

Newsletter

DEVON & SOMERSET LAW SOCIETY

www.dasls.com

November 2009

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*Your Committee,
Officers and Staff
wish you a very*

Merry
Christmas



and

HAPPY NEW YEAR



INVESTOR IN PEOPLE

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President's Diary

By James Cross, President



Thank you for supporting my fund raising and awareness walk. Particular thanks go to our Junior Vice President David Turner (Foot Anstey), Tim Richards (Michelmores)

Matthew Still of the Law Society and to my colleagues from Kitson Hutchings for getting up at some ridiculous hour on Saturday 24th October to walk across Dartmoor and for their enthusiasm, despite injuries for the difficult task of walking again on Exmoor on 25th October.

So far, we have raised a figure over £1,000.00 which will be "fund-matched", so the final figure will be in excess of £2,000.00 for the Devon and Somerset Community Foundations and I believe we raised awareness for the two charities and DASLS.

It was lovely to have been interviewed live on the Saturday morning by David Fitzgerald on BBC Radio Devon and then later in the day whilst approaching Chagford (*photo below*) three elderly ladies enjoying the view asked us if we were "those solicitors walking a long way for charity". Our message had at least got as far as the three ladies with a flask of tea.

Aside from tramping across Dartmoor and Exmoor, September and October have been busy months, not least for Committee meetings in September. John Kirkhope, Solicitor and Notary Public addressed the main Committee on the subject of will writing companies. Our own Chair of the Non-Contentious Business Sub-Committee, Patricia Durham-Hall, is currently, with her committee gathering evidence to present to the Law Society on will writers.

The debate will be further taken on by a working group of the Vice President's Committee whose task it will be to consider the changing legal landscape with the coming of alternative business structures and to formulate our strategy and how we go forward with it as well as exploring the financial implications of any actions required.

Whilst at the end of September and the beginning of October, I attended a Federation of European Bars (FBE) Meeting in

Valencia in Spain. The conference was extremely useful, especially on mediation and how mediation should be regulated. A question arose as to whether an agreement reached on a without prejudice basis with a non qualified mediator, and in the absence of lawyers, could be challenged? The FBE put forward a resolution which was agreed at the conference that lawyers must be involved in mediation although that resolution is to be reworded to ensure that the meaning is not lost in the translation for all the different nationalities that were represented.

My telephone conference with the Chief Executive of The Law Society, Des Hudson, took place on 15th October and covered such topics as Best Value Tendering (BVT) and the Professional Indemnity Insurance renewal which has given the profession a great deal of concern and continues to do so.

The Law Society has established a P.I.I. help line for solicitors having problems with renewal and I know that Des Hudson has been working with his colleagues to ensure that the P.I.I. market acts fairly.

I am afraid it seems that P.I.I. will continue to be a problem for us all and we will wait to see what the Law Society's lead is upon the matter.

As for BVT, the Law Society alongside the Bar are exploring every option in opposition to the Ministry of Justice's recent consultation and compiling what I understand will be a

"robust" submission against cuts in the meantime.

I was delighted to attend the Bristol Law Society Dinner on 16th October, and returning to Bristol on 18th October for the Legal Sunday Service. It is very good to meet up with colleagues in other parts of the West-country and to discuss with them the current issues that are facing us all.

On 21st October, I was pleased to be invited to Plymouth University on behalf of DASLS to learn of the aim of Plymouth University to become the "Enterprise University". The evening included a case study and "Student Experience" which was very good indeed and focussed on a particular student who had applied for and obtained a grant to undertake works in the community at a rehabilitation centre. The partner in the scheme was a local business and it was very nice to see business engaging with the community by way of its social responsibility policy.

Leading up to the 24th and 25th October, and the Dartmoor and Exmoor trek, I was lucky enough to represent the Society at the Torquay Joint Medico-Legal meeting at the Palace Hotel, meeting Professor Bernard Knight who was the Home Office's Pathologist on the case of Fred and Rosemary West at Cromwell Street all those many years ago. Professor Knight was ...

Continued on page 4



From left to right Matthew Still, *Law Society South West Regional Manager*
Tim Richards, *Partner, Michelmores*
James Cross, *DASLS President*
Rhodri Davey, *Partner, Kitson Hutchings*
Peter Creber, *Kitson Hutchings*

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...Professor Knight was an extremely interesting speaker and I was interested to learn that he is not only a Home Office Pathologist but also a Barrister at law.

My training for Dartmoor and Exmoor trek was knocked somewhat by the intake of dinners and lunches in the week leading up to the walk, culminating in attendances on 23rd October, not only at the Royal Institute of Chartered Surveyors Lunch in Exeter, but also at the Past President's dinner at the Palace Hotel in Torquay on the evening on Friday 23rd October.

