



Newsletter

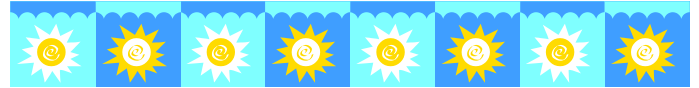
DEVON & SOMERSET LAW SOCIETY

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July 2011

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www.dasls.com/uploads/Mediation.pdf



INVESTOR IN PEOPLE

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LAW SOCIETY EXCELLENCE AWARDS 2011

The Law Society is inviting legal professionals from across England and Wales to enter the Excellence Awards 2011.

The awards are this year celebrating their 5th birthday and are firmly established as the leading awards for the profession in the legal calendar.

The Excellence awards recognise and reward the most outstanding and dynamic practitioners in the legal professions and are open to individuals and teams across the entire legal sector, not just solicitors.

Entries can be submitted by post or completed via the online submission form. Nominations are open until Friday 19 August. Details at www.lawsociety.org.uk

PAST WINNERS FROM DASLS' AREA INCLUDE:-

- 2010 - Rosie Bracher Solicitor
Excellence in Client Service Award
- 2009 - Trowers & Hamblins LLP
Excellence in Exporting Legal Services Award
- 2008 - Jill Read Brown of Hartnell Chanot & Partners
Legal Executive of the Year Award
- 2007 - Foot Anstey LLP
Excellence in Practice Standards Award

**Don't miss your chance
to be a winner this year!**

Nominations are open until 19 August.



New Members - *a warm welcome to.*

Members

Asher, Jeremy, Ashfords LLP, Exeter
Bennett, Brian, Porter Dodson, Yeovil
Brookes, Naomi, Symes Robinson & Lee, Crediton
Cochrane, Jill, Battens, Yeovil
Coles, Hilary, Maitland Walker LLP, Minehead
Cross, Alexandra, Michelmores LLP, Exeter
Dodden, Laura, Ash Clifford, Bridgwater
Dorey, Staci, Toller Beattie, Barnstaple
Duck, Kelly, Battens, Yeovil
Evans, Charlotte, Solicitor, Tiverton
Goodfellow, Jackie, Land Registrar, Plymouth Office
Hind, John, Hartnell Chanot & Partners, Exeter
Inch, Amanda, Dyne Drewett LLP, Shepton Mallet
Keir, Julie, Everys, Exeter
Knapman, Hollie, Battens, Yeovil
Langley, Carl, Over Taylor Biggs, Exeter
Milton-Downes, Lucy, Dyne Drewett LLP, Shepton Mallet
Morris, Helen, Plymouth City Council, Plymouth
Pinney, Richard, Dyne Drewett LLP, Sherborne
Rabbitts, Charlotte, James Mason Tucker, Newton Abbot
Rayner, Grace, Hartnell Chanot & Partners, Exeter
Read, Jennie, Hartnell Chanot & Partners, Exeter
Reynolds, Gareth, Bartlett Gooding & Weelen, Shepton Mallet
Robson, Julia, Symonds, Plymouth
Squire, Grant, Over Taylor Biggs, Exeter
Staples, Laura, Porter Dodson, Taunton
Stock, Alison, Porter Dodson, Wellington
Warder, Elizabeth, Bartlett Gooding & Weelen, Shepton Mallet
Webber-Brown, Caroline, Michelmores LLP, Exeter
Wood, Ross, Porter Dodson, Yeovil
Woodward, Jeremy, Nash & Co., Plymouth

Affiliates

Cutting, Simon, Managing Partner; Dunn & Baker, Exeter
March, David, Legal Executive; Battens, Yeovil
Padgett, Rebecca, ILEX; Thorne Segar, Minehead
Walpole, Christopher, Practice Manager; Dyne Drewett LLP, Sherborne
Watkin, Peter; Legal Executive, Battens, Yeovil

MEMBERS' PAGE

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President's Diary

By David Turner, President



Before I became President of DASLS, I had a conversation with Chris Hart, a past President. I asked Chris what were the particularly busy periods and he replied that May and June were probably the busiest time of the year for the President of DASLS. This **President's Diary covers that period** and Chris was right!

In May I had the honour of representing DASLS at the **Presidents' and Hon. Secretaries' Conference** in Chancery Lane. I had the pleasure of accompanying Tony Spiers (who had attended the Conference many times before). The Conference was very interesting with a focus on the new Outcome Focused Regulation regime and the new SRA Handbook which comes into force on 6 October 2011. It was also interesting to see at first-hand just how influential DASLS is. We are not a small local Law Society and we were treated throughout the Conference with a great deal of respect.

Later in May, I attended and spoke at the Federation of European Bars (FBE) Congress in Florence. I obviously struck it lucky with the venue and Florence lived up to all expectations. But it was also hard work. The subject of the Congress was Social Security for Lawyers, and in particular, pensions. It was very interesting to see how other European countries addressed this issue. It is clear that we are way behind the times – or perhaps are simply more market focused – than our European colleagues. Congress members were genuinely surprised, even shocked, when I announced that my retirement pension would in

effect be the sale of my house. It was also pleasing to see just how well known and indeed well thought of, DASLS was in Europe and with so many other European Bars. This is a real testament to the good work of the DASLS International Relations Sub-Committee. I am also pleased to report that at the Congress, our own Rod Mole was elected as Second Vice President of the FBE.

On the first weekend of June, we played host to a number of European lawyers during the Exeter Legal Sunday Service weekend.

Legal Service Procession on Sunday 5 June 2011



There were very many activities. On Saturday, our guests enjoyed a guided rooftop tour of the Cathedral as well as a guided tour of the city. On Saturday evening we all enjoyed a meal at the Rendezvous Wine Bar in Southernhay where there was an impromptu quiz with a European theme. Sunday saw the service itself in the Cathedral, with the lawyers processing from the Corn Exchange to the Cathedral. This was followed by a lunch. This was the first Legal Sunday Service I



David Turner presenting the winning team with their prize after a hotly contested quiz.

had attended, but it will not be the last. It is open to all members of DASLS to process and attend and I would really urge members to think about attending in future – not just the Sunday Service but also the dinner on the Saturday evening. Mixing with other members and European lawyers in such a convivial atmosphere is extremely enjoyable and very interesting.



David Turner with Honorary Archivist Dr David Pugsley

I have also in the last two months had the privilege of chairing my first main Committee meeting of DASLS. I have attended many of these meetings over the last 16 years or so but this is the first time that I have chaired a meeting as President. It really does bring home all the hard work – and indeed useful work – that the Committee undertakes on behalf of members. I am also pleased to let you know that our very own Jeremy Ferguson was nominated recently in a Chancery Lane initiative to find unsung legal heroes and was successfully chosen as an unsung legal hero and last week had dinner with Law Society President, Linda Lee. My thanks to Rebecca Parkman for thinking of Jeremy and for nominating him.

And so after a busy May and June, there is now (I understand) a quieter July and August; although my diary is already filling up with DASLS events which I will be only too happy to update you on in my next piece.

Regards
David
Partner, Foot Anstey
Solicitors, Exeter
David.Turner@footanstey.com

DASLS Annual Membership Survey: Executive Summary

By Tony Steiner, DASLS Executive Director

We know that it has been a tough time in legal practice and there are pressures facing all DASLS members.

DASLS purpose is to support its members whether they work in Private Practice or In-house.

It provides a range of benefits and services including:

- Representation to Chancery Lane and other bodies through its Committees
- The provision of professional services such as training and recruitment
- Social events and networking opportunities
- Supply of local information through the Newsletter and our fortnightly bulletin Buzz
- Benchmarking information and fora for Managing Partners and Practice Managers
- DASLS Mediation Panel
- Complaints Conciliation Service
- International Referral Service
- Additional services in partnership with:
 - ⇒ College of Law – online training package
 - ⇒ Law League – Client & Staff questionnaire and benchmarking tool



How well do we do it? For the third year we have asked all our 1135 members to tell us what they think of DASLS and how it performs. In spite of publicity in Buzz and the Newsletter only 58 (5.1%) chose to complete the online survey and so the results must be considered in that context. Thank you to them.

We asked members to rate our services. As in previous years our Newsletter and training courses came out on top with 96% and 94% respectively of those who rated these scored Excellent or Good. The e-bulletin Buzz, recruitment agency and website were also highly rated. Comments included “Excellent range of courses – all well managed” and “Overall a good service, well organised and helpful to the profession”. It was suggested that the Newsletter could include comment on significant cases.

Respondents were also asked how aware they were of DASLS Committees. The results in comparison to 2010 were relatively static although there appears to be a slightly increased awareness of the Social Sub-Committee and the many events that it arranges.



The results to our communications question suggests an increased demand for DASLS to email all of its publicity with 50 respondents having opted out of or wishing to opt out of the hard copy Newsletter. This might well be expected from an online survey. It is not known if putting the survey online was a deterrent to some potential respondents.

Overall DASLS is given a positive review as providing a good local link for solicitors and an excellent training programme.

It is described as an excellent Society that does a good job for a reasonable **member fee of “knitting together the legal community” both socially and professionally.** Its strong voice at Chancery Lane is acknowledged but there is call for it to do more lobbying and shout louder on issues that affect members! It is also commented that more could be done to encourage members to get involved with the Committees.

Finally congratulations to David Charles, Darby & Darby, Torquay who will celebrate with a bottle of Champagne as winner of our prize draw!



DASLS Legal Sector Alliance Event

By Tony Steiner, DASLS Executive Director

On Monday 27 June a group of DASLS members met at The University of Exeter Business School to learn more about the impact of carbon use and the practical measures that could be adopted to reduce the footprint of legal practices.

They were joined by Jean-Paul Jeanrenaud, Director, Corporate Relations, WWF International (Switzerland) who gave a highly stimulating presentation about the scale of the environmental and social challenges we are facing and what needs to

be done if we are to ensure a sustainable future for people and the planet.

Martin Hall from Bond Pearce gave an outline of the work being done within their practice. He described the significant benefits that the firm are beginning to see both in terms of attracting clients and in day to day operations.

There is a growing business case for practices to adopt a sustainable form of practice. Micael Johnstone from the Legal

Sector Alliance was able to brief attendees about the support available to firms wishing to reduce their carbon use. The WWF representatives were extremely impressed in the way that the legal profession is able to share good practice – something that others can learn from!

Another joint meeting is planned for later in the year that will focus further on the practical aspects of sustainable practice. Please let Tony Steiner know if you would be interested in attending.

Did you know back copies of the DASLS Newsletter can be found at www.dasls.com

From the new Plymouth Land Registrar Jackie Goodfellow

Patricia Durham Hall, Chair of DASLS Non Contentious Business Sub-Committee has made contact with the new Plymouth Land Registrar who is delighted to work in close **contact with DASLS' committees and members** and has kindly sent a written response to a few of the issues currently under the scrutiny of the Non-Contentious Business Sub Committee:

Q 1. *Early Completion Policy: we have received reports from member firms having problems, in particular, the length of time Lenders are taking to discharge their Charges at the LR, and for the Solicitors to receive evidence of the same.*

A. I am aware that some lenders are taking longer to discharge their charges than others. It is however the case that the majority of discharges are received within a couple of weeks. We are currently keeping some records to establish the size of the problem in one of our customer teams. If it turns out that there is a particular lender where problems are arising more frequently we will take this up nationally with the lender and the CML. In some cases there will be a refusal to discharge the charge because there remains a dispute about the amount due to be repaid under the charge or because the moneys have not actually been paid. If members are aware of a problem with a particular lender and wish to share that information with me with examples of the titles affected we can also add this to our information. If there is a concern that there is a delay or failure by Land Registry to notify a member after a charge has been discharged where early completion has been applied again if they want to contact either Julie Jones our customer service manager or me with details of the title number and circumstances we will investigate and try to correct any errors in our procedure that may have caused a delay.

Q 2. *Problems with the Bankruptcy Unit being moved from Nottingham to Plymouth. We have a report of BR searches coming back clear because the client's full name was not used where the Solicitor knew that the client was indeed*

bankrupt. Where does that leave us -v- the Lenders if the Courts have left part of the name out?

A. I am not sure if this was unregistered land where an entry was being made at Land Charges alone or registered land (I assume the latter). The Court is Land Charges' only source of information concerning the details of the debtor. Both the Court and Land Charges are reliant on the creditor providing adequate information concerning the debtor and are unable to improve on the information supplied by the creditor. Land Charges will register any pending action or writ or order in accordance with the details supplied by the Court. Searches at Land Charges must be made against the correct name on the deeds. If the name on the deeds is different from the name used by the creditor to make the application to the Court it may not be revealed on a land charges search.

The information supplied by the Court is then supplied to Land Registry by Land Charges. Wider checks are then made or ought to be made which should also pick up cases where the middle name is missing and indeed other variations on the names should be investigated. In cases where it is not an exact match but it appears that the entry may relate to the proprietor of a registered title a notice should be served enquiring whether they are the person affected by the bankruptcy. I have checked with staff currently dealing with this work and they appear to know the process that they are required to follow. However if your members become aware of any other failure on our part again I would be very grateful if this information could be passed to me or Julie Jones so we can investigate, correct any necessary registers and ensure the correct development is given to reduce the risk of the error being repeated. There will be cases where the person who has been made bankrupt subsequently acquires property. In that case the trustee in bankruptcy should apply to make an entry on any appropriate title.

Q 3. *Does the Plymouth Land Registry have any views on CQS?*

A. Any additional checks to endeavour to prevent fraudsters impersonating practices and fraudulently getting their details on The Law Society website must be beneficial to both the profession and their clients. Enhanced understanding of property fraud and how firms may be targeted by fraudsters must also be beneficial to any practice that deals with conveyancing as well as the **profession's reputation as a whole. Likewise** improving conveyancing standards to reduce the level of claims against PPI must be beneficial for the whole profession and our reputation. Whether or not the new scheme will be effective, it is probably too early to judge.

Q 4. *Has e-conveyancing been abandoned or where does it stand at the moment?*

A. No it has not been abandoned. However we are currently working on a simplified system to improve e-delivery as a stepping stone so that we can roll out useable services more quickly to our customers. Our current business plan provides for us to develop and implement the capability by 31 March 2012 to:

- ⇒ electronically deliver the top six dealing transactions (transactions that relate to registered land) which will provide benefits in the form of improved speed of delivery, reduced manual operating costs and requisitions for both Land Registry and the customer.
- ⇒ view the index map online.
- ⇒ increase the number of services available on Business Gateway to cover those currently only on NLIS or Connect Direct but not currently on Business Gateway.
- ⇒ External e-channel availability: target better than 99 per cent and in support of the above to improve intuitive online navigation for customers.

Jackie.Goodfellow@landregistry.gsi.gov.uk
Land Registry Plymouth Office
Seaton Court 2 William Prance Road
Plymouth PL6 5WS - DX 8299 Plymouth 4

County Court Counter Opening

See www.dasls.com/uploads/CCC2011.pdf for changes in County Court Counter Opening Times in Devon & Cornwall from 1 July through to 30 September 2011.

Presidents' & Secretaries' Conference 13-14 May 2011

By David Turner, DASLS President

Tony Spiers and myself travelled up to London on the weekend of 13 and 14 May to represent DASLS at the **Presidents' and Honorary Secretaries' Annual Conference** at Chancery Lane.

This is an annual event attended by Council Members, Chancery Lane Officials and of course local Law Society Presidents and Honorary Secretaries.

The format was that the present Law Society President, Linda Lee, acting as a host and chairman throughout the two days, discussed issues relevant to our profession. On the Friday evening there was a black tie dinner at the Waldorf Hotel.

Understandably the conference itself was heavily taken up with Outcome Focused **Regulation and the new Solicitors' Handbook**. In short, on 6 October 2011 the biggest change to law firm regulation in decades would come into effect with the introduction of the new SRA handbook. It was explained to us how the SRA outcomes focused regulatory framework focused on the high level principles and outcomes that would drive the provision of legal services going forward. The theory (and indeed the philosophy) behind OFR is that prescriptive rules are avoided if possible and practitioners make a judgment, reflecting their own clients and the nature of their practice, as to how to achieve the required outcome. The regulator provides

only limited guidance. We shall see if it turns out that way.

We heard talks from Antony Townsend, the Chief Executive of the SRA as well as Adam Sampson, the Chief Ombudsman and Chief Executive of the Legal Ombudsman Service.

The black tie dinner at the Waldorf Hotel on Friday night was a very enjoyable affair. It was very interesting to meet Presidents of other local Law Societies and to share experiences. I am pleased to say that DASLS were treated with great respect and had the pleasant experience of being placed on top table with Linda Lee and the guest speakers, Clive Anderson, the presenter and broadcaster and Nazir Afzal, who is the national director of the CPS in London.

Clive Anderson's speech as you might expect was witty and entertaining but also had a serious element as he is heavily involved with the Solicitors' Benevolent Association.

The whole weekend was an extremely rewarding experience and very eye opening for myself.

It was a privilege to represent a local Law Society which is clearly well respected by those at Chancery Lane and by other local Law Societies as well.

LAW LEAGUE

Those who manage law firms will appreciate the value of listening to clients and staff.

Law League is a new online survey service that allows law firms to obtain feedback from their clients and staff through a pre-set online survey. The programme can be tailored to **the individual firm's requirements or for those firms that would prefer an off the peg version there is Law League Lite.**

Law League Lite is only available through local law societies and offers both the client and staff survey modules. Benefits include:



Simple to use – Both the client and staff surveys consist of carefully chosen set questions. Just download the link and start using the system;

Dashboard – Yours results are presented in an easy to use dashboard style – no long spreadsheets, just plain and simple graphics;

Benchmarking – Each firm in your local law society will use the same questions, allowing you to instantly compare your results anonymously with others, accurately measure how your firm compares and uncover any underlying weakness;

National Coverage – If you wish to compare further afield, it is simple to compare your results against other law societies or against other firms nationally by postcode, size or sector;

Trends – With national coverage, Law League will see trends developing in the legal market and every six months they will write to all users highlighting the trends across the country;

Training – Working with your local law society, we can help you address any issues which come to light by introducing relevant trainers and mentors;

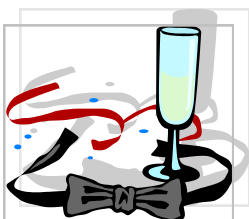
Engage with clients and staff – You are busy running your firm, so let Law League help you engage with all the people that matter to your business, and by using the results improve your firm;

All for just £750 + VAT

A demo version of the programme can be seen at www.law-league.com.

