the RD&E for Exeter, East & Mid Devon, in South Devon and in South West Devon. In addition Macmillan gave grants last year to 356 Devon people whose condition had created financial hardship.

Do please come forward with fundraising ideas. In order to start the ball rolling I have announced that there will be three business quizzes held in North Devon, Torbay and Exeter respectively where we will join with other professionals in both networking and fundraising. I have sounded out other professions and have met with enthusiastic support.

The Society will continue to pursue all necessary strategic options to strengthen DELS in a time of dramatic change within the profession and at a time when some of the services that we have expected to be provided by the national Law Society will no longer be available.

The marvellous recruitment service and training provided through Renslade House will, of course, continue and I would encourage all members to make use of the services which the Society offers.

We were joined at the AGM by Professor Simon Payne, who is the Head of the Plymouth University Law School, which is now the provider of the LPC. Simon was articled to a Devon firm and will always do his best to counter the "London" drift of the best Graduates.

In the March Newsletter Nigel Firth, the Careers Coordinator at the Plymouth Law School, told us that the Law School was seeking to set up an informal mentoring/work placement scheme for Plymouth University students with progressive regional firms. I encourage all members to take full advantage of this opportunity.

**Turn to page 8 to read an interview with Erik Salomonsen.**

## Patient Referral

It has recently been drawn to our attention that staff at local hospitals are often asked to refer patients to solicitors but are uncomfortable in so doing without knowing which solicitors specialise in a particular area of law.

The enquiry arose specifically in the context of occupational industrial disease but it does seem that the matter would have a rather wider application.



We have written to all the local hospitals encouraging them to use the DELS office for referrals. However if any member is aware of specific hospital contacts then please let the office know.

## Letters to the Editor ...

...are always welcome. Please write to Tony Spiers at Suite 5, Renslade House, Bonhay Road, Exeter, EX4 3AY (DX 8361 Exeter) or email [mail@devonlawsociety.org.uk](mailto:mail@devonlawsociety.org.uk)

# The Complexities of Cannabis

By Allen Morgan MSc

It is now estimated that over 60 per cent of the United Kingdom cannabis market is domestically grown cannabis. Previously the market was dominated by cannabis resin and particularly cannabis resin produced in North Africa. The most common form of illicit cannabis seized in the UK was the Moroccan variant, commonly referred to as 'Soap Bar'.

In recent years there have been growing concerns amongst cannabis users over the number and nature of adulterants that have been mixed into 'Soap Bar' to bulk out its weight and boost the profits for dealers. This has led to a significant decline in the drug's popularity. Concerns over the health risks associated with using 'Soap Bar' due to the nature of the adulterants such as glue, melted down vinyl and engine oil has led many users to attempt to grow and cultivate their own cannabis in the knowledge that it is at least "organic".

In the past decade in the UK the cultivation of cannabis has transformed into a growth industry due to the proliferation of "grow-shops" and internet websites. These provide all the necessary equipment such as lighting, venting and heaters along with a variety of seeds designed for producing the plant under artificial lighting.

Unfortunately this growing consumer demand for the premium product commonly referred to as "Skunk" has led to criminal gangs, predominantly South East Asian, producing the drug on a vast scale. The most common method is to arrange the rental of a private house and transform it into a "Cannabis Factory" by bypassing the electricity meter and installing hydroponic equipment and lighting controlled by timers.

In response to this problem law enforcement activity is increasingly shifting away from drugs such as heroin, cocaine and crack cocaine and focusing on cannabis growers. At present the South West has seen little evidence to suggest that the large-scale production of cannabis is a problem in the area. However increasingly police intelligence is suggesting that criminal gangs are moving away from the traditional areas of the Home Counties and selecting properties in rural locations where their detection is less likely.

However not all growing is conducted by

criminal gangs indeed the vast majority of cannabis growers would consider themselves as little more than "honest hobbyists". These growers derive considerable pleasure from growing the plant in much the same way as someone producing their own vegetables or brewing their own wine and often see little harm in what they are doing.

Unfortunately even the most modest grow if successful can produce yields far beyond what would normally be considered "*personal use*". In these circumstances it is often the case that the successful grower if detected is charged with more serious offences of drug trafficking or production and that a Proceeds of Crime Act investigation is instigated in an attempt to target any assets attributed to the growing of the plants.

Very few police officers acting in an expert capacity in order to advise the Courts truly understand the complex mechanics involved with successfully producing cannabis to maturity. It is very often the case that potential yields and subsequent valuations based on the premium "Skunk" product are hugely inflated leading to an inherent risk of a miscarriage of justice if left unchallenged.

Allen Morgan is an independent expert witness and substance misuse lecturer based in the South West, who specialises in cannabis cultivation and drug trafficking cases.

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## Thank You!

The Exeter TSG would like to extend their thanks to everyone who participated in the Shelter Quiz, which was held on March 6th.



They managed to raise £590.05 for Shelter.

TSG would also like to thank DELS for the generous support they gave for this event.

# News from the Sub-Committees

By Angus McNicol, Chair of Litigation and Costs Liaison Sub-Committee

Stephen Nunn of Nunn Rickard has kept the Litigation & Costs Liaison Sub-Committee updated as to a proposal by the Court Service to centralise Saturday and Bank Holiday Courts in Exeter. This would have meant that prisoners from North Devon would have had to be transferred down to Exeter for these Hearings and the burdens on North Devon Criminal Practitioners would have been substantially increased either as a result of having to travel to Exeter on Saturdays/Bank Holiday or having to line up Exeter agents to attend these Courts on their behalf.

After forceful representations as to the feasibility of this proposal, made by Stephen Nunn and many others including North Devon Practitioners, we were notified on 19 April 2007 that the matter had been considered by the Justices Issues Group and they had decided not to proceed with this proposed centralisation.

Again, a vote of thanks needs to go out to Stephen Nunn and many others who managed to prevent this misguided proposal being put into effect.