The RICS Professional Lunch on Friday 23rd October had the President of the RICS, Mr Max Croft speaking and referring to a recent paper produced on behalf of the RICS, the Accountants Professional body and the Law Society on what is a professional and how professionals are perceived.

It was an apt theme for a professionals' lunch which finished on the note that there seems to have been little, if any, genuine consultation with the professions when there has been a proposed change in practice and procedure and the example given, of course, was the Home Information Pack debacle.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★
 ★ **DASLS MEMBERS** ★
 ★ **SHOW EXCELLENCE** ★
 ★ **AT THE 2009** ★
 ★ **LAW SOCIETY AWARDS** ★
 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★



Congratulations to the following DASLS members and firms:

- Winners in the category of **Excellence in Exporting Legal Services, were Trowers & Hamlins. Clarke Willmott** were highly commended.

Shortlisted for awards were

- **Solicitor of the Year** - David Wilde of Chilcotts, Tavistock
- **Junior Lawyer of the Year** - David Sinclair of Acorn Solicitors, Taunton
- **Excellence in Client Service** - Hartnell Chanot, Exeter
- **Excellence in Marketing & Business Development** - Bond Pearce.

Family Practitioners and the CSA

I recently had a case which caused me considerable concern and may provide a warning to other Family Practitioners.

I was acting for a non resident Father who owned the former matrimonial home but who voluntarily agreed to live elsewhere after the breakdown of the marriage but undertook to pay the mortgage. It was understood between me and the solicitor for the wife that the payment of the mortgage was in lieu of maintenance. That understanding was reinforced when at the First Appointment the Judge asked about maintenance for the children and was told that the husband was paying the mortgage responding " ah well, that's alright we shan't have to bother the CSA". The wife was present at that hearing.

Within a couple of weeks however the wife had approached the CSA and asked them to make an assessment. The husband received the papers somewhat late as they had been sent to the wrong address but failed to notify me. He apparently asked for a re-assessment based on his actual income rather than the historical income from previous years. I imagine that he will have shown that he was paying the mortgage on the family home. At the FDR no mention was made of the CSA involvement and I rather doubt in fact that the wife's solicitors knew anything about it.



At the final hearing the court made a periodical payments order for the children to commence after the transfer of the property to the wife in accordance with the order of the court. Again, the wife's representatives made no mention of the CSA.

Subsequently, the CSA took enforcement proceedings against the husband claiming that he had failed to meet their assessment and when he pointed out that he had been paying the mortgage all that time, he was told that this was irrelevant because he was the sole owner of the property, the wife claimed that she had not agreed to accept the payment of the mortgage in lieu of maintenance and refused to agree to the arrears being remitted.

He was subsequently made the subject of a liability order for the whole amount giving no credit for the payments made.

Jeremy Ferguson (*Chanter Ferguson, Bideford*)

STEP PRIVATE CLIENT AWARDS 2009/10

Congratulations to **Denzil Lush** (*pictured here - Senior Judge of the new Court of Protection and former DELS Member*) **Winner of the Geoffrey Shindler Award for Outstanding Contribution to the Profession.**



Shortlisted for award were **Michelmores LLP** in the category of UK & Ireland Regional Legal Team of the Year.



Plastic Envelopes

DASLS Newsletter is now being distributed in clear plastic envelopes. These envelopes can be recycled in the carrier bag recycling bins found in local supermarkets!

DASLS ANNUAL GENERAL MEETING - 20 APRIL 2010
To be held at the Tiverton Hotel starting at 6.00 pm

This is a plea for members of the Society to provide active personal support to DASLS.

At the hub of what DASLS does is the General Committee. Membership of this is a real way to make a difference to the working life of solicitors in the South-West. The Committee is made up of the Officers of the Society together with (as the articles say) "not less than 10 or more than 40 elected members".

For our Society to continue to work as it was designed to do, new Committee members are needed, so nominations are invited. A form of nomination will be found below and this should please be returned to the Honorary Secretary by no later than **5.30 pm on Friday 29 January 2010.**



To: Tony Spiers MBE
DASLS Honorary Secretary
Suite 5, Renslade House
Bonhay Road
Exeter EX4 3AY
[DX 8361 EXETER 1]

I wish to nominate

of.....

For election to the General Committee and I confirm that the nominee is willing for his/her name to go forward.

Signed

Address

Year of Admission of Nominee

Please return this form by Friday 29 January 2010.

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

DASLS have established a 'e-newsletter' format to complement our existing print version.

If you would like to be included on the mailing list for the e-newsletter then please email monique@dasls.com with "e-newsletter" as the subject of your message.

The e-newsletter does not replace the print version but simply offers an alternative form of accessing and reading the newsletter.

**DASLS
DINNER**

**FRIDAY 26 FEBRUARY 2010
SANDY PARK, EXETER**

**LOOK OUT FOR THE FLYER AND
BOOKING FORM AND MAKE SURE
YOU ATTEND THE BLACK TIE
EVENT OF THE YEAR!**

**Details from
monique@dasls.com**

FOCUS ON WILL WRITERS

**By John Kirkhope, Public Notary
Weston-super-Mare**


The objective of this article is to share with other members of DASLS my experience with Will Writers, draw some conclusions and indicate lessons that can be learned.

I would like to make some introductory observations. Firstly I am not an apologist for Will Writers, indeed, my belief is if The Law Society had been more active in protecting the interests of the profession and the profession had been less complacent they would not exist.

Next I qualified as a solicitor and later as a Notary Public in my fifties. Prior to that most of my career had been spent in Financial Services either engaged directly in selling or latterly as a marketing manager. That past experience, rather different from most solicitors I think, informed my approach to Will Writers when I first came across them as a solicitor.

Shortly after I qualified, an IFA showed me a will produced by a will writing firm: try as I might I could find nothing substantial to criticise. However what did strike me powerfully was the fact the Will Writing firm had charged three times the fee we would have charged and had been paid for things for which solicitors typically would not make a charge.

Part of me was offended. I had worked hard to become a lawyer only to find myself in competition with a business which did not have to jump the hurdles I had had to



surmount. I will admit, however, given my background in marketing, to be intrigued. Why do so many people choose to go to people who, by and large, are not qualified, not regulated and charge three times what solicitors charge? I decided to investigate the Will Writing business to see if there were lessons I could learn.

I do not pretend to speak for the whole of the Will Writing industry but let me share my experience of those with which I am familiar. Maybe even challenge some of the stereotypes many solicitors have with regard to Will Writers.

I know Will Writing businesses who employ full time solicitors and FILEX's. They have a more impressive range of text and precedent books at their disposal than many solicitor firms. They have full PI insurance in place. Many Will Writing firms like many solicitors, but not all, run well managed professional businesses.

The size of the operations of many Will Writers may come as a surprise to solicitors. The director of one firm said to me recently



“Recession, what recession, we have never been busier”. That firm writes some 600 wills a week, or, as they prefer to describe it, wills for 400 households.

Their fees vary but some 100 to 150 of those wills will be at £3,000 each. I will leave my readers to do the maths. I can think of another firm who have 200,000 wills in storage and are being notified of 15 deaths a month. They are, of course, executors in the estates for many of those deaths. While discussing storage Will Writers offer to store documents for which they charge. Those charges may vary between £15 per month to £35 per annum. I know of one Will Writing business which has an income of £2.5 million from storage fees alone. Another Will Writing firm of whom I have some knowledge writes up to 150 wills a week and 95 LPAs a month. It has 40,000 wills in storage. I am told, although no one is really certain, up to half of all the wills in this country are now written by Will Writers.

Who are the customers of these will writing businesses? One of my will writing clients recently asked me to draft a clause for instructions they had received from a chancery barrister. I recall one firm who received instructions in one day from a Judge, his solicitor daughters and a barrister son in law. Many of the instructions I see from the firms with whom I have dealings are from prosperous sometimes very prosperous individuals who could well afford to instruct a solicitor in the normal way if they chose to do so.

When I do marketing consultancy, seminars or training courses I ask “Why do so many people choose to instruct Will Writers? They are, as I have said, not regulated, often not

qualified and charge more than solicitors”.

The answer: “Because they don't like solicitors.”

As an aside, how has a situation arisen in which if you want to establish a business in competition to solicitors part of your marketing will be: “We are not solicitors”. Will Writers occupy a space left vacant by solicitors and I am not sure the profession has yet learnt the lessons from that past complacency.

If you speak to the clients of Will Writers it is the perception of solicitors rather than the present reality which has persuaded them to ask a Will Writer to act.

Firstly and most importantly Will Writers offer certainty not cheapness. That is very important.

The perception for many people is that if you go to a solicitor you really won't know what the final costs will be until the invoice arrives. In contrast, a Will Writer will advertise for wills “from £30/£40”. If you want the simplest will that headline number will be the charge made to you. However if a client wants a legacy an additional charge per legacy will be made. If the client wants a trust that will result in an additional charge and so on. At the end of the meeting the Will Writer will say the fee will be £XXX please give me a cheque now and we will start preparing your will. For many people that is reassuring the cost is explicit and they have paid. Not for the Will Writer the old fashioned way of solicitors of taking instructions, issuing drafts, engrossing and then sending an invoice which may be paid two or three months after taking the original instructions. He has his fee “up front”.

Next Will Writers invariably see clients in their own home. I remember being asked by one IFA have you looked objectively at the waiting room and reception area of most solicitors offices. People are more comfortable and relaxed in their own homes because you are on their territory not yours. Bear in mind there are cooling off regulations applicable to home visits.

Will Writers, of course, advertise. The biggest firms advertise on TV but more commonly in newspapers, by leaflet drops and having displays in shopping centres. Mostly, however, they get clients by asking

for them. They seek what are called in the jargon "referrals". They will say: "If you are happy with my service is there someone to whom you would recommend me". They may write to executors or legatees they will ask the witnesses if they have wills. They ask if the clients' children and parents have wills. I wonder how many solicitors would think of saying explicitly: "If you are happy with my service would you recommend me to your family". Very few I suspect.

Some conclusions and lessons

Will Writers and solicitors have one thing in common. They are both in the business of selling legal services.

It would appear that Will Writers have been doing that rather more successfully than many solicitors.

Since it is profoundly foolish to refuse to learn lessons from your competition what lessons can we learn? Will writers do not

regard wills as a loss leader they are a stand alone product and must make a profit! Will writers offer certainty not cheapness. They ask for fees up front before they start work. Will writers explain their products in language people can understand, they don't talk about a "life interest" they talk about "family protection wills". They offer packages for example "executor help". They see clients at their home routinely not as a concession. Will writers charge for storage. My experience is that people do not value what they don't pay for. I know the traditional arguments for free storage but they speak of a different time I believe. How many solicitors have done the analysis? Is the cost of storage recouped from the new instructions received? I doubt it.

Recently I saw an article in which a sole practitioner bemoaned TESCO law and asked how could TESCO provide the personal service he provided. The answer is they cannot and don't wish to. Increasingly people are not prepared to pay a premium

for and see no value in that "personal service" which so many in the legal profession hold so dear. Particularly if that "personal service" means attending an office which has not been decorated for years as opposed to seeing someone in their own home. If it means asking the cost and being told "It depends". If it means being spoken to in language which is incomprehensible.

I will finish with this final thought. There is pressure for Will Writers to be regulated. Imagine this, if you will, a Will Writer introduces him or herself saying "I am a Will Writer regulated by the SRA just like solicitors." I know some Will Writers who cannot wait!



The Friends of Devon's Archives and the Devon Document Donor Card

The Friends of Devon's Archives, a local charity, has recently launched the Devon Document Donor Card, an innovative scheme designed to avoid the loss of important documents through house clearances. The card is intended to be attached to items, whether they are letters, diaries, manuscript maps, recipe books or anything else historic, that are considered of some historic interest. These are then left as a legacy for the future as a deposit in Devon's three local record offices in Exeter, Barnstaple and Plymouth. Heirs and executors are alerted by the card's presence to the wishes of the documents' owners.

Important historical items are also lost because of the number of older householders who downsize and do not have storage for old documents as well as because of the lack of interest by younger family members in retaining them. Items can be given to the record office before death but the card is intended for use when houses are being cleared.

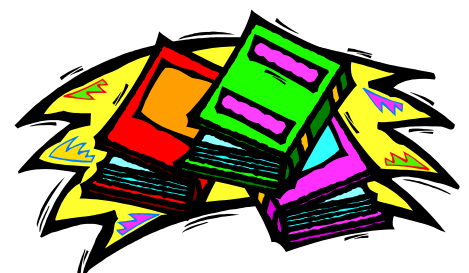
This is the first card of its kind and the interest that has been generated so far indicates that it will be adopted in record offices throughout this country as well as in Australia, New Zealand and United States. Interesting historical material has already been deposited and we expect that the initial enthusiasm for this scheme will grow over the next few years.

The Friends of Devon's Archives would like the card to be as widely available as possible and will send copies of it to any solicitor who would like to pass it on to interested clients. The three Devon archives are particularly keen to collect hand-written local items of historic interest, such as letters, diaries, recipe books, photographs, accounts and maps, but are also interested in rare or unusual printed

material such as old sale catalogues.

We will also collect, on a regular basis if required, old deeds and leases relating to Devon that are no longer wanted or needed by their owners.

For further information please contact the Chairman, Dr Todd Gray, on todd@toddgray.co.uk or 01392 27272 or at Taddyforde House South Taddyforde Estate New North Road Exeter EX4 4AT.



How to prevent, resolve and deal with complaints before the Legal Complaints Service

by Reena Shah, *Claims Handler* Aon Claims Solutions

How to prevent complaints, how to resolve complaints in-house and what happens if the complaint is referred to the Legal Complaints Service (LCS)?

This article focuses on complaints from prevention to resolution and is intended to be a quick reference guide to complement the in-depth procedures detailed in the Solicitors' Rules of Conduct, the Practice Notes issued by The Law Society and procedures detailed by the (LCS).

Our experience in dealing with complaints shows that there are three areas which generate the most complaints – communication, costs and delay.

How to prevent complaints

Preventing complaints is as important as dealing with them. The reasons for the complaints will vary from firm to firm. It is however worth keeping a log of complaints. You will be able to use this information to identify trends about individuals in your department, specific themes and areas of law. As already stated, there are three common causes of complaint, regardless of area of law or size of firm:

Communication

- Keep your client up-to-date and let your client know if progress has or has not been made on the case.
- Reply to your client's telephone calls in a reasonable timeframe; your client care letter/terms of your retainer should detail the level of service and timeframes in which you will respond.

Costs

- Ensure costs information is set out in a clear way for your client.
- Provide an update of costs and estimates throughout the retainer.
- Make sure the value of the retainer is always compared to the likely costs and that it is discussed at the outset. The matter should be discussed again if the costs or the value of the retainer change.

Delay

- Keep matters moving.
- If you are waiting for information from a third party, let your client know and ensure it is followed up in a reasonable timeframe.
- Ensure adequate cover is in place when your fee earner is on leave.

What to do if you receive a complaint

A good complaints procedure will save you time and money in the long run because it increases the chances of resolving the complaints in-house. It is therefore worth focusing on how the complaint is first dealt with, how the investigation is conducted and how the outcome is communicated to the client.

Notification of a complaint

Timeliness is key in dealing with the complaint and you should ensure that you have adequate resource set aside to consider and respond to complaints quickly:

- Take a common-sense approach in dealing with the complaint.
- Give consideration to a face to face meeting, verbal or written response depending on the circumstances.
- If in doubt on how to respond to the complaint, contact our dedicated helpline. You may need to notify the complaint as a circumstance under your professional indemnity policy.

Practical steps

Ensuring your staff are aware of the procedure to be used in the event a complaint is received is vital:

- Acknowledge the complaint in 2 days.
- Send your client a copy of the internal complaints procedure – including the LCS contact details.
- Inform your client who will be reviewing the complaint.
- Stipulate the timeframe in which you intend to reply to the complaint.

Considering a complaint

It is worth bearing in mind that a quality response at the outset can reduce the time you spend on corresponding with the LCS later:

- Consider each issue the client has complained about in turn.
- Take a balanced approach when endorsing actions of your firm.
- Consider your client's circumstances. Some clients are more vulnerable and sensitive so tailor your response accordingly.
- Advise your fee earner of the outcome of the complaint.

Responding to a complaint

The method of response is important when dealing with a complaint. Serious

consideration should be given to the method of communication to respond to the complaint. In the event a face to face meeting is held you should keep an accurate record of it. You might also want to follow it up in writing detailing what was agreed or why an agreement could not be reached. In the event you decide to choose to respond to the complaint in writing the letter should detail the following:

- What the complaint is about
- A brief synopsis/chronology of events
- The terms of the retainer and instructions your client gave you
- Outline the investigations you have undertaken to consider the complaint
- State the findings resulting from the investigation
- Make any offers of remedy and explain to the client how they can be accepted
- Explain any improvements the practice has made as a result
- Outline any avenues of appeal internally
- Inform your client the matter can be referred to the LCS within six months – you should provide your client with the LCS's contact details

What happens if the matter is referred to the LCS

The LCS is an independent complaints handling body. Whilst it is part of The Law Society, it operates independently. It was previously known as the Consumer Complaints Service (CCS), and before that as the Office for the Supervision of Solicitors (OSS). Its aim is to resolve complaints that consumers have with solicitors on a free impartial basis that is acceptable to all the parties concerned.

The complaint will initially be dealt with by a caseworker on an informal basis. The caseworker will obtain each party's view and will assist in trying to conciliate matters if at all possible. Here you can make an offer on a commercial basis to resolve the complaint. You will of course need to keep your insurer informed throughout the process.

If the complaint cannot be resolved informally by the caseworker, the matter is referred to an adjudicator. The adjudicator will investigate the complaint and, if necessary, will request further documents from you or the client. The adjudicator will review all the allegations and your responses, including the representations made by the caseworker and will then issue

News from DASLS Sