

Newsletter



Young Solicitor of the Year Award

Nomination Form enclosed



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DEVON & EXETER
LAW SOCIETY

www.devonlawsociety.org.uk

MAY 2006

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Southernhay Chambers

SOUTHERNHAY CHAMBERS congratulate Christopher Naish and Susan Campbell on their appointment as Joint Heads of Chambers.

We are delighted to announce that the following have accepted invitations to join Chambers:

Robin Tolson, Q.C.

(also practising from Outer Temple Chambers, London)

Roderick Moore

(formerly of Pump Court Chambers, London)

Steven C. Jones

(formerly of Clerks' Room, Taunton)

Daya Mann

(formerly of Devon Chambers, Plymouth)

Graham Watson

(formerly of Pump Court Chambers, London)

We are also pleased to announce that Paul Storey, Q.C. (main Chambers 29 Bedford Row, London) has joined us as a Door Tenant.

The members of Chambers are:

Christopher Naish	Deborah Archer	Robert Sheridan
Susan Campbell	Roderick Moore	Rebecca Blackwood
Robert Alford	Steven C. Jones	Sarah Evans
Robin Tolson, Q.C.	Daya Maim	Tahina Akther
Heather Burwin	Graham Watson	Door Tenants:
Peter Telford	Juliet Williams	Paul Siorey, Q.C.
Jacqueline Ahmed	Lauren Pitchford	Valentine Le Grice, Q.C.

Senior Clerk: Joy Daniell

Southernhay Chambers

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Southernhay Chambers operates an equal opportunities policy.

Community
Legal Service



PRESIDENT'S DIARY

By Chris Hart
President



It is a great honour to be preparing this Diary as your new President. Those who were in attendance at the AGM will have heard me comment that whilst we continue to face challenges as a profession, our Society is regarded as being one of the very best models of a professional Society. We have an excellent base from which to widen our influence and also do all that we can to promote the good work that our profession does throughout this county. I hope that during the coming year we will be able to continue to harness younger members in involvement in the Society, and also encourage more of our law students in the region to recognise the quality and diversity of practices and legal work available throughout Devon.

I would like to pay tribute to our Past President, Rod Mole, for his tremendously energetic stewardship of the Society over the past year during which he has represented the Society at countless functions and meetings. I will not forget his magnificent speech in Italian during the twinning ceremony with the Verona Bar which I thought set a most unfortunate precedent for any incoming DELS President!

My first opportunity to represent the Society as President came at the Annual Dinner of the Gloucester and Wiltshire Law Society which was held at Cricklade, and I followed that by attending the launch of the Just10 Devon event at the invitation of the Lord Bishop of Exeter.

In a couple of days time I will be attending the AGM of the Association of South West Law Societies, and I will shortly be joining the delegation of DELS members who will be visiting Leuven in Belgium for this year's International Lawyers Meeting. The working sessions concern "Statutes of Limitation" within the member countries. The trip to Leuven is closely followed by the European Bars Federation meeting in Zurich which will deal with the issue of "Costs and Success Fees", and a visit to Verona at the invitation of their President on the occasion of the celebration of San Pietro Martire.

What is going to be an extremely busy month is rounded off by the weekend of our Legal Sunday Service. The joint reception with the Judiciary

and Bar takes place at Larkbeare House in Exeter on Friday 9th June, and is followed by the Service at Exeter Cathedral on Sunday 11th June. Details appear elsewhere in this newsletter and it would be good to see many of you there!

COUNCIL MEMBER'S REPORT

There follows an account of Christopher Palmer's report to DELS AGM



Mr Palmer felt that it was appropriate to say a few

words and limit his report to the structural changes taking place in Chancery Lane.

The Law Society is well on the way in its restructuring: the 2 new Boards (Regulation and Consumer Complaints) are up and running, independently of, and separate from, the Council. It now needs to prepare itself for the new representational role. The "Have your Say" consultation exercise finished on 21 April.

The Council has agreed its own vision of what the future Law Society might be as a representative body. Four main themes have emerged from the road show meetings with practitioners:

1. Overall support for a national Law Society
2. Support for a compulsory levy but in return for 'value for money'
3. Perceived role for the Law Society as the voice of the profession, as opposed to simple provision of member services
4. A need for the Law Society to be more effective in its communication with the profession, the government and others

At its last meeting, the Council agreed some basic principles:

- *Scope and purpose of the Law Society* – to act as the collective voice for solicitors and to respond to their needs.
- *Unique potential of the Law Society* – it is
 1. the only national body representing and promoting solicitors' collective interests Nationally and internationally and promoting the profession of solicitor;
 2. the profession's advocate as first consultee of the regulator, a focal point in campaigning for law reform especially to protect the independence of lawyers and

the rule of law;

3. the single most accessible source of essential information in relation to the profession and legal practice;
4. the first point of contact for ethical, professional and practice advice and for pastoral care;
5. the leading commentator on and promoter of matters of public interest relevant to the solicitors' profession.

However these principles will be tested against the consultation findings. The profession's response will not be ignored.

DEVON COMMUNITY FOUNDATION

Devon Community Foundation, a registered charity (1057923), is the County's leading independent grant maker, currently awarding grants totalling more than £1m a year.



The Foundation covers the whole County, including the unitary authorities of Plymouth and Torbay and specialises in supporting voluntary and community groups working at a very grass roots level, providing services and activities in local communities throughout Devon. Grants range from £50 to £10,000 and support a variety of projects, including those for children and young people, neighbourhood renewal, rural communities and those moving people who are long term unemployed towards work. A full list of grants awarded this year is available on the Foundation's website at www.devoncf.com.

As well as making grants for others, such as the Department for Education & Skills and Comic Relief, the Foundation is also building a flexible endowed fund which provides a sustainable source of income to support its grant making activity in perpetuity. As part of this work, the Foundation is working with the Charity Commission and others, including Plymouth City Council, to identify dormant and smaller unviable trusts which can be transferred to the organisation's endowment fund, whilst still retaining the purposes for which they were originally set up. Although individually small and unviable, collectively these funds become very much more meaningful and the Foundation is the natural home for these funds.

The Foundation is also encouraging local people, and those with an interest in the County, to

include a legacy to Devon Community Foundation in their will. Everyone doing so can be confident that their contribution will leave a lasting and meaningful legacy to Devon. People who are interested in a specific cause and/or a specific geographic area can ask for their contribution to be ring fenced for their special areas of interest and the Trustees will ensure that their funds are invested wisely, yielding the best possible rate of return.

Anyone supporting the Foundation can be confident that their contribution will reach those most in need in the County and will be well managed and carefully invested.

For more details on the work of the Foundation please contact Melanie McLoughlin on 01884 235887, or at Devon Community Foundation, The Factory, Leat Street, Tiverton EX16 5LL.

INFORMATION SECURITY GUIDE FOR SMES

The CBI is warning medium-sized firms that too many of them are leaving themselves vulnerable to electronic and online attack by not planning adequate security measures. By doing so they are putting their own and other businesses in the supply chain at risk.



According to a recent CBI survey 60 per cent of medium-sized firms engage with their suppliers, partners or clients online, but more than half of these firms plan for no security measures whatsoever. Small firms fare little better but medium-sized companies, who are more likely to integrate their systems with large firms as well as trade with smaller ones, are putting themselves and their supply chain more at risk.

The CBI has launched an IT security guide, *Securing business value online*, aimed specifically at small and medium-sized enterprises (SMEs). It includes advice on how to deal with online attack, viruses and cyber crime in the supply chain.

Law Management Section members may also wish to consult the *LMS Internet Protocol Toolkit*, available to download via the IT resources area of the Section's website.

More information: www.cbi.org.uk or www.lms.lawsociety.org.uk

AGE DISCRIMINATION **GUIDANCE NOW AVAILABLE**

In October 2006 it will become unlawful for an employer to discriminate on grounds of age in the workplace. What does this mean in practice and what steps should firms be taking now to ensure that they are able to comply with the legislation when it is introduced?

This new guidance from the Law Society, updated to take account of the final version of the regulations, aims to provide a brief introduction to the proposed legislation and sets out some basic steps which firms can take to help ensure that they are age inclusive.

To download the guidance go to www.lawsociety.org.uk. On the home page click on Rules, guidance and regulation, then on Regulations and professional conduct, then on Guidance.

ADVISING ON SILENCE IN **POLICE STATIONS**

The Law Society has updated its guidance for criminal defence solicitors on the implications of adverse inferences and waiver of privilege for police station advice.



The updated guidance clearly and simply sets out the legal position and provides an update on relevant case law and new developments, particularly regarding bad character. It also now contains a useful checklist on obtaining police disclosure. It has been written by Professor Ed Cape, an acknowledged expert in the field.

A free copy of the guidance has already been sent to all defence practitioners. It can also be downloaded from the Law Society's website – go to www.lawsociety.org.uk, click on News and events, then on newsletters, then on Criminal practitioners newsletter. You will then be able to display the guidance, which updates the one originally published in October 2003.

THE GREAT WEST RUN

By Lydia Vanstone
(DELS latest recruit)



Marie Macfarlane (DELS Committee Member) and I took part in the 2006 Great West Run half marathon; 13.1 miles (believe me that .1 of a mile makes a huge difference). The Great West Run

tracks through the centre of Exeter towards the outskirts of the City and is made up of two laps. This year's course was changed to make room for more runners and was supposed to be easier – I'm not too sure about that!! Over 3,000 runners ran the race. It was a great day with a fantastic atmosphere and most people enjoyed it. The cloudy day with slight patches of sunshine made for perfect running conditions.

Congratulations to everyone who took part and raised money for Charity. This year Marie & I raised money for Hospiscare, if anyone would like to make a donation to this worthy charity please email lydia.vanstone@devonlawsociety.org.uk or send your cheques to the DELS office made out to Hospiscare along with your home address so that Hospiscare can gain from gift aid.

The picture below is of Marie and myself, after we had finished. As you can see from our faces, we are glad it's all over—no more early Sunday morning runs—well not until next year!!!



SUMMER MASQUERADE BALL



DELS is pleased to sponsor, alongside Exeter based firm Michelmores, the Young & Trainee Solicitors' Summer Masquerade Ball. This year's event will be held on Friday 23rd June at the Southgate Hotel, Exeter and all DELS members and their guests are welcome. For further details please contact Claire Wainwright on 01392 688688 or cxw@michelmores.com



TAXATION OF TRUSTS: **ACT NOW ON** **BUDGET BOMBSHELL**

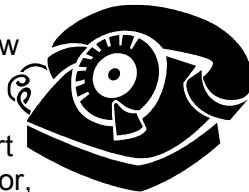
The budget made important changes to the taxation of trusts. The changes will hit ordinary people hard and the Law Society is urging the government to postpone implementation until the full impact is understood.



Tell the Law Society how these changes will affect you and your clients by completing the short inheritance tax survey – go to www.lawsociety.org.uk, click on News and events, then on News from the Law

THE RED ALERT LINE

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



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

Trainee Solicitors: Minimum Salary

The Law Society Regulation Board has agreed that, with effect from 1 August 2006, the minimum salary levels for trainee solicitors outside Central London will be:

- £15,332

with a recommended salary level of:

- £15,605

The Regulation Board in April 2006 agreed to undertake a fundamental review of the minimum salary. As yet, there is no timetable for the review, but details will appear in the Law Society's Gazette in due course.

HAVE YOU SEEN DELS NEW LOOK WEBSITE?!!!

VIST www.devonlawsociety.org.uk

WHO HELPS A SURVIVOR OF DOMESTIC VIOLENCE?

Devon has been at the forefront in tackling domestic violence and abuse by formation of the Devon Domestic Violence and Abuse Partnership, bringing together various agencies to the benefit of victims, perpetrators and society in general.

On Tuesday 6th June 2006 from 4.30 pm—6.00 pm (tea & cakes will be available from 4.00 pm) Judges, Magistrates, Local Lawyers, advice agencies and Court Staff are invited to attend an informative talk to be given by Michael Beechener an independent Training Consultant with the ADVA (Against Domestic Violence and Abuse) training team in Devon. He is also Chair of the Training and Awareness Task Group and Rachel Martin – the ADVA Manager.

The talk is to be held on at Barnstaple Court, 7th Floor, Civic Centre, Barnstaple.

Please RSVP by 2nd June 2006 to:

Tim Jones
Court Manager
Barnstaple County Court

Tel: 01271 340940

Email: tim.jones@hmcourts-service.gsi.gov.uk

Letters to the Editor



Don't forget we want your letters to the editor. So if you have something you would like to share then please jot it down and send it for the attention of :Tony Spiers MBE, DELS, Suite 5, Renslade House, Bonhay Road, Exeter, EX4 3AY.DX 8361 Exeter 1 or email: mail@devonlawsociety.org.uk


THE LAW SOCIETY BRUSSELS 2 DAY STUDY VISIT TO THE EUROPEAN INSTITUTIONS



21st–23rd November 2006

Departing from: Bristol Airport @ 10.50 am
Returning to: Bristol Airport @ 15.55 pm

Provisional Programme to include:

- An introduction to the EU—Lunchtime talk: June O’Keefe, Head of Brussels Office
- How to use EU Law to protect your clients’ interests Michael Renouf, Council Member
- Tour of European Parliament 
- Talk by Graham Watson MEP
- Visit to the CCBE (council of European bars and law societies)
- Cost for the 2 day study trip £475.00 which includes hotel accommodation, most meals, taxi fares & receptions

Please let Seren Clements know if you are interested:

The Law Society South West
27–29 Baldwin Street, Bristol
BS1 1LT
DX: 78110 Bristol



Tel: 0117 929 5170, Fax: 0117 929 5184 or email: seren.clements@lawsociety.org.uk

Please note:

- Numbers are limited to 20
- Private travel insurance not included
- Sadly partners (significant others!) are excluded due to numbers
- Up to 8 CPD hours available (exact numbers will depend on final programme)

HEARD IT ON THE GRAPEVINE

By Andrew Ford
Quay West Wines



The Chilean wine industry has undergone a remarkable transformation in the last twenty years. The country has long had the potential to make outstanding wine with a geography and climate that not only favoured the cultivation of such classic varieties as Cabernet Sauvignon, Merlot, Sauvignon Blanc & Chardonnay, but also its isolation kept the vineyards free of the dreaded phylloxera louse which destroys the vines.

Chile's wine history has a long and illustrious history dating back over four centuries to the time when the Spanish conquistadors brought vines to make wines for sacramental purposes.

A boom in vineyard plantings between 1995 and 2003 has seen the Chilean vineyard area double to 110,097 hectares. A great deal of groundwork was carried out to establish which varieties to plant and where was it best to plant them. The results are plain to see - a raft of diverse wines of unique character that are beginning to justify Chile's reputation as an exciting wine country. 70% of production is exported and Chilean wine is considered part of the mainstream European wine market.

Wine Regions

Elqui & Limari. Both of these semi-desert regions are situated in the far north and produce elegant, understated styles of wine. Limari is a broad, flat expanse near the Pacific. Some of Chile's highest vineyards are being planted here, at up to 2000 metres. Despite being dry and sunny the coastal influence tempers the heat making for a long growing season and complex wines.

Aconcagua. Aconcagua's boundaries are being expanded by progressive winemakers in search of ever more diverse wines.

Casablanca & San Antonio. Casablanca was the first region to put Chilean white wines on the map. However, it can no longer be considered as one terroir that is good for crisp whites such as *Sauvignon Blanc*, but is re-inventing itself as a cool climate region for both reds and whites in varying styles. Much experience has been gained since the valley was first planted 20 years ago. San Antonio is the logical extension of

Casablanca. Closer to the sea and even cooler, producing wines of great complexity and depth of flavour due to the long cool growing season and varied soils and altitudes.

Maipo. Some of Chile's best traditional terroirs for Cabernet can be found in Maipo. As a region it has many different soils and climates and majors on reds in a style showing ripe concentrated fruit, elegant structure and, low acidity. In the lower part of the valley producers have taken advantage of the rich soil and high temperatures to make excellent *Carmenere* which thrives in these conditions. Because of its proximity to Santiago Maipo contains the headquarters of many of Chile's oldest and biggest wineries.

Cachapoal. Cachapoal is a sub-region of the Rapel valley. Two very distinct parts of Cachapoal stand out as quality areas. The first Alto Cachapoal, is on the easterly slopes, where *Syrah* and *Cabernet* have found a home in rocky soils and fresher conditions. The second is in the coastal hills area where the climate is warmer and the soils richer. *Carmenere* is the preferred grape variety here.

Colchagua. Colchagua is the second sub-region of the Rapel valley. A warm fertile region that gives concentrated and ripe wines. Towards the west relatively new areas are being developed.

Curico & Maule. Both Curico & Maule are regions that tend to get a raw deal. Between them they account for more than 40% of Chile's vineyard area and it is here that many of Chile's large volume brands are sourced. Both regions are slighted for having overly high yields, however, the situation is changing and producers are beginning to capitalise on fresher, more classic styles. In Maule definite progress is being made. In the past the wines have tended to be somewhat light in weight. A general improvement in viticultural techniques has now enabled wines to be more elegant and concentrated.

Itata & Bio Bio. The southern region is divided into the Itata & Bio Bio valleys. Unlike regions further north it does not have the shelter of the coastal mountain range, and consequently rainfall is much higher here. Average temperatures and sunshine hours are also lower. This is a greener tree-filled landscape. Most of the wine is derived from the prolific *Mission* vine. The wines tend to be more delicate and as such are beginning to forge a niche for themselves.

CHILEAN WINE OFFER

Devon & Exeter Law Society in association with Quay West Wines are pleased to offer Society members a 12 x 75cl bottle case at the reduced price of £49.99 (that's £4.17 per bottle delivered). T

The case comprises 6 full flavoured whites (2 Chardonnays & 4 Sauvignon Blanc), 6 red fruit driven reds (3 merlot, 2 Cabernet-Sauvignon, 1 Carmenere).

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

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

To contact us:-
Telephone: 01392 - 841833
Fax: 01392 - 841996
E-mail: sales@quaywestwines.co.uk



DELS COMPLAINTS SERVICE

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



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

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

Here is a suggestion:- Complaints

The firm's in-house complaints procedure is described above. We usually find that most complaints can be resolved by that method. If our in-house scheme has been used and you are still not satisfied, please be aware that there is a free conciliation service operated by the Devon & Exeter Law Society who can be contacted by telephone on 01392-411585 or via the DELS website www.devonlawsociety.org.uk