SOMERSET DINNER 2011
Friday 11 November
Somerset Cricket Club, Taunton.

Are these
dates in
your diary?



DASLS ANNUAL DINNER 2012
Friday 2 March
Sandy Park, Exeter.

Report on Twin Bars' Annual Meeting hosted by the Young Bar of Leuven

By James Roden, Associate Member of DASLS

L - James Roden with Vittorio from Verona



From 12th to 15th May 2011 the Young Bar of Leuven hosted this year's International Lawyers' Meeting.

The latest gathering of the Twin Bars saw delegations from Rennes, Erlangen, Gdańsk, Verona, DASLS and of course the hosts deliver presentations on the ECHR case of *Salduz* and its implications for criminal procedure in their respective jurisdictions. I had the pleasure of attending this intra-Community intellectual feast with Lisa McClelland and Anjam Arif both from Alletsons in Bridgwater.

The crossing on Thursday 12th May was turbulent and choppy; we were tossed fore and aft by a fierce mid-channel swell and all stewards were drafted in to bail out water. I found this particularly disturbing as I was taking the Eurostar. I did however arrive safe and sound in Leuven, as did Lisa and Anjam, where we were greeted by Klara Helsen, a young lawyer and Past President of the host delegation. The Hotel Binnenhof proved more than adequately hospitable with a marvellous (and strangely pertinent given the topic of the conference) view of one of Leuven's prisons. On this the first evening, the three of us took the opportunity for some orientation, taking in as we did some spectacular architecture and the impressively-titled Longest Bar, at the Oude Markt. After a much-needed rest the whole party assembled for dinner at a restaurant in the city centre.



St. Michael's Church

On Friday morning the various delegations gathered at the Stadhuis for the conference proper. The 2007 ECHR case of *Salduz v Turkey* involved a young man arrested on suspicion of participation in an illegal demonstration and has resulted in the imposition on member states of new (for



The interior of the museum provided a fascinating and startlingly frank

Leuven's busiest squares the Grote Markt from the Stadhuis

some) requirements in terms of criminal procedure and in particular the implications of interviewing a suspect who has not received legal advice and assistance. After a welcome and introduction to the topic from a judge, each delegation delivered their presentation on the criminal procedure of their respective jurisdictions and the effect of *Salduz* thereon. As expected the result was a rich and varied experience, each delegation's presentation coming as strange and exotic music to the ears of the others. Lisa McClelland and Anjam Arif ably delivered an excellent presentation on behalf of DASLS to the general conclusion that *Salduz* would barely be felt in England and Wales, the rights of suspects having been enshrined in our law at least since PACE 1984. The most surprising revelations came from the hosts: Belgium's reputation as modern, forward-thinking and above all very European indeed made all the more shocking the fact that individuals are routinely invited in to assist the police with their enquiries and then held in custody without charge until they can be brought before a sort of investigating judge and formally charged, and that it is generally after this point in time that legal advice is even offered!

As is generally the case on these occasions, Saturday was a day for culture and leisure. Visiting delegates and hosts gathered for the coach ride to Meerdael vineyard at Valbeek, producer of fine sparkling Chardonnay. Stunning surroundings and a very informative talk helpfully translated into English made for an excellent guided tour around the vines and the various stages of production, culminating in the frankly obligatory tasting. Yet another delicious meal in engaging company was followed by a visit to the impressive Koninklijk Museum voor Midden-Afrika (Royal Museum for Central Africa).

insight into the history of Belgian colonialism; the exterior was no less impressive, set in beautiful grounds with more than the merest hint of Versailles about them.

On the final evening the delegates assembled one final time for dinner, drinks, dancing and the traditional speeches and gift-giving to mark the occasion and to honour the efforts of the hosts. The Polish delegation ruined the game for everyone by giving of their best oratory in at least three languages. The young lawyers of Verona delivered a



L-R: Jurgen Van Der Velden (Leuven), [unknown], Lisa McClelland, Anjam Arif, Nico Matthijs, Sofie Caeyers (Leuven)

speech that was by no means light on content but produced some good laughs. Presenting the hosts with glassware and a sackful of Devon farm cider, I delivered the address on behalf of DASLS. That those in attendance were rolling in the aisles is something I can only properly

and modestly attribute to the effects of fine wines and the little-known local brew called Stella Artois.

I cannot stress enough that I would encourage all DASLS members and associate members to involve themselves where possible in such an event. The lawyers of the Jonge Balie of Leuven did a spectacular job of welcoming the delegates of the Twin Bars both in personal and organisational terms, and the highly rewarding cross-jurisdictional meeting of minds was matched only by the general bonhomie of the social parts of the weekend.



R - De Heer Geert JASPAERT, President of the Leuven Bar with Anjam Arif of Alletsons

Should members wish to know any more about the 2011 they are welcome to contact me (james.roden@kitsons-solicitors.co.uk), Lisa McClelland (lm@alletsons.co.uk) or Anjam Arif (anjam.arif@alletsons.co.uk). For information about forthcoming international events and how to get involved, please contact Monique Bertoni at DASLS office - monique@dasls.com.

Top Three Contributors of Claims

Advertorial from 

We reveal our top three contributors of claims notified to Aon Claims Solutions ("ACS") in the past year. Residential conveyancing remains the top contributor of notifications made to ACS but an increase in Trust and Probate claims pushes personal injury and litigious matters into third place.

First place - Residential Conveyancing

Despite the downturn in transactions, residential conveyancing notifications retain first place and account for almost half of all claims received in the past year.

A large proportion of the claims relate to imprudent and reckless lending practices, particularly in the buy-to-let market. When the market turns, mortgages approved at high loan-to-value ratios and that are self-certified are a particular risk. The main failure by solicitors is not having due regard to their instructions embodied within parts 1 & 2 of the Council of Mortgage Lenders Handbook. These instructions place onerous obligations on solicitors (i.e. to report any deposit provided by a 3rd party) and can lead to a breach of duty.

Other problem areas include:

- failures to undertake sufficient searches over properties;
- failures to advise on the difference between joint tenancies and tenancies in common;
- delays in registration of title, charges and restrictions within the priority period; and
- failures to identify restrictions over land preventing use or development.

If firms conduct high volume, low value conveyancing transactions they need to have robust procedures in place to ensure instructions are followed and full reports are provided. A handful of high value conveyancing claims could result

in an otherwise good firm becoming uninsurable on the open market.

The Law Society's Conveyancing Quality Scheme should provide useful safeguards and prove a firm's commitment to high standards to insurers on the open market.

Second place - Trust and Probate

Trust and probate claims have risen to the second largest of all notifications in the past year. These claims are particularly problematic because a small 'slip' (such as not having evidence proving the testator was advised that a subsequent marriage invalidates a standard Will) can prove very costly to resolve and often do not have satisfactory avenues to rectify the error. Delays in administering estates (including collecting in, investing, selling and paying inheritance tax on assets) continue to cause claims.

The recent authority of *Rudyard Kipling Thorpe v Fellowes Solicitors LLP* [2011] EWHC 61 is helpful in challenging the argument often presented by disappointed beneficiaries that elderly clients automatically lack capacity. However, it is crucial that detailed attendance notes are made as evidence that the client did not obviously lack capacity.

Third place - Personal Injury and Litigious Matters

Personal injury and general litigious matters together share third place. The problem areas can be summarised as follows:

- Failure to comply with time limits. The classic example in personal injury is the failure to issue proceedings within the three year limitation period. However, a problem that permeates across all

litigious matters is the failure to comply with Court time-limits and Unless orders. Unlike, trust and probate claims rectification is often possible (albeit with cost consequences) so long as the matter is notified to your insurer as soon as a problem occurs;

- Poor advice on the prospects of success. Claimants feel let down by the result of litigation, particularly when faced with an unexpected and often significant cost liability. Whilst a **solicitor isn't expected to guarantee** the outcome of litigation, a failure to keep the client informed of the prospects of success at regular intervals in the litigation can result in a claim, particularly where robust advice at the start of proceedings is not revised until the eve of trial (and at the same time as the client is asked to put significant funds on account);
- Inadequate investigation and collation of evidence in support of a case; and failure to name the proper parties as claimants or defendants to an action.

As can be seen, 2010 proved to be an eventful year with significant changes to the MTC. The Solicitors Regulation Authority has announced further changes to the MTC for 2011 and beyond, particularly in relation to the role of the ARP.

Claims continue to arise not as a result of a lack of understanding of the law, but as a result of not closely supervising staff and simple administrative mistakes. The key to minimising claims is to have adequate risk management procedures in place.

Mark Durkin, Solicitor
Aon Claims Solutions

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News from the Non Contentious Business Sub-Committee: CQS

By Patricia Durham Hall, Chair

Take it or leave it. We have debated long and hard about CQS but we fear it is here to stay, whatever you think about it. My Sub-Committee feels therefore that we must commend it to your firms as the best way forward. Many initiatives are developed from time to time, and let us hope that this one does the business. I attach the words of encouragement from Law Society Chief Executive Des Hudson below and hope that the number of firms being accredited in the South West rise from the derisory dozen or so to a greater number in the near future.

It is now almost six months since the Law Society invited applications for membership of the Conveyancing Quality Scheme (CQS) solely to our members. In that short space of time over 1000 firms have applied and, at the time of writing, more than 200 firms have been accredited. We have also seen the Council of Mortgage Lenders show its support for the scheme, as well as the Legal Ombudsman and various other organisations give its backing.

We expected the scheme to be popular and have increased the scale of the CQS team to handle the applications. We remain determined, however, that the scheme should never be a rubber stamp exercise. The process is rigorous and robust and approving each application takes time, but the benefits for firms being accredited are already evident.

We are helping CQS solicitors in England & Wales to secure valuable column inches in their local newspapers and in other publications thanks to their CQS status. For some, this is the first time they have featured so prominently to the public. That **trend is continuing as the Law Society's** consumer-focused marketing campaign continues.

The scheme is also building key support from the residential property sector at large. CML gave its most vocal backing to the scheme in March by suggesting that CQS would be a prerequisite for mortgage lender panel membership, while the Legal Ombudsman came out in support of the scheme.

CQS has quickly established itself on the conveyancing landscape and for many firms it has now become a matter of not whether to apply but how soon to make that application.

It even has international acclaim despite being limited to England and Wales, with the Law Institute of Victoria calling for CQS or similar in Victoria, Australia.

There are many reasons to apply for CQS, not least with the customer-focused benefits in making firms with CQS visible to potential clients in a crowded conveyancing market.

Client care is a central theme to CQS. At the heart of the scheme is the new protocol. This has been designed with client care in mind – to reduce concerns about delay whilst the solicitors on each side carry out the work they need to do, its effect is to place time limits and time scales on parties within a transaction. The scheme has clear service standards and the CQS Client Charter spells out clearly what clients can expect.

In addition, self reporting between CQS firms to the Law Society is encouraged to ensure adherence to the standard.

With the Legal Ombudsman's commitment to encouraging higher consumer standards in the legal sector the CQS has been designed with client care as one of its core practice standards.

The scheme is unashamedly intended to drive up standards and recognise existing quality in conveyancing, while at the same time help in the collaborative effort to tackle fraud and rid the profession of that small minority who fail to meet our standards of probity.

However, there could be a new benefit soon to emerge. Out of the corner of most **solicitors' eyes will be the prospect of** renewing professional indemnity insurance cover. As with other accreditation schemes, such as the Law Society's practice management standard Lexcel, it is impossible to suggest such accreditation schemes cannot be anything other than a benefit to firms in securing PII on the best available terms.

The central tenets of CQS – driving up standards in residential conveyancing, helping to deter fraud and a commitment to

excellence – all of which are robustly assessed and monitored on an on-going basis makes CQS a strong factor in reducing risk.

From a PII viewpoint, not securing CQS membership could mean higher premiums for firms undertaking conveyancing work. With uncertain market conditions for PII renewal practices who fail to secure CQS accreditation run the risk of a heftier PII premium. Is it really a risk worth taking?

The Law Society is and will continue to provide guidance and support to all of its members on PII renewals, but having CQS or Lexcel, or both could be a major benefit in that respect.

Beyond PII, accreditation to a scheme such as CQS will undoubtedly become more important as the full effects of the Legal Services Act take hold later in the year. There is a greater need to highlight to consumers the quality that solicitors provide, to set them apart from other legal providers, and to prepare for the possible entry of major retail brands into the legal services market.

A key part of the CQS is that membership is open only to our members and those regulated by the SRA. The success of the CQS initiative is intended to secure the role of solicitors and their firms at the heart of the home buying process.

We, as a profession, are banking on quality as the market opens up, and CQS embraces that thinking. It is imperative that firms doing conveyancing in the residential property market sign up to the scheme so they and their clients can benefit.

*Desmond Hudson
Chief Executive of The Law Society*

News from the Mediation Sub-Committee

By Liz Kendall, Chair

Our last Mediation Sub-Committee was an extremely sad one in that we had only the week before learned of the sudden and sad passing of Judith Hirst.

Judith was an inspiration to us all; was an excellent Mediator amongst her other roles and was an active advocate for promoting Mediation.

Judith was to take over the role of Chairman of the Sub-Committee from Angus McNicol who had expressed his wish in February to stand down although he remains an active Member of the Sub-Committee.

Whilst it will be difficult to take on what I know Judith would have done with great enthusiasm and drive, I have agreed to take on the role of Acting Chair. It is my intention during my term of office to concentrate on the continued promotion of Mediation not only to our DASLS Members, but nationwide wherever possible – a legacy to Judith if you like.

You will have seen in previous editions of 'Buzz' our (most generous!) offer to handle the next 10 cases we receive at half the normal price. In this way, a 4 hour mediation would cost a total

of under £400 plus VAT as opposed to the normal fee of £775 plus VAT.

Our new President David Turner has personally e-mailed those of you who conduct litigation about this offer and I am delighted with the interest that this has generated amongst you. If you are still considering taking us up on our offer however then please do act quickly as there are only a few Mediations at this cost left – what a perfect opportunity for you to have those 'fish files' dealt with! You will also have a chance to experience Mediation first hand – remember that the Sub-Committee is keen to work to create a career structure for those of you who are looking to vary your legal role either by becoming part time or full time Mediators. In effect then, although our offer isn't exactly a BOGOF, it is two opportunities for the price of one!

We are arranging to meet with the Partners of the key litigation firms within DASLS catchment area but do feel free to contact us individually if you have any questions on mediation or becoming a Mediator.

lkendall@ticcs.co.uk



Will Aid Press
Release

Solicitors urged to
share in Will Aid's
success

Over 1,100 solicitors gave their time to the 2010 Will Aid campaign. As a result over 19,000 Will-makers began relationships with solicitors up and down the UK. The campaign raised £1.6 million for the Will Aid charities - Age UK, Save the Children and NSPCC - exceeding the previous best of £1.25 million achieved in the previous year's campaign.

The 2011 Will Aid campaign takes place this November and Will Aid is urgently seeking more generous solicitors, especially in Devon and Somerset as demand from will makers always outstrips the available solicitors.

Shirley Marsland, Campaign Manager, commented: "Will Aid is very popular with the public. Many Will Aid will-makers confess that without Will Aid they would quite simply not have bothered to get around to writing their Will. We always have many thousand more enquiries than our solicitors can accommodate. The scheme has the potential to be even bigger and better with more Wills written and more money raised for the participating charities. But for this to happen, we need more solicitors to join us."

There are benefits to taking part: past campaigns have shown that Will Aid solicitors gain new, valuable clients as a result. Will Aid's research shows that Will Aid clients have higher than average incomes and are likely to choose their Will Aid solicitor for their future legal work. Satisfied will-makers also tend to recommend their new solicitor to family and friends.

Will Aid publicity stresses the importance of having a properly drawn up Will, written by a qualified solicitor. The public are very positively impressed by the fact that Will Aid solicitors are providing this service without charge and without payment. Solicitors are introduced to new local clients and value the opportunity of helping them put their affairs in order. Solicitors and their staff are also motivated by the chance to use their skills to raise vital funds for vulnerable people in the UK and around the world.

So please consider joining Will Aid this year. For more information on how your firm can help, please call 01460 271178, email: enquiries@willaid.org.uk or visit www.willaid.org.uk/solicitors

News from the Contentious Business Sub-Committee Guideline Hourly Rates 2011

This is the position as at 1 July 2011

The Advisory Committee on Civil Costs has recommended to the Master of the Rolls that there be an earnings related increase on the guideline hourly rates for 2011. However, the Master of the Rolls has in turn asked the Committee to seek additional information and provide further evidence before he makes a final decision. In the meantime, the 2010 rates will continue to be applied until that decision has been made.

As soon as we know more, and as soon as the 2011 rates are published, there will be a note to that effect on DASLS website.

Interview of the Month: Paul Dyson, DASLS Junior Vice President

Why did you join Devon & Somerset Law Society?



I joined what was then DELS when I first came to South Devon 23 years ago because my Firm paid for me to do so!! On a serious note, I have nothing but praise for what

is now DASLS as the seminars, recruitment and general social networking are second to no other local law society.

What is your dream job?

I would love to be a professional football manager.

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

When I was training in a large commercial firm in Liverpool, which did a lot of debt collection, I told one client that they would have to write off a debt owed by one of the largest national retailers because the bailiff had tried to levy execution on goods at the address we had given him and the premises were empty. I did not realise that he could levy execution on any of the other hundreds of shops they had around the country!! Needless to say the entire staff thought that was hilarious, but luckily the clients saw the **funny side as well and we didn't lose them.**

Which sort of work gives you the most job satisfaction?

I have practised most areas of law throughout my career and enjoyed pretty much everything I have done but I particularly enjoy the property work in which I specialise these days.

What do you do in your spare time?

I have a busy family life. We have four children and two grandchildren with one more on the way (grandchild that is!!) so that takes up a lot of my time. I also run Newton Spurs football team and enjoy all kinds of sport, music and reading.



What book are you reading at the moment?

I read a lot of novels and auto biographies. If I am reading novels by the same author I have to read them in the order in which they were written so that I can follow the private lives of the characters. At present I am reading a book called Trace by Patricia Cornwell.

What is the most recent film you have seen?

The King's Speech on DVD, as I missed it at the cinema. I really enjoyed it, the acting was fantastic although it was a bit slow in parts.

What is your favourite food?

Steak and rice pudding (although not on the same plate!!)

Which is your favourite restaurant?

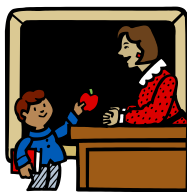
I like Trade Winds in Teignmouth, where I live and work, as the food is consistently good and the atmosphere, created by the family restaurateurs, is superb.

Where is your favourite holiday destination?

I enjoy cruising because you get to see a number of different places in different countries. If I had to choose one place though it would be the Caribbean. As for places I have not yet visited I would have to opt for Australia and South Africa as places I would love to visit.

What is your favourite pet?

I am not an animal person and, as we have a number of asthma sufferers in the family, we have never been able to have pets. My favourite pet would have to be a dog though, because when I was in my teens we had a dog. Mind you, I am always reminded by my brothers that I was the pet in **our family.....the teacher's pet!!**



Sustainable DASLS Newsletter

Thank you to those members who have already opted to receive the DASLS Newsletter by e-mail only, in place of the hard copy.

We are conscious of the impact of the Society's printing and are seeking to reduce our paper usage.

Please opt for the email version of the Newsletter - it saves postage too! Just let Monique know - monique@dasls.com



Letters to the Editor

...are always welcome.

Please write to Tony Spiers
at Aston Court, Pynes Hill,
Exeter, EX2 5AZ
(DX 8361 Exeter) or email
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News from Exeter University School of Law: A “Round Up” of the Year

This year has been extremely successful for the University of Exeter, with students participating in a number of activities which not only enhance their employability, but provide an opportunity to create stronger links between the University and the local community. There is not enough space in this article to mention all the numerous achievements of Exeter law students over the past academic year, but detailed below are three categories in which our students have been particularly successful.

Mooting

Our mooting programme continues to go from strength to strength, providing opportunities for students at all levels of study to engage in legal advocacy.

This year, over 90 students participated in the internal Devon Chambers mooting competition, organised each year by the Bracton Law Society in collaboration with Law School staff. The students compete in various rounds, judged first by more experienced student mooters and later by Law School staff and local practitioners, culminating in the grand final, which was held at Exeter Guildhall on June 9th. This event was attended by a large number of local practitioners, Exeter alumni, Law School staff and students, as well as the Lord Mayor of Exeter, Cllr Stella Brock. The four students competing were Lucy Capron, Michael Barrington, Polly Allison and Stephen Clark, **pictured below with the evening’s judges**, HHJ Cotter, HHJ Cottle and Piers Norsworthy (a barrister from Devon Chambers).



L-R: Lucy Capron; Michael Barrington; HHJ Cotter; HHJ Cottle; Piers Norsworthy; Stephen Clark; Polly Allison

This year’s winner, who was rewarded with book tokens and a mini-pupillage at Devon Chambers, was Stephen Clark.

In addition to the internal competition, the University of Exeter has also performed extremely well in external mooting competitions this year. In the Jessup international moot competition, the Exeter team reached the national semi-finals, and in the ICLR competition, Exeter reached the final for the second consecutive year. The team, made up of Emma-Lea Martin and Joshua Kinrade, performed extremely well in the competition, but were narrowly defeated by the Open University in the final.

Community Engagement – ‘pro bono’ initiatives

Community Legal Helpdesk

As Professor Charlotte Waelde mentioned in her article for this Newsletter earlier in the year, the Law School has recently established the Community Legal Helpdesk, an information triage and signposting service based at Exeter County Court. The initial pilot phase for this project, which ran from February-May, proved very successful, and we are now looking confidently towards the new academic year, with plans to expand the scope of the service offered.

As part of this project, the Law School held a 3-day training event at the beginning of June for the 25 students who will be involved in the Helpdesk next year. The training programme covered a wide range of topics, including mediation, legal letter-writing, the Small Claims track and client interviewing, with sessions run by a number of local organisations, including Bond Pearce, Foot Anstey, Ashfords and the Exeter Citizens Advice Bureau.

The training also incorporated a Client Interviewing Competition, the final of which was held at the university on June 8th. For this competition, the students worked in pairs, **interviewing ‘clients’ to gather information** about their legal problems in order to be able to signpost them towards further support, information and/or legal advice – something they will be required to do as part of their roles within the Community Legal Helpdesk. The two teams of students competing in the final were Alex Bull & Rebecca Johnson and David Baker & Rosie Harrold. The final was

judged by Michael Sanderson, a Lecturer in Law at the University of Exeter, Natasha Bellinger, a final-year student who has been involved in establishing the Community Legal Helpdesk and Jenn McIntosh, a member of the Helpdesk steering group. The winners, who each received a bottle of sparkling wine **courtesy of Ashfords and a day’s work experience at Bond Pearce**, were David Baker & Rosie Harrold – they are pictured **below with their ‘client’ for the final round**, Drama student Oliver Loughran.



The finalists, David Baker & Rosie Harrold, interviewing Drama student Oliver Loughran

Sixth Form Mentoring Project

The Law School is also keen to develop strong links with local schools, and in addition to the existing Debt Literacy Project, we have launched a Sixth Form Mentoring scheme this year, in which current law students provide support and guidance to local sixth-formers who are considering applying to study law at university. Our undergraduate student mentors have worked with students **from Exeter College, Queen Elizabeth’s Community College, Cridton, and Torquay Girls’ Grammar School, arranging various discussion and information sessions** throughout the year to prepare Year 12 students for starting the university application process.

Most recently, a group of eight students from Torquay came to the University campus for a **‘taster’ session, giving them a feel for what studying law at university is actually like**. For this session, the students participated in a seminar discussion on the law of murder (a topic which is studied in the first year at Exeter) and were given a research exercise to complete in the Law Library. They also had the opportunity to speak to current and past law students about their university experiences.



Year 12 students from Torquay Girls’ Grammar School visit the University of Exeter Law Library



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JUDITH HIRST October 1950 - May 2011

Judith Hirst qualified as a solicitor in 1985. She was a partner in practices in Northampton and Milton Keynes before moving to South Devon a few years ago where she worked part-time for a local practice in order to leave time for her other legal interests. Over the years she practised in all areas of civil and family litigation.

She was Secretary / Treasurer of a local branch of Solicitors Family Law Society (now Resolution) and on the SFLA National Committee dealing with the Child Support Act at its inception.

She continued to act as an occasional locum solicitor for the challenge and sheer

enjoyment of the work.

In 1994 she was appointed as a Deputy District Judge. She trained as a family mediator and was a civil mediator, in the latter case, being closely involved with the setting up and development of the Court/ DASLS mediation scheme. She was a driving force behind the work of DASLS Mediation Sub-Committee in her dual role as Monitoring Officer and Vice Chair. She took up the Chair briefly following the Society's AGM in April.

In 2007, she started to get involved with the Professional Skills Course provided by Ex-L Professional Skills in conjunction with

DASLS and became a Tutor for the whole of the Advocacy and Communication Skills element of the course.

Judith knew nothing of her fate. Less than two hours before her collapse while on holiday in Kenya in May, she was enjoying wine with her friend in a beach bar. Her family said at the memorial event that Judith "had found personal peace in Devon, that it was where she had really discovered who she was. She was very, very happy here".

She will be missed by all those who knew her personally and professionally. She is survived by a daughter and son and two grandsons, also by her mother and two sisters.

Regulation - the new order

By Stanley Best, Affiliate Member of DASLS

In the January issue of the Newsletter, Grahame Davidson wrote (page 9), hardly surprisingly as an insurer, that:

'We continue to believe (that) it is important in the regulation of the profession that the SRA should consider the entry requirements to practice law

Perhaps we should return to qualification by articles. A full three university years could then be avoided, money saved and aspirants be better trained. In the May issue (page 9) **attention was also encouraged to 'Regulatory issues' as part of risk management. All very sensible, but in the profession as a whole what is the reality? Are solicitors, doing what I have often as Counsel (and a former solicitor myself) advised solicitor clients to do, namely to watch their own backs?**

Consider the following, none of which I am glad to say emanate from the South West.

Solicitor A had, it seems, never heard of the difference between joint tenants and tenants in common, whilst solicitor B thought it appropriate to send to his client a form of legal charge without reading it. It was littered with errors, although he advised its execution by his client. Solicitor C, whose costs were, as he knew, to be paid and approved by a third party, sought to determine the retainer in a non-contentious matter at the drop of a hat, halfway to completion, because the client did not advance a lump sum to him as requested. He had, it seems, not bothered to inform himself of his obligations.

A further example, one of a number, is provided by Solicitor D who was retained by a prisoner to instruct Counsel to advise on appeal against conviction. The client, meanwhile, languished in a prison cell. Two

years later the papers were finally sent to Counsel, but the solicitor, who had provided the client at the outset with a pro-forma letter **saying that he 'had to take on an excessive case load', would admit no fault although** looking at his account of events it was impossible not to conclude that the **'excessive case load' (contrary to the rules)** was the explanation for the excessive delay. Small wonder that the client was distressed.

Finally, Solicitor E who at one time had consulted me as Counsel. He blamed (rightly, no doubt) a legal executive in his own firm for withholding, in a letter, any mention of a document which ought to have been revealed to the other party to a transaction. The solicitor (although he had wished to dismiss the legal executive months earlier because of numerous complaints received from clients) refused to accept from me that he had any responsibility for what had gone wrong, believing that all he had to do was to tell the SRA that he had not personally written the letter in question and, if that was accepted, then without any consideration of the degree of supervision provided by him to the employee, my client would be free from any stricture. So strongly indeed did he feel himself to be utterly blameless that he withdrew his instructions from me so that I have no idea what the outcome was. It is not, I fear, as simple as that, nor likely to get so under the new dispensation.

Consider what the future holds under the **new scheme which SRA describe as 'a more flexible approach'. Flexibility for whom? For those who prosecute or for the solicitor to get himself into a greater, ever greater muddle?**

The Editor of the Solicitors Journal, commenting upon countrywide lectures by

SRA staff, said on 10th May that 'sadly, practitioners have been left with little to work with when it comes to implementing the new regulatory' framework. I fear that when we are eventually allowed to read the new SRA handbook for ourselves - and far too many solicitors will not even try - many will find it incomprehensible whilst others who seek interpretation from the SRA in plain English may be disappointed. Flexibility in rules equals incomprehensibility.

My own success rate in advising solicitors in trouble with the regulatory authorities currently, as with some other Counsel who specialise, is around 75% to 80%. What will **it be when the first wave of 'flexible complaints' emerges from the regulators** remains to be seen. The Solicitors Journal is not sanguine. The Editor saying, rather gloomily:

'SRA supervisory and enforcement staff have undergone or will undergo some sort of reassignment programme (possibly) leading to an unwieldy mechanical process involving more cumbersome paper shuffling than intelligent risk management'.

The mixture as before perhaps! If the new regulations turn out to be even less sensible or readily understandable than the older version, then one or some brave souls should challenge them in the High Court before the allegations of misconduct become a flood.

Stanley Best
is a practising barrister specialising in solicitors regulatory problems, crime and Parole Review at Barnstaple Chambers
Tel: 01837 83763



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Andrea Jillian Wainwright 1957-2011



Legal Sunday
Service
June 2009

Below is the eulogy given by District Judge Stephen Arnold at the Memorial Service held on 9 May at Exeter Cathedral.

There is a popular image of a Judge as elderly, crusty, remote and male. Jill Wainwright could never have been accused of matching that description. She was

described to me this week by Baroness Brenda Hale, as

“beautiful, lively, intelligent and energetic who was determined to show that women could do the judging as well as any man but perhaps not in quite the same style”.

Let me take a few moments to tell you about Jill the Judge. She was Appointed in 1997 as a District Judge to Aldershot County Court and was transferred to Exeter County Court in 2001 to be nearer to her parents.

She soon made her mark and over the past 10 years she established herself nationally as one of the most respected members of the District Bench.

She was shrewd, she was wise. She also had an uncanny knack of letting advocates know how well received their arguments were. I am told on good authority from a member of the bar, that the less convincing the argument the higher the left eyebrow would rise in disbelief at what was being said until finally the hint was taken.

The District Bench allowed Jill's talents to come to the fore. Litigants in Person as well as fresh faced advocates could not have found themselves in front of a more understanding and sympathetic tribunal. One member of the bar who for many years appeared in the criminal

courts decided to change his practice and involve himself in family work. He **appeared regularly before Jill. He didn't** find the transition easy but his task was made easier by Jill who regularly guided him through the finer points of the Children Act and the Family Proceedings **Rules. When he learned of Jill's decision to retire he wrote this simple note and it read:** *“What on earth am I supposed to do now?”*

I don't how many of you have worked with a whirlwind but let me tell you it can be exhausting. Not only was she constantly coming up with ways in which the public could be better served by the Court system, she would then set about putting them into effect and expect those around her to follow her example. She would breeze in to Court with a big smile even on days when a lesser being might well be feeling sorry for themselves. She confronted all that life could throw at her with a shrug of the shoulders and a glass of something fizzy. There was the occasional expletive, a chuckle and then she would simply get on with it.

I am sure I speak for my colleague, District Judge Andrew Harvey, when I say that time spent with Jill in the Exeter County Court was the happiest of our professional career, due in no small part to the influence and companionship of Jill. Her enthusiasm was infectious matched only by her energy. There was **not a hint of pomposity or “judgitis”.**

A few months ago Jill made the difficult decision to retire and at the suggestion of our ushers a book was left in the waiting area for members of the legal profession and other Court users to add a comment. There were many, many tributes but one from a member of the bar summed them all up it read:

“If your wisdom and humanity as a Judge could be bottled and administered to the Judiciary our world would be a better place.”

How true.

In addition to the day job Jill found time to promote the role of women in the Judiciary.

She was a founder member of the Association of Women Judges. The Association is represented here today and know they would confirm that Jill served with great enthusiasm and dedication, particularly so when she was appointed to the Board of the International Association as a regional representative for Europe and the Middle East. She was also hugely influential in bringing the next world conference to London in 2012. I know that the Association is saddened that she will not be there see her plans fulfilled. It was through that organisation that she met Baroness Hale who became the **Association's President. They became** friends and she would be here today were it not for a judicial commitment in Canada.

Jill also saw the importance of a relationship with the University of Exeter. She more than most recognised the need to forge links with the academic staff and the students and the mutual benefits that would result. About a year ago she was afforded the honour of being made the President of the Dodderidge Club, a University based dining club, an office she thoroughly enjoyed.

And so it is that we come here today to say our own personal goodbye to a lady who has touched our lives in various ways with her courage, dignity and love. I end this address with an extract from a letter I received from Baroness Hale:-

“Women Judges are an amazing bunch - clever, original, and fun. Jill was one of the best and she will be sorely missed”.

THE EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS WEBSITE With Thanks to The Law Society's Brussels Office

Have you ever needed to advise a client how to enforce a judgment in Poland or find out about divorce procedures in Spain? It is not always easy to find the necessary information about the laws and procedures of another EU Member State in English and sometimes finding out who to ask is the most time consuming part of the process. As EU citizens travel more and more, make contracts in other Member States, marry citizens from other European countries or buy property abroad, these problems are becoming more relevant to the work of all solicitors. The EU is increasingly involving itself in all kinds of every-day cross-border transactions and seeking ways to make the resolution of cross-border disputes easier for all concerned, including lawyers.

As part of that drive to improve accessibility of information there is now a website, www.ec.europa.eu/civiljustice/index_en.htm, which provides information on all the main subject areas that are likely to be useful to people contemplating legal action in another EU country – and it can be

accessed by everyone using all the official languages of the EU.

The website is well designed and easy to navigate. On the left side of the screen there is a list of the 19 subjects covered. On the right side are the flags of each Member State. Navigation is very simple. If you want to know about bankruptcy procedure in France you click on **“bankruptcy” on the left** and then the French flag on the right, or vice-versa.



Say you want to enforce a judgment in Spain. The website explains the procedure for enforcement, what type of enforcement measures can be taken and what assets can be subject to enforcement. Using the Civil Judicial Atlas section of the website you can identify the Central Authority which is the main contact point for cross-border issues or the local court which would have jurisdiction.

The list of flags includes the EU flag and a map of the world. By clicking on one of the subjects and the EU flag you will find relevant information about EU law in that area and links to appropriate instruments. By clicking on the map, relevant information about international law and agreements will be displayed.

There is an added advantage for UK users as our pages have separate sections for our different jurisdictions. It is therefore an easy way to find out about procedures in other parts of the UK. Someone from Carlisle can find out how to bring a small claim in the Scottish courts; someone in Belfast can discover how to claim compensation for an accident in England; and someone in Glasgow can learn about alternative dispute resolution in Northern Ireland.

Once you start to use the website you will discover it is an extremely valuable tool. Save it in your favourites now!

THE LEGAL PRACTICE COURSE AT THE PLYMOUTH LAW SCHOOL, UNIVERSITY OF PLYMOUTH

Plymouth Law School is authorised and validated by the SRA to run the Legal Practice Course (LPC).

An important aspect of our LPC is our work placement scheme, first introduced in 2009. Students undertake a placement of up to five days with a local firm, local authority, or other legal services provider. The scheme has proved highly valuable and is very popular with our students. Few, if any, other LPC providers offer a comparable scheme. Feedback on the scheme includes:

“Fantastic experience. Informative and enjoyable.”

“Good for obtaining practical experience in the workplace.”

“Opportunity to see what you have been studying in the workshops in practice - really helps to clarify the practical aspects of the course”

“I found it helpful to see the theory in practice during stage 1”

Our aims are threefold to assist:

(i) our students to appreciate the practical realities of practice life,

(ii) **development of students' understanding and knowledge of the areas of law then studied, and (iii) practitioners in their** recruitment process.

There is no commitment or expectation made of participating firms and individual practitioners in terms of offering any training contract or any other form of employment. No payment by firms is expected, and our students remain our responsibility throughout. All that we ask is that you permit one or more students to shadow your work over a maximum of a 5 day period and thereby assist our students to experience practice.

The work placement weeks for 2011 are the week commencing 14th November 2011 and the week commencing 21st November 2011. At this time in the course the students would have experience in Litigation (both Civil and Criminal), Business Law and Practice, and Property Law and Practice. They will also have been introduced to the skills of Interviewing & Advising, Writing, Drafting, and Practical Legal Research.

We aim to confirm the arrangements with specific students identified during early September, providing participating firms with a copy of the CV of the student(s) and an appropriate confidentiality undertaking.

If you are able to help, please contact Penny Howard, Plymouth Law School, University of Plymouth, Drakes Circus, Plymouth, PL4 8AA or by email to Penny.Howard@plymouth.ac.uk. If you would like more information about the scheme then please email the LPC Director, Maggie Hemsworth (Maggie.Hemsworth@plymouth.ac.uk).

We are very grateful to all those able to assist us with this scheme which, of course, depends entirely on your generosity and continued support.

Thank you.

CHILDREN'S HOSPICE SOUTH WEST

By Rob Emery, Legacy Coordinator

I'd like to take this opportunity to thank David Turner for choosing Children's Hospice South West as his charity for his presidential year which runs from April 2011 to April 2012.

Children's Hospice South West is the only organisation providing hospice care to life-limited children and their whole families in the South West in a hospice environment.

We help and support children and their families who are living with life-limiting or life-threatening conditions, which mean that sadly they will not reach adulthood. We offer palliative and emergency care, planned respite and end of life care. We provide a loving and caring place for every member of the family: mums, dads, grandparents and siblings. Our hospices are a place where everyone can begin to forget their worries for a while, be a family again and find expert help and support when facing an uncertain future.

Our services are often described as 'a lifeline' to the families we support. As one mum described, "having a child with special needs is challenging, but having a child you know will never reach adulthood is heartbreaking. I am not sure it is ever something you can ever come to terms with, but the help and support we have received from the hospice has been, and continues to be, invaluable. Like a second family they have laughed with us through the good times and cried with us through the bad, and I know, that when my daughter is ready...they will be there to guide us through".

Children's Hospice South West has two purpose-built hospices in the South West: Little Bridge House in North Devon and Charlton Farm in North Somerset. A third special home from home for life-limited children in Cornwall and Plymouth is due to open in 2011. This will be called Little Harbour.

Our services are free for the families who need us and we rely almost entirely on the generosity of supporters to deliver our promise to 'make the most of short and precious lives'. Our thanks go to David Turner for his support in helping us to continue our vital work.



To find out more about Children's Hospice South West please visit www.chsw.org.uk or call 01271 325270.

PAY IT FORWARD

By LawCare

An email recently arrived at the LawCare administration office from someone interested in becoming a LawCare volunteer. He explained his motivation by saying:

"Many years ago I received great comfort and support from a colleague who was kind enough to take time to talk me through a particularly difficult situation. If I can be of assistance I should very much like to join your panel."

Those who have been helped at difficult times by a friendly fellow lawyer understand just how much difference it can make. Many LawCare volunteers were formerly callers to our free and confidential helpline, and many others have experienced problems, from addiction to alcohol or drugs, clinical depression or intolerable workplace stress or bullying, and have found that having just one sympathetic person available can make it bearable. Knowing this, they, like the lawyer who sent the email, choose to "pay it forward" once they are fully recovered by helping someone else in the same position.

The idea of paying a debt, favour or obligation *forward* instead of *back* is not a new concept. Benjamin Franklin, in a letter dated 1784, wrote:

"I do not pretend to give such a Sum; I only lend it to you. When you [...] meet with another honest Man in similar Distress, you must pay me by lending this Sum to him; enjoining him to discharge the Debt by a like operation, when he shall be able, and shall meet with another opportunity. I hope it may thus go thro' many hands, before it meets with a Knave that will stop its Progress. This is a trick of mine for doing a deal of good with a little money."

In 1944 a spokesperson for Alcoholics Anonymous explained AA's sponsor programme in a US national newspaper saying, "You can't pay anyone back for what has happened to you, so you try to find someone you can pay forward." LawCare volunteers have much in common with AA sponsors in that they support, befriend, encourage and comfort those going through

difficulties, sharing the benefit of their own experience where relevant and allowing them to work through their options and plan their recovery.

Have you ever been helped when you were struggling? Perhaps you were a newly qualified lawyer overwhelmed with your workload, and a colleague helped you learn to manage matters. Perhaps you were going through a difficult relationship breakdown and a friend took you for a day out. If you have ever had **the benefit of someone's support, then why not consider paying it forward by becoming a LawCare Volunteer.**

Volunteers do not answer the helpline, but are called on to provide one-to-one support to lawyers in need. Volunteer details are always kept confidential, and you are always free to refuse to take on a case if it is not convenient. For more information go to www.lawcare.org.uk

email admin@lawcare.org.uk

or phone

01268 771333.



Competition!

For your chance to win a bottle of champagne, simply complete this month's crossword and send it to Monique Bertoni at DASLS, along with your name and address. The winner will be drawn from all correct entries received by **Friday 26 August**. DASLS address can be found on the front cover. The solution will be published in the September issue.

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

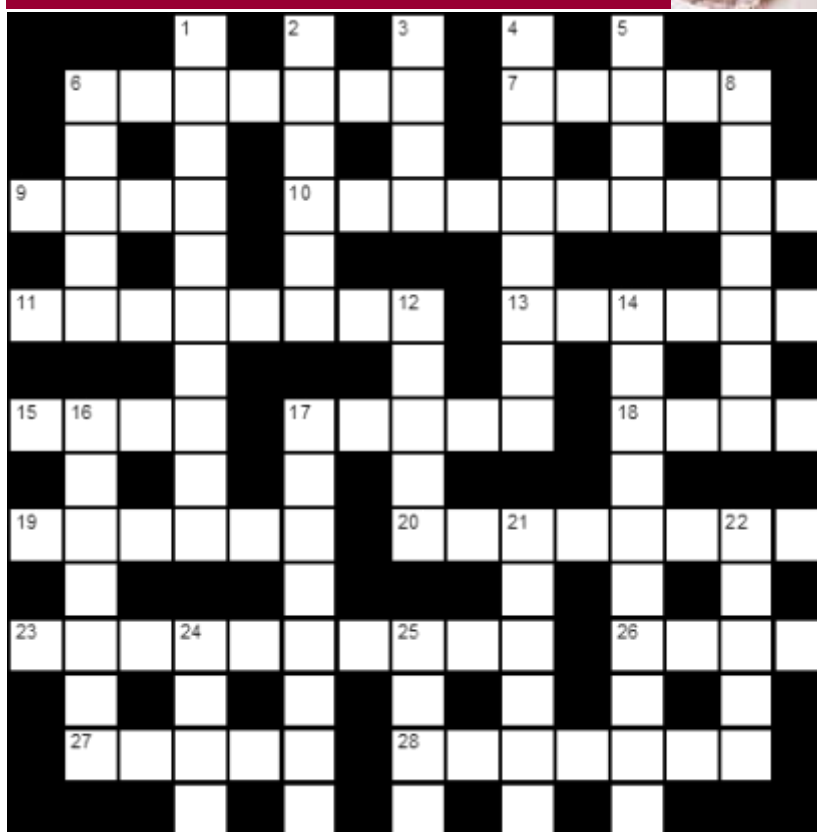
Champagne supplied by

Tel ephone:
01884
255644



CROSSWORD CORNER

Compiled by David Stephens of Battens



- 6 Seasoning? A pinch of seasoning alternative (3,4)
- 7 Cheltenham, Bath, Maidenhead make sudden contraction (5)
- 9 Two note furniture (4)
- 10 Cairo match lost in black or white (10)
- 11 Garment supports pain, it's said (3,5)
- 13 Good man takes cloak for intermittent light (6)
- 15 Not a quick fruit reportedly (4)
- 17 Old records entice girl back after six (5)
- 18 VAT for example takes one for a ride (4)
- 19 A Celtic without Lennon (leader)? Acid!! (6)
- 20 Yes, score disorder of the eye (5-3)
- 23 To take your clothes off (nothing heavy) is illuminating (5,5)
- 26 Duane's current (4)
- 27 Deadhead rules the little bit that's left (5)
- 28 Four in trial before pursuit (7)



- 1 Irritation hastens arm injury (10)
- 2 journey is far as I go, about (6)
- 3 Female dog, headless, needs to scratch (4)
- 4 Betrothal uses opal badly (8)
- 5 Hot stuff, back in Maida Vale (4)
- 6 Encourage fire in the Potteries (5)
- 8 Borders of Malaga, Israel, Borneo put to the vote for post (7)
- 12 Part of uniform torn up near its collar initially (5)
- 14 "Poirot" is series cut for cookery (10)
- 16 Found Ms Blanchett in London and Dublin openings (7)
- 17 Singer from Oliver cast without hesitation (8)
- 21 Roughly, without Holland's capital, be smarter (6)
- 22 Extract from Shelly ode last heard in Switzerland (5)
- 24 Mid March sees side out (4)
- 25 Investigate, finally, Brandenburg for example (4)

DASLS Social Diary



DASLS Challenge Cup

The fourth Challenge Cup series is underway. The first challenge, Skittles took place on 31 March at The Atmospheric Railway, Starcross.

Kitsons were the eventual winners with Hooper & Wollen second and Foot Anstey third.

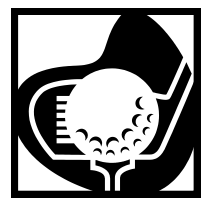
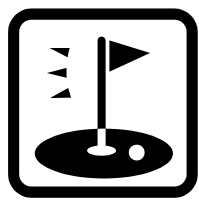
Congratulations to them.

Round Two was to take place on 26 May but the weather dictated otherwise resulting in the course being water-logged. The event has been rescheduled for 21st July. Details and booking form available on DASLS website.

DASLS Challenge Cup League Table

Challenge Cup leader board 2011 / 12 after one round	
Kitsons	6
Hooper & Wollen	4
Foot Anstey	2
Ashfords	1
Over Taylor Biggs	1
Parlett Kent	1
Veitch Penny	1

Rescheduled Event - note new date
Round Two:
Pitch & Putt Golf
Thursday 21 July 2011



Solution to the May 2011 Crossword

1	S	W	2	A	T	3	H	E		4	G	5	E	6	R	7	A	8	N	9	I	10	U	11	M
	I		E		I						A			T		N					A				
9	M		I		R		A		G	10	G		R		A		T		E		F		11	U	
	P		O		H						L			L		O				A				L	
12	L		E		S		S		E		N		E	D		13	B		R		O		14	N	
	I		O		R						E				A									T	
15	F		I		L		T		E		R		T		I		P		P		E		D		
	Y		S				D				I		P		Y		16				17			J	
							18		D		U		E		D		I		L		I		G	E	
19	L		20		S				C		E			I		E								W	
21	A		N		N		U		A		L		22		M		E		A		N		T	I	
	M		A				T			23	M			D		E								M	
24	B		A		R		B		I		C		A		N		25		O		R		D	E	
	D		E				O				L										A			L	
26	A		R		D		E		N		T		L		Y		27		P		L		A	Y	
																								E	R

Crossword Winner!

Congratulations to
Robin Tilley



of Michelmores in Exeter.



Heard it on the Grapevine by Rory AKA The Jolly Vintner

Has The Liebfraumilch syndrome bottomed out for Australia?

During the seventies one of the biggest selling wines was Liebfraumilch from Germany under various brand names and was just known as a cheap and cheerful white. However the long term damage it did on the UK market is beyond belief. During the fifties and sixties you would find quality German wines at the same prices as top flight Bordeaux a position now impossible to believe, Liebfraumilch almost single handedly (along with its close cousins Niersteiner and Piesporter) took Germany as being perceived to be as only a producer of cheap plonk and sales of quality German wine evaporated on the UK market.

Thirty years on Australia finds itself in the same position. After a period where many wines were sold through the nationals on deals and price promotions, Australia with over production, a weak currency and many of the famous brands owned by Fosters who seemed more interested in quantity than quality, Australia in a very short space of time has seen its image diminish and people get bored with the fruit bomb wines they were producing. In two years sales in 2008 fell from A\$884m to A\$580m in 2010 in the UK market alone. Brand names people once enjoyed are now struggling to compete in quality and price with wines from much smaller producers in Chile and Argentina. Combine the quality issue with a weak pound and a third year in a row of reduced yields, is going to put pressure on price. Even the General Manager of Treasury Wine Estates (Fosters former wine division which pulled funding for wine Australia) admits that Australia cannot compete at bargain basement prices. I recently saw a ridiculous price for a Lindeman's white on it was only on closer inspection that I saw "produce of South

Africa" on the label. Is this the way forward? I hope not.

So where next for Australia? It is time to reinvent itself and get its message across in a completely different way. Today I had a visit from the UK representative for Brown Brothers showing me a selection of wines that was hard to believe were Australian, lowish alcohol, unusual grape varieties and very pleasant indeed. Brown Brothers have been muscled out over the last few years by the big boys and I hope the shift in purchasing will reflect in the re-emergence of some of the better quality Australian houses. Currently the Australian industry is rigorously pursuing a premium marketing strategy which is apparently starting to show dividends. I really hope this works but don't forget there are great wines from all around the globe that are strong in the £8.00 - £15.00, so they are not just competing against other New World styles but the everything from Albarhino to Zibibo (one of the wines I tried from Brown Brothers was a sparkling Zebibo, great for Christmas morning!)

Good luck then Australia in rebranding your image but in a climate where people are watching what they spend I think they are going to find it difficult to rebuild some of the trust that has been lost in the discount madness. It has taken a generation to rediscover the wines of Germany and the style is a world apart from the sweetish 70's to steely dry Rieslings and an image of quality. In this age where CEOs want results the next day I don't think they can wait a generation to get their message across.

Rory AKA The Jolly Vintner
23 West Exe North, Tiverton EX16 5LX
Tel. 01884 255644

Summer Loving Fizz



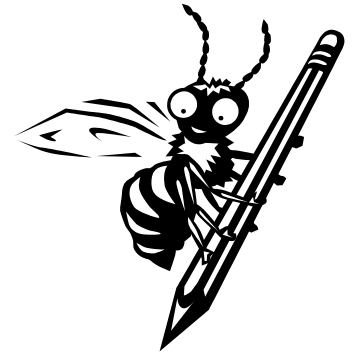
Needing a beautiful sparkler for this summer to drown your sorrows as you watch the rain fall on your garden party?

Patriarche Crémant de Bourgogne - 6 bottles for £60

Contact Rory at the Jolly Vintner 01884 255644

Free delivery 20 mile radius of Tiverton, £10 outside of this distance

Have you seen DASLS's
BUZZ?



It's our fortnightly e-bulletin. If not, do we have your current email address?

Please contact
monique@dasls.com to register your details!

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For confidential help ring

0800 328 4203

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If so, you do not have to do so alone. Support groups exist to assist you.

DASLS SEMINARS

Why should you choose DASLS seminars?

DASLS has over 20 years' experience of organising a comprehensive programme of CPD courses annually, including *in-house training*, with experienced and *high-quality speakers*;

Delegates enjoy the benefits of training undertaken nearer to the office, reduction in travel and associated expenses resulting in *cost-effective training* with discounts available for multiple bookings - *look out for our 3 for 2 Offer* when you can book 3 people on the same seminar and get the cheapest place free;

Practitioners can *keep up to date* with current developments in the law throughout the CPD year;

No penalty for substitute delegates with individual CPD *Certificates of attendance* issued after each course; Members of DASLS Education & Training Sub-Committee are responsive to requests for seminars on particular subject matters and welcome suggestions for future topics and *specialists* we can invite.

Latest developments include an online training facility with the *College of Law Media service* - details on our website.

LAW MANAGEMENT DEVELOPMENT PROGRAMME

20 HOURS CPD.

A 3.5 day programme helping lawyers master key management skills

Dates: 19 September, 17 October, 21 November 2011 (full days) and 10 January 2012 (part day)

Law Management Stage One (Tiverton)
Tuesday 27th September 2011:
9.30am – 5.30pm 7 hours CPD
Keith Harper

Law Management Stage Two (Tiverton)
Wednesday 28th September 2011:
9.30am – 5.00pm 6 hours CPD
Keith Harper

The Future of Litigation
Thursday 29th September 2011:
9.45am – 1.00pm 3 hours CPD
Dominic Regan

Settling Claims
Thursday 29th September 2011:
2.00pm – 5.15pm 3 hours CPD
Dominic Regan

IHT 400, IHT 205 and IHT 100 - A Practical Guide
Thursday 29th September 2011:
9.45am – 1.00pm 3 hours CPD
John Thurston

Challenges to Wills
Thursday 29th September 2011:

2.00pm – 5.15pm 3 hours CPD
John Thurston

Topic to be confirmed
Tuesday 4th October 2011:
9.45am – 1.00pm 3 hours CPD
Debbie Grennan

Employment Law Update
Tuesday 4th October 2011:
2.00pm – 5.15pm 3 hours CPD
Debbie Grennan

Planning for Planning Lawyers
Tuesday 4th October 2011:
9.45am – 1.00 pm 3 hours CPD
John Bosworth

All courses are held in the Exeter area unless otherwise indicated

Agricultural Law Update
Tuesday 4th October 2011:
2.00pm – 5.15pm 3 hours CPD
Geoff Whittaker

Short Term Lets - Getting it Right
Thursday 6th October 2011:
9.45am – 1.00pm 3 hours CPD
Laura Ford

Land Registration
Thursday 6th October 2011:
2.00pm – 5.15pm 3 hours CPD
Laura Ford

Ancillary Relief Update (Barnstaple)
Tuesday 11th October 2011:
2.00pm - 5.15pm 3 hours CPD
Kate Davidson QC

Ancillary Relief Update (Yeovil)
Wednesday 12th October 2011:
9.45am – 1.00pm 3 hours CPD
Kate Davidson QC

Contentious Probate
Wednesday 12th October 2011:
9.45am – 1.00pm 3 hours CPD
Speakers from St John's Chambers

1975 Act Claims
Wednesday 12th October 2011:
2.00pm – 5.15pm 3 hours CPD
Alex Troup et al, St John's Chambers

Annual Update from Winter Rule LLP - Chartered Accountants
Wednesday 12th October 2011:
2.00pm – 5.15pm 3 hours CPD
Andrew Allen, Winter Rule

Understanding Hair Testing
FREE EVENT FOR MEMBERS
Thursday 13th October 2011:
11.30am – 1.30pm 2 hours CPD
Rod Carillo, Trimega Laboratories

You can now sign up for the monthly training e-bulletin containing details of all our courses and links to online flyers.

Simply e-mail michelle@dasls.com to subscribe.

TOLATA Update
Thursday 13th October 2011:
2.00pm – 5.15pm 3 hours CPD
Dan Leafe and Deborah Dinan-Hayward, Albion Chambers

For full course details and prices, simply download flyers from our website: www.dasls.com

Book via the website or phone Michelle at DASLS Office on 01392 366333

COMPULSORY COURSE FOR TRAINEES

Professional Skills Course starting on 7 November 2011
East Devon Business Centre, Honiton
For more details please contact Monique at DASLS office monique@dasls.com