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2x Lightpointe 100MB FlightLite 100 Laser Links. 2x Power Over Ethernet adapters. Includes mounting Brackets. Approx 2 years old. Cost £4000 new, sold as seen. Contact Andy Fisher at Stones Solicitors on 01392 666826 for more info.

# Devon and Exeter Law Society New Members.

## We would like to welcome ...

1. Mrs Claire Agnew, Messrs Stones, Exeter
2. Mr James Barisic, Messrs Ford Simey, Exeter
3. Mr Stephen Bell, Messrs Hooper and Wollen, Torquay
4. Mr Neal Bertram, Messrs Over Taylor Biggs, Exeter
5. Miss Louise Boden, Messrs Stones, Exeter
6. Mrs Rachel Buckley, Messrs Hartnell Chanot and Partners, Exeter
7. Mrs Katrina Byrne, Messrs Stones, Exeter
8. Miss Ann-Marie Davies, Messrs WBW, Torquay
9. Miss Charlotte Davies, Messrs Foot Anstey, Exeter
10. Ms Emma Davy, Messrs Kitson Hutchings, Exeter
11. Mr Paul Dentith, Messrs Almy & Thomas, Torquay
12. Mrs Pauline Drake, Messrs Stones, Tiverton
13. Mr Jon Dunkley, Messrs Toller Beattie, Barnstaple
14. Mr Leslie Durbin, Messrs Toller Beattie, Barnstaple
15. Mr Nicholas Dymond, Messrs Charlesworth Nicholl & Co, Crediton
16. Miss Claire Elphick, Messrs Gilbert Stephens, Exeter
17. Mr Simon Exley, Messrs Slee Blackwell, Barnstaple
18. Mr Matthew Fearnside, Messrs Trowers & Hamlins, Exeter
19. Mrs Katherine Foster, Messrs Gilbert Stephens, Exeter
20. Miss Dawn Gallie, Messrs Stones, Exeter
21. Mr Michael Gaye, Messrs Kitson Hutchings, Newton Abbot
22. Mr Jeremy Gillham, Messrs Samuels, Barnstaple
23. Mr James Hamblin, Messrs WBW, Exeter

24. Mrs Deborah Hamzija, Messrs Ford Simey, Exeter
25. Mrs Sarah Hargreaves, Messrs Michelmores, Exeter
26. Miss Julia Honeywill, Messrs WBW, Newton Abbot
27. Mr Mark Howard, Messrs Michelmores, Exeter
28. Miss Sarah Hubery, Messrs Slee Blackwell, Braunton

38. Mrs Nicole Phare, Messrs WBW, Torquay
39. Mrs Lucila Quinn, Messrs Quinn & Co, Dunsford, Exeter
40. Miss Sian Rees, Messrs Peter Peter & Wright, Barnstaple
41. Mr Jonathan Riley, Messrs Michelmores, Exeter
42. Mrs Katja Robins, Messrs Parlett Kent, Exeter
43. Mr Mackenzie Robinson, Messrs Eastleys, Paignton
44. Miss Donna Rowland, Messrs WBW, Exeter
45. Mr Philip Ryley, Messrs Michelmores, Exeter
46. Mrs Claire Sharp, Messrs Kitson Hutchings, Exeter
47. Mrs Catherine Sherwin, Barnstaple
48. Miss Emmajane Slade, Messrs Samuels, Barnstaple
49. Ms Zara Svensson, Messrs Slee Blackwell, Barnstaple
50. Mr Alan Tate, Messrs Trowers & Hamlins, Exeter
51. Miss Rachel Tilley, Messrs Michelmores, Exeter



29. Mr Anthony Johnson, Messrs Michelmores, Exeter
30. Mr Nicholas Johnson, Messrs Kitson Hutchings, Torquay
31. Ms Sarah Jordan, Messrs Michelmores, Exeter
32. Mrs Jennifer Kemp, Messrs WBW, Newton Abbot
33. Mr Brett Lawrence, Messrs Slee Blackwell, Braunton
34. Mr Timothy Lewis, Exeter City Council, Exeter
35. Miss Hannah Livings, Messrs Trowers & Hamlins, Exeter
36. Miss Anna Lovell, Messrs Michelmores, Exeter
37. Mrs Claire Perry, Messrs Ford Simey, Exmouth

52. Mr John Townsend, Messrs Boyce Hatton, Torquay
53. Mrs Louise Tribble, Messrs Michelmores, Exeter
54. Mr Jolyon Tuck, Messrs WBW, Torquay
55. Mr Dominic Tucker, Eastleys Defence Service, Plymouth,
56. Miss Karen Warner, Messrs WBW, Exeter
57. Mr Alexander Williams, Messrs Michelmores, Exeter
58. Ms Natasha Williams, Messrs Atkins Law, Exeter
59. Mrs Analiza Wright, Messrs Ford Simey, Exeter

### Remember: Legal Sunday Service



**10th June  
2007**

### Can You Help ?

Mr Basil Gladwell, currently living in New Zealand, is seeking information on his relative, Eva Gladwell. He can find no information on her death but would like to know more. She was living at Doric Cottage, 10 Mansfield Terrace, Budleigh Salterton at the time of her husband, James Morris Heber Gladwell's death on December 14th

1949. Do any firms have archived information showing that they acted for either Mr or Mrs Gladwell, or assisted in the administration of their estates?

Please contact Charlotte at the DELS office if you have any information.

# A Beginner's Guide to the UN

By District Judge Jill Wainwright

## THE BEIJING DECLARATION

September 1995, Beijing, at the Fourth World Conference on Women, a declaration was made by all the Governments participating, on the 50<sup>th</sup> anniversary of the founding of the United Nations. That declaration acknowledged the voices of all women everywhere and was determined to advance goals of equality, development and peace for all women everywhere. It recognised that advancements had been made but were spasmodic, that major obstacles remained, exacerbated by poverty in the lives of the majority of the world's people, in particular women. It also recognised that women's empowerment and their full and equal participation in decision making processes are fundamental to the achievement of equality, development and peace.

A Platform for Action was set out identifying critical areas of concern as follows:

- i. persistent and increasing burden of poverty on women
- ii. inequalities and inadequacies in and unequal access to health care related services
- iii. violence against women
- iv. the effect of armed and other conflict on women
- v. inequality in economic structures and policies
- vi. inequality in men and women sharing power at all levels
- vii. insufficient mechanisms at all levels to promote the advancement of women
- viii. lack of respect for the rights of women
- ix. stereotyping of women
- x. gender inequalities in the management of natural resources and safeguarding the environment
- xi. persistent discrimination against and violation of the rights of women and girls

I was therefore very interested to be invited to attend the United Nations in New York through the International Association of Women Judges (IAWJ) for the 51<sup>st</sup> session of the Commission on the Status

of Women (CSW) to review that platform some 12 years on. What followed from this was the steepest learning curve on the workings of the UN, and its subsidiary organisations and an inspiring series of meetings and presentations. It is so easy to become complacent about our own judicial lives and "baggage", and lose sight of the wide ranging series of real, sometimes life threatening issues facing other nationalities which have certainly served to broaden my outlook! It served as a reminder of the progress already made in our country towards equality, of the progress yet to be made, and of the tribulations of others still striving.



The very first lesson was to get used to everyone referring to organisations and bodies by their initials, of commissions and/or conventions (some of which are pretty obscure) so be warned, it can start out as a profoundly bewildering experience!

## THE COMMISSION ON THE STATUS OF WOMEN

The first problem is to navigate the organisation and an individual commission. The CSW was established in 1946 under the auspices of the Economic and Social Council (ESoC) to prepare recommendations and report to ESoC on promoting women's rights in the political, economic, civil, social and educational fields. Also to make recommendation on urgent problems requiring immediate action in the field. Each year since the Fourth World conference on Women in Beijing in 1995 the CSW has been mandated by the UN General Assembly to review progress in the implementation of

commitments made at international meetings and conferences for the advancement of women, most specifically the critical areas of concern (see above) identified in the Beijing Platform for Action (BPfA). It is also to develop its role in ensuring a gender perspective in UN activities.

The CSW consists of 45 members elected by the Economic and social council for a period of 4 years. Members appointed by governments are elected on the following basis; 13 African states, 11 Asian states, 4 from eastern European, 9 from Latin America and the Caribbean and 8 from Western Europe and other states, of which the UK is one.

## THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Convention on the Elimination of all forms of Discrimination Against Women "CEDAW" was adopted in 1979 by the UN General Assembly and is often described as an international bill of rights for women, defining what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. It came into force on 3<sup>rd</sup> September 1981. By ratifying or acceding to the Convention, countries are legally bound to put its provisions into effect, and to submit at least every 4 years national reports on measures they have taken to comply with their treaty obligations.

In 1999, the UN General Assembly adopted the Optional Protocol of the CEDAW Convention, which, if ratified by a state means they recognise the competence of the Committee on the Elimination of Discrimination Against Women – the body which monitors states parties compliance with CEDAW – to receive and consider complaints from individuals or groups within its jurisdiction. The CEDAW Optional Protocol entered into force in December 2000 and is an important vehicle to use if there is a particular area of concern in a state which has ratified.

In 2000, a comprehensive review and appraisal of progress made in the

implementation of the BPfA was undertaken by the 23<sup>rd</sup> special session of the General Assembly (Beijing + 5) entitled "Women 2000 ; gender equality, development and peace for the 21<sup>st</sup> century".

The CSW has recently adopted a new working practice whereby there is a priority discussion theme set each year, based on the BPfA, together with discussions on a priority theme from a previous CSW. The CSW meets over a 2 week period.

So far, so good – or so I thought. Got the brief background on the Commission, so should be easy from now on – then one discovers the NGO (non governmental organisations) committee on the Status of Women, NY known as NGO/CSW/NY!

### THE NGOS

This is a charitable corporation in the State of New York, was established in 1972 as a committee of the conference of NGOs in Consultative Status with the UN to provide a base of support for the First World Conference on Women. There are NGOCs in Vienna and Geneva, and they all work together to promote at local, national and international level a dialogue between individual NGOs and the UN with the ultimate aim of promoting sound government policies for women globally. The various NGOs which attend the Commission have meetings and make presentations in and around the main UN building, and build up a consensus on issues, whether internationally, regionally, or on very specific matters and caucuses on themes and geographic regions are arranged so that collective strength can be put behind certain issues.

These NGO meetings carry on whilst the Commission itself is meeting using the draft proposals as a base for discussion. The NGO meetings are open to all, whilst during the Commission sessions generally only the UN delegates can contribute (as a registered attendee you can watch but not participate) although time is made during the Commission both for statements to be made by NGOs during the General Debate, and for question to be posed or statements made during the Expert Panel discussions of the Commission itself.

So..... back to the NGO meetings and general sessions. Draft outcome

documents have already been prepared on varying issues, on this occasion in September 2006 at the Innocenti Research Centre in Florence at an Expert Group Meeting (EGM) and they form the basis of the NGOs meetings too as they will then identify whether there are issues arising from these, and can suggest alternative wordings. Essential reading, therefore are, the initial UN documents, especially those which have already been ratified; to know ones own governments stance on these and on any emerging issues, together with that of other countries in your own regional group; to be aware of any accession to treaties, any reservations made, and any public statements.

Then there is the need to know what is going on in the political affiliation and groupings of nations (which can change over the course of time), and often countries belong to more than one group.

Confused? I certainly was – and this was before even getting to the priority themes of "the elimination of all forms of discrimination and violence against the girl child" which together with the review of "the role of men and boys in promoting gender equality" were the major topics of debate. This was where individual NGOs came into their own in presentations on those areas of most concern to them – whether it be gender based discrimination from before birth, through childhood, adolescence and adulthood, whether skilled or unskilled workers – to all in every role - even judges.

The EGM paper addressed four issues relating to the girl child:-

- \* protection of girls
- \* girls in especially vulnerable situations
- \* empowerment of girls
- \* institutional arrangements to accelerate elimination of discrimination and violence against the girl child

and followed an on line discussion, several papers and experts reports. Issues thus identified were:-

- \* targeting of girls for sexual exploitation in armed conflict and aftermath
- \* that girls as well as boys are child soldiers with specific needs in post conflict rehabilitation
- \* vulnerability to HIV/AIDS through

- sexual exploitation and of caring for siblings in child run households
- \* abuse in so called safe environments ie. Home, school and community settings
- \* failure to include girls in data collection, research etc..
- \* empowerment of girls in early adolescence
- \* girls in developed countries not to be ignored
- \* harmful traditional practices e.g. Genital mutilation, female infanticide, prenatal sex selection, dowry related violence, honour crimes, forced marriages, expectations of body weight and appearance and the need to educate against these
- \* the greater vulnerability of girls in times of conflict.
- \* Lack of education in sexual health
- \* Risks of early marriages
- \* Enforced prostitution

The consensus is to adopt a human rights based approach to be applied across the life cycle of girls and women – so that during childhood, girls acquire the knowledge, skills and opportunities they need in order to realise their full potential and enjoy their rights as children and later as women. But it was recognised that many interventions were reactive on a rescue and recovery basis rather than proactive or focussed on prevention and protection. Stress is laid on the need to provide "girl friendly" spaces to provide them with a voice. High risk groups were identified as follows:-

- \* sex selective abortion and female infanticide – one study showed that the sex ratios had as a result been skewed in parts of India from almost equal being the norm to 800 girls to 1,000 boys already and this has already lead to trafficking in young women and girls as "brides to be".
- \* Genital mutilation – the practice still effects 3 million girls each year and has numerous health effects
- \* Child marriage – sometimes as young as aged 6 with obvious health and opportunity impacts
- \* Child mothers and girl head of households
- \* Poor health education – with links with HIV/AIDS, obstetric fistula and the subsequent social rejection
- \* Girl refugees/asylum seekers and

So – that is the platform for discussion and that took me to the opening of the Commission – a quite spectacular array of nations attending. The conventional conference room with the benches arrayed in semi circular fashion, each country's mission (nearly 200) sitting behind their nations name – the hum of simultaneous translation in the air - and video relayed to another huge conference room due to the need for overflow space for observers. Much protocol was observed and it took a great deal of time to say a very little – but it was still impressive seeing this rather ungainly beast in motion. Another lesson learned was to contact your own country's mission before attending, so that you are recognised by them and kept informed as to what is going on relevant to yours and their interests.

Following this rather brutal first immersion, I went to where all the ground work was being done at the NGOs meetings, and where the real human stories are told.

The statistics:-

55 million girls in the world are not in education  
 140 million girls and women have been the subject of female genital mutilation and 3 million will be at risk of this happening to them in the next year  
 82 million will be married before their 18<sup>th</sup> birthdays  
 40% of child soldiers are girls

The nations:-

### Kenya

- \* where the inheritance laws mean that women are unable to inherit equally with the same level of relative because of a specific interpretation of the Qu'ran.
- \* where according to a rape law passed in 1930, if an accused is acquitted the accuser gets the same sentence as the accused would have done if convicted
- \* where there is a belief that sex with a baby can cure AIDS
- \* where there are townships unrecognised by the state in excess of 800,000 people (including 93,000 girls) in 4 square kilometres, thus - no water, no sanitation, health care or education and girls are being infected with AIDS at a rate of 6 times the rate of boys

### Taiwan

- \* where trafficking of Thai, Vietnamese, Chinese and Cambodian women occurs, both in and out of the country to Japan and the US and elsewhere for marriage, sexual exploitation and labour

### Iran

- \* where, although stoning to death for adultery has been banned, there are currently 9 still sentenced to stoning
- \* Where a girl's age of majority is 8 years and 9 months
- \* Where a daughter's share of inheritance is one half of the sons
- \* A girl has no right to marriage without her father's consent, no right to divorce and no access to sexual education
- \* And women's rights to custody of their child is nil for a child over 7 and
- \* There are no women judges

### America

- \* where the difficulty of enforcement proceedings in battles over children between states had led to the inability of the relevant police forces to protect children who had as a result been murdered

### Namibia

- \* where the pandemic of HIV has led to so many orphans that they cannot be catered for properly

Where to now?

What started as a depressingly endless tale of the awful things happening around the world turned into a hopeful tale of the small beginnings being made in the protection and education of this vulnerable sector of society.

Schools from better off communities were pairing up with those less well off and supporting them within Kenya. In New York adolescent girls clubs were being formed and run by the girls themselves eventually giving training in careers, and becoming on the way a self sustaining business – the New York Girls Bakery Business – which started with cookie lessons now runs a small business school, an art gallery and courses in the arts! In

Namibia, there was a child to child approach so that one child would “adopt” another, visit, sponsor and make them each feel loved and wanted and cared for. Small temporary schools being set up in the townships in Kenya by voluntary agencies (and sometimes just individuals) training the girls themselves to carry on the education on human rights, sexual health, economic training.

The IAWJ in their own way contributing to this by organising and funding programmes in Afghanistan and several African regions for the training of judges, and children in human rights and citizenship issues and funding the purchase of legal and law texts for judges in Afghanistan when it was discovered there where none available to them.

The common themes were to improve access to quality education for girls – a key to everything else, with the rights AND RESPONSIBILITIES of all members of society and enforcement of those rights following on. Media campaigns to raise awareness in rural areas, and to identify and protect invisible girls. And most particularly to engage locally, and for individuals to be given the facilities/ education and wherewithal to exercise those rights and responsibilities .

Thus the issues were aired, and following caucus meetings for each region and issue, agreed statements would then be put on the real emerging issues and the possible resolutions to the UN and individual missions. Suggestions would be made to improve the wording and meaning of the end recommendations and at the end of the 2 week session a report in any amended form would be adopted.

I was unable to stay the full period, and to hear what the end result of the fortnights discussions was. But what was evident from all the presentations that were occurring was the action that was taking place on the ground, sometimes just by a few individuals. And whilst it was disheartening to compare the recommendations made twelve years ago with what had actually happened over that period, there **was** an optimistic feel. Even the fact that some of these countries/ governments were participating was a good sign in an often pessimistic world.



**Employment Law Update—  
Non Contentious**

Debbie Grennan  
5th June: 2.00-5.15

**Guide to Coroners' Law and  
Inquests**

Sheriff Payne  
7th June: 2.00 –5.15

**New Part 36 and Related  
Rule Changes**

Dominic Regan  
11th June: 9.45-1.00

**CPR Update**

Dominic Regan  
11th June: 2.00-5.15

**Mortgages and CML  
Handbook**

Richard Snape  
19th June: 9.45-1.00

**Restrictive Covenants and  
Overage**

Richard Snape  
19th June: 2.00-5.15

**Planning Law Update for  
Residential Conveyancers**

David Forbes  
21st June: 9.45-1.00

**Planning Law Update for  
Commercial Conveyancers**

David Forbes  
21st June: 2.00-5.15

For up to date information and to book online visit [www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk) and click on "training"

A new series of five seminars aimed at Partners and prospective Partners.

This series of five seminars will run through 2007 and into 2008 and will be led by Simon Young.

Day One (11th July 2007) will focus on **The Partner as Business Manager**. Points that will be covered include:

- Culture, leadership management and delegation of responsibilities
- Compliance, partners' accountability and handling the difficult partner
- Implications of the future of the Government's proposed Legal Services Bill.

Day Two (20th September 2007) will focus on **Thinking Strategically**. Points that will be covered include:

- Assessing the variables that impact upon strategic planning
- Marketing segmentation and differentiation: selecting from the marketing toolbox
- Aligning organisation structures, systems and IT to the strategy

Day Three (4th December 2007) will focus on **Client Relationship Management**. Points that will be covered include:

- Identifying and promoting the brand for the firm
- Identifying clients' real wishes and needs, and delivering value

- Turning complaints handling to advantage

Day Four (12th February 2008) will focus on **Financing the Firm**. Points that will be covered include:

- Understanding management and annual accounts
- Understanding profitability drivers at firm /business / matter level
- Partnership remuneration options—the pros and cons

Day Five (8th April 2008) will focus on **Managing People**. Points that will be covered include:

- Recruitment, selection and induction
- Training, coaching and mentoring
- Identifying and handling personnel problems

Each full day seminar is £220+VAT (£258.50) for members or £250+VAT (293.75) for non-members.



Early Bird Offer: For Bookings Received before 12th June 2007

Book a space at four seminars and get a space at the fifth one FREE!

Call Charlotte on 01392 411585

**Receptionist Training**

With Neil Farnworth  
Tuesday 26th June 2007: 9.15 - 4.45

The success of a firm depends on the approach taken by the whole team, not just the solicitors.

Before they reach your desk your clients will have already formed an impression of your firm from the way they were treated on the phone and in person.

In order to enable your client facing team to provide the best service, why not book them onto the DELS Receptionist Training Seminar!

Neil Farnworth will motivate your team and help them to understand good customer service, how and when to ask appropriate questions and how to deal with difficult clients and prevent problems from escalating.

Book a place today for £145 + VAT (£170.38) per delegate and know that your whole firm will benefit as a result.

Call Charlotte on 01392 411585.

# Catalyst, Cataclysm or Catastrophe: The Future for Lawyers in the Face of Reforms

A Report of Professor Stephen Mayson's Inaugural Lecture as Director of The College of Law's new Legal Services Policy Institute

In his inaugural lecture on March 21st Professor Mayson argued that the reforms proposed by Sir David Clementi and Lord Carter of Coles are intended to be cataclysmic but they need not be catastrophic. The legal services market is ripe for reform, but that reform must not be rushed or badly managed. It will involve certain redistributions including:

- The redistribution of clients and revenues among law firms and new entrants.
- The redistribution of work from qualified lawyers to paralegals and from people to technology.
- The redistribution of profit within existing law firms from law firms to new entrants, from short-term income to longer term capital growth or share options, and from providers to buyers.
- The redistribution of ownership and capital either to fewer partners or by opening up ownership through incorporation and the wider distribution of shares and as new entrants come in.

Professor Mayson said that the alarm bell should have started ringing for lawyers at least four years ago when Sir David Clementi was appointed to carry out his review. "Some didn't hear it and are still asleep. Most I think hit the 'snooze' button and are still in a twilight zone between cognisance and action. Not enough have leapt up and breathed in the new dawn's fresh air. It's not difficult to imagine where we might find 3,000 law firms to lose!"

Small law firms particularly in rural areas will be forced to consolidate when the Clementi and Carter reforms and other Government initiatives to remove restrictive practices and open up competition to alternative business services take effect. Most vulnerable are legal aid firms and Professor Mayson warned: "In the context of the market reforms as a whole, however, even [the Law Society's estimate of] 800 [legal aid firms disappearing] might be a significant underestimate."

Professor Mayson said that the £20bn a year market place for legal services is valuable and growing but that lawyers may not be in a strong enough position to take advantage of

it. Although the number of law firms has declined slightly over the last 20 years, the number of solicitors in practice in England and Wales has doubled to over 100,000. Later he asked: "So what scale of consolidation should we project? It's difficult to be sure of course but here's my guess for the next five to ten years. First let us assume that the firms with fewer than 10 partners are most at risk from competition for retail legal services. There are more than 8,500 such firms and 37,500 solicitors in them. Perhaps a proportion could survive as niche specialists or 'lifestyle' firms, so let us be generous and imagine that only half are at risk. If we then project that the remaining firms need to reach the critical mass of the 5-10 partner firms in order to compete and invest effectively, we should expect to see firms with an average of 16 solicitors, which strikes me as a sensible minimum goal in a consolidating market with much larger and better resourced entrants. That would mean that the 'at risk' group would lose about 3,000 firms and would imply about £1.5 billion of turnover on the move.... I am not forecasting thousands of solicitors losing their jobs: what I envisage is the necessary and inevitable reconfiguration of thousands of solicitors into a smaller number of larger law firms."

At the other end of the scale, the 100 top law firms account for just over one-third of solicitors in private practice but about half the £20bn turn over in legal services. "Law firm partnerships have grown in some cases to hundreds of partnerships and the strains of the partnership model have begun to show. The confusion of ownership and management, the lack in many cases of effective decision-making, and the restricted ability to raise finance are now coming home to roost.... My diagnosis is that we have too many qualified lawyers, too many law firms and too many equity partners; but we're in a market that is still growing in value."

Professor Mayson argued that the need to reduce the number of firms is crystal clear in the interests of quality, consistency, efficiency and cost. "The potential entry of High Street and institutional brands into other areas of the consumer market will drive further consolidation there. Co-operative

Legal Services, Halifax Legal Solutions, the AA, DAS and Capita, to name some of those who wish to participate in the emerging market for consumer legal services, will be impossible to beat



Prof. Mayson

at the current levels of scale and investment that characterise law firm presence in this market. 'Consolidate or die' might be a touch extreme – but only a touch." He also warned: "In the emerging age of technological convergence, proximity to legal advice could mean proximity to a PC or even a TV screen in one's home. A large fragmented lawyer base cannot hope to invest in the technology to supply and compete in that market."

Professor Mayson said that the climate of public opinion during the last 25 years has been supporting Government initiatives to remove restrictive practices and anti-competitive protection from the professions and we have seen a shift in the balance of power from the lawyer to the client which is not in the public interest where the rule of law must be protected and effective and efficient administration of justice must be promoted.

He urged that it is not too late for law firms to make a proper commercial response to the reforms which is consistent with professional obligations. But the larger forces of Government, the Legal Services Commission, and institutional buyers such as banks and insurance companies must be careful not to push too far too quickly.

The Legal Policy Services Institute, set up by The College of Law, wants to explore the policy issues raised by the reforms with interested parties. "We seek a more efficient and competitive marketplace for legal services – but one that nevertheless still balances the interests of clients, the profession and the public."

Professor Mayson's lecture was delivered on March 21st 2007 at the College of Law, Moorgate, London.

## Interview of the Month: Erik Salomonsen, President



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

I joined Bond Pearce in its Plymouth Office in 1975 to carry out family work. This broadened into crime and personal injury, and later insurance litigation. Bond Pearce opened an Exeter Office in November 1985 and I moved up to Exeter and joined the Devon & Exeter Law Society in 1986.



### What is your dream job?

I should say that I have it! I am thrilled to be President of DELS. If I were to work outside the law then it would have to be something to do with sailing boats in a warm climate.

### What do you do in your spare time?

We live in a small village near Tiverton. We walk a great deal but otherwise I enjoy sailing, singing – bass in the Exeter Philharmonic Choir – and travelling around the Country to catch up with my daughters.

### What book are you reading at the moment?

I have a number of books on the go – one by Robert Fisk about the Middle East, one by Roy Jenkins of political biographies and one of the Jack Aubrey novels by Patrick O'Brien.

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

I have just been fortunate enough to have a sabbatical and this involved a number of long haul flights. I saw "The Queen" three times and enjoyed it each time, as well as The Devil Wears Prada and the excellent, if challenging, film about Idi Amin.

### What is your favourite food?

I will eat anything that is put in front of me apart from sago, tapioca and brawn. Fish comes fairly high up the list of favourites.

### Which is your favourite restaurant?

At the moment on special occasions we enjoy going to Coombe House at Gittisham. We do not eat out that much except on holiday when eating local food in the open air with a fantastic view is almost more memorable than the food itself.

### Where is your favourite holiday destination?

It takes a lot to beat the West Indies. The warm wind and sea, and the laid back approach are very restful. On our recent trip we walked the Tongariro Crossing in New Zealand, which is an 18 kilometre day walk over the foothills of Mount Doom.

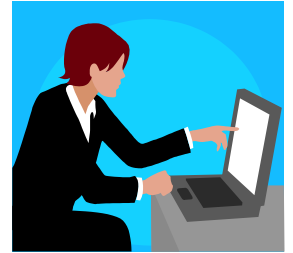


### What is your favourite pet?

It would be invidious to pick out any one. We have an assortment of hens, ducks and geese, and one guinea fowl. The guinea fowl is completely eccentric and must get the vote. We also have two dogs – one a flat-coated Retriever and the other a Labrador, who of course are equal favourites.

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

DELS are considering establishing an 'e-newsletter' format to complement our existing print version.



If you would like to be included on the mailing list for the e-newsletter then please email [mail@devonlawsociety.org.uk](mailto:mail@devonlawsociety.org.uk) with "e-newsletter" as the subject of your message.

\*\*\* The e-newsletter will not replace the print version but will just offer an alternative form of accessing and reading the newsletter. \*\*\*

## Speaker's Corner: Agricultural Law Update

By Nigel Davis

One thing that can be said of agricultural law that cannot be said of every other area of the law is that there are frequent changes that one needs to be aware of brought about, not only by the usual raft of case law, but by the impact of EU legislation



Two major recent events in this field are the introduction of the single payment scheme ('the SPS'), replacing the MacSharry reforms of 1992, (suckler cow premium quota rights, sheep premium quota rights, arable area payments and the like have been a thing of the past since January 2005), and the Regulatory Reform (Agricultural Tenancies) (England and Wales) Order 2006 ('the RRO').

The former has caused property lawyers some consternation when drafting contracts, tenancy agreements and alternative land arrangements. Is it a sale with or without entitlements? Is it to be a sale of entitlements without land? What are the different rules that apply? Who is a farmer?

Cont ...

Who has land at his or her disposal? What is cross-compliance? And so the questions continue.

The SPS has also provided probate lawyers with food for thought when drafting wills where a farmer wishes to leave his farm to his son/daughter and the remainder of his estate elsewhere. Without careful drafting the entitlements could end up in residue and not with the child concerned. The problem being that, unlike milk quota, entitlements do not attach to land and hence do not pass when it is transferred, hence unless specifically referred to they will remain with the farmer in whose name they are registered.

The RRO impacts on agricultural tenancies in a number of different ways including the possibility of using diversification income, in certain circumstances, as part of an applicant's income when looking at the principal source of livelihood test on 1986 Act succession applications; the changes in agricultural arbitrations; and the doctrine of surrender and re-grant.

All of the above, and more, including precedents, will be discussed during the forthcoming update presentation for the DELS.

Nigel Davis is Chairman of the Agricultural Law Association (ALA). He acts as a Consultant Editor for agricultural law to the Society for Advanced Legal Studies, was a founder of the AgriLaw group and has links with the Environmental Law Foundation.

**Nigel Davis will be presenting his Agricultural Law Update seminar for DELS on Thursday 5th July, from 2.00pm to 5.15pm**

**Don't miss this opportunity to learn from one of the leaders in the field of agricultural law!**

**Places can be booked by contacting Charlotte on 01392 411585.**

**Three CPD Hours can be claimed**

**Fees:**

**Members: £102.50 +VAT  
(Subsequent booking): £86.50 +VAT**

**Non-Members: £118.50 +VAT  
Trainees: £51.25 +VAT**

## Heard it on the Grapevine

By Andrew Ford, Quay West Wines, Exeter

It used to be thought that England lies too far north for the grape to ripen and, besides that, there was always too much rain!

The fact remains, however, that in the early Middle Ages the monastic vineyards of England were extensive and successful. Had it not been for England's acquisition of Bordeaux (an easily accessible source of better wine) by the marriage of Henry II to Eleanor of Aquitaine in 1152 they would probably still have continued and not have merely faded away.

The majority of the larger vineyards are in the south east of the country, and this is where most new planting has taken place. However, two vineyards have recently been planted near York.

The main grape varieties used to be Muller-Thurgau (German) and Seyval Blanc (a French hybrid), but there has been a marked increase in plantings of Chardonnay, Pinot Noir and Pinot Meunier. In 2006 wine production was estimated at 22500 hectolitres compared with 12806 hectolitres in 2005.

Nowadays there are approximately 340 commercial growers and more than 100 commercial wineries. The single major problem for the industry is the excise duty that the government wishes to extract, and we must now pay £1.35 + VAT for each bottle produced in the U.K. compared to the 2.5p which producers in France pay!!!

Although the cold snap in the early part of 2006 delayed bud burst, the intense heat of July brought the vintage back on track, and the warm summer and early autumn brought forward the harvesting of the grapes. This year is predicted to be a bumper crop with well above average tonnage per acre and sugar levels appear very good. A large crop in 2006 was a relief to the industry as stocks were running very low and demand increasing consistently. Recent reports confirm that a grower from the Champagne area in France has planted Pinot Noir and Chardonnay in Hampshire for the production of sparkling wine.

### ENGLISH WINE OFFER

Devon & Exeter Law Society in association with Quay West Wines are pleased to offer Society members a superb example of an English wine from the Sharpham Estate @ £6.99 per 75cl.

*Minimum order is 6 bottles*

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.*

Telephone: 01392 841833

Fax: : 01392 841996

E-mail: [sales@quaywestwines.co.uk](mailto:sales@quaywestwines.co.uk)

## "Vine to Wine" Wine Tasting Tour

**Thursday 24th May: 6pm—8pm  
Sharpham Farm, Totnes  
£8.50 per person**



Find out more about English wine by touring the Sharpham Vineyard and Winery, near Totnes. The early evening tour will be accompanied by a wine and cheese tasting session.

To book a place please send a cheque made payable to Devon and Exeter Law Society and your contact details to:

Devon and Exeter Law Society, Suite 5, Renslade House, Exeter, EX4 3AY (DX 8361 Exeter)

## OFFICERS OF THE SOCIETY FOR 2007/2008

The Officers were elected as follows:

<b>President</b> .....	Erik Salomonsen (Exeter & East Devon), Bond Pearce, Exeter.
<b>Vice President</b> .....	Alec McNeill (North Devon), Peter Peter & Wright, Barnstaple.
<b>Junior Vice President</b> .....	James Cross (South Devon), Kitson Hutchings, Torquay.
<b>Honorary Secretary</b> .....	Anthony Spiers MBE, Michelmores, Exeter.
<b>Honorary Treasurer</b> .....	Richard Adams, Crosse & Crosse, Exeter.
<b>Immediate Past President</b> .....	Chris Hart (South Devon), Hooper & Wollen, Torquay.
<b>The Law Society Council Member</b> .....	Rod Mole, Chanter Ferguson, Bideford.

Apart from the Officers above, the Committee Members are as follows:

<b>Chairman: Education &amp; Training Sub-Committee</b> .....	Martin Justice, Symes Robinson & Lee, Crediton.
<b>Chairman: International Relations Sub-Committee</b> .....	Rod Mole, Chanter Ferguson, Bideford.
<b>Chairman: Litigation &amp; Costs Liaison Sub-Committee</b> .....	Angus McNicol, Foot Anstey, Exeter.
<b>Chairman: Mediation Sub-Committee</b> .....	Jeremy Ferguson, Chanter Ferguson, Bideford.
<b>Chairman: Non Contentious Business Sub-Committee</b> .....	Patricia Durham-Hall, Everys, Exmouth.
<b>Chairman: Practice Management Sub-Committee</b> .....	Hugh Winterbotham, Stones, Exeter.
<b>Local Government Representative</b> .....	Roger Gash, Devon County Council, Exeter.
<b>Crown Prosecution Service Representative</b> .....	David Bowen, Exeter.
<b>Solicitors Benevolent Association Representative</b> .....	Jeremy Lee, Symes Robinson & Lee, Crediton.

Marie Macfarlane, Veitch Penny, Exeter.

Darren White, Ashfords, Exeter.

**IT IS NOT TOO LATE** to sit on the Committee of the Society. Please contact the Honorary Secretary because the Committee has power to co-opt people - [secretary@devonlawsociety.org.uk](mailto:secretary@devonlawsociety.org.uk).

**NOR IS IT TOO LATE** to join one of the Society's Sub-Committees covering your special interests.

If you would like to find out more about the work of the Sub-Committees and get involved in the Society's activities, please contact the Administrator, Miss Monique Bertoni, at DELS offices: Renslade House, Bonhay Road, Exeter, Devon, EX4 3AY.

Tel. 01392 411585 or [monique.bertoni@devonlawsociety.org.uk](mailto:monique.bertoni@devonlawsociety.org.uk).

# 2007 Joint Reception with the Judiciary and the Bar FRIDAY 8 JUNE AT 6.00 PM LARKBEARE HOUSE, EXETER



Members are warmly invited to attend this informal joint function now in its 8th year between Solicitors in the DELS area and members of the local Judiciary and the Bar.

Tickets to include a substantial Finger Buffet, Wine and soft drinks are available at **£20.00** inc of VAT per head.



Dress is Lounge suits. Please complete the slip 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.

**DON'T MISS THIS NETWORKING OPPORTUNITY !**

## Joint Function DELS/Judiciary/ Bar on Friday 8 June 2007

I wish to attend and enclose my cheque for 20.00  
Inc. VAT in favour of the "Devon & Exeter Law Society".  
**PAYMENT MUST ACCOMPANY ALL BOOKINGS**

**NAME** .....

**Firm/Chambers** .....

**TOWN** .....

**Tel.** .....

### Please return reply slip to:

Miss Monique Bertoni  
Devon & Exeter Law Society  
Suite 5, Renslade House,  
Bonhay Road  
Exeter EX4 3AY  
[DX 8361 EXETER 1]

Phone: 01392 411 585  
Fax: 01392 431 511  
monique.bertoni@devonlawsociety.org.uk

**CIVIL LITIGATION**

East Devon — Solicitor able to take over general litigation caseload. Should be able to work with minimal supervision.

**NON-CONTENTIOUS**

Newton Abbot — mixed caseload or Conveyancing. Solicitor or Legal Executive wanted by busy small practice.

**COMPANY COMMERCIAL**

Torquay—Capable Solicitor wanting to build local reputation and develop this area of business.

**EMPLOYMENT LAWYER - TORQUAY**

sought to take over and develop existing caseload currently dealt with by the general civil team. The successful candidate will have the support and supervision of existing fee earners and will be expected to deal with both Contentious and Non-Contentious aspect of this work. Great opportunity to join friendly and respected Torbay practice.

**COMMERCIAL PROPERTY**

Exeter—Busy commercial property team needs a qualified solicitor, newly qualified +. Impressive nationwide client base, including RDA's, local authorities, MOD, PLC's, household names and property entrepreneurs. Good general commercial property knowledge and experience is required and, in particular, a sound knowledge of landlord and tenant matters and experience in dealing with leasehold management issues.

**CONVEYANCER**

Exeter—Residential conveyancer needed for busy City Centre office. Solicitor or Executive considered.

**FAMILY**

Talented solicitor wanted to join Exeter City Centre office to take over and develop family caseload.

**LOCUMS NEEDED TO COVER**

**Maternity Leave:**

- Conveyancing: Plymouth for six months from June.
- Probate: South Devon for six months from October.
- Employment / Immigration—Exeter from September.

**SITUATIONS WANTED**

- NQ Litigator seeks Exeter Post.
- Paralegal with LPC seeks Exeter Commute area — especially property work.
- Family Solicitor—North Devon ideally.
- Legal Cashier—West Devon or Exeter outskirts.

**Other assignments** being received for short term assignments. We would especially like to hear from Conveyancing Locums.

**MIXED PROPERTY CONVEYANCER**

South Hams—Opportunity for Solicitor to join established busy practice based in the beautiful South Hams region of Devon.

Mixed caseload of Conveyancing, Light Commercial and Agricultural property work. Great opportunity with prospects for the right candidate.

**NON CONTENTIOUS**

**Barnstaple** - Mixed non-contentious caseload made up of Commercial Property, Company work with SME clients and some Residential Property.

This is a genuine opportunity to join one of North Devon's leading established firms in a key position where client service and contact remain paramount.

**FAMILY / CIVIL LIT.**

South Devon—Busy friendly practice need talented solicitor or executive able to handle mixed workload.

**PROBATE WILLS**

Newton Abbot—Assistant solicitor to join Private Client department successful practice. Could be Part Time.

**CRIME**

Torquay - Duty Solicitor now sought to assist partner with busy caseload.

**PART TIME—CONVEYANCING**

Crediton—Residential and Light Commercial work. Should be able to work without supervision.

VISIT OUR JOB BOARD AT [www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk)

IN CONFIDENCE TELEPHONE TONY STEINER  
ON 01392 494110 - OUT OF HOURS 07979 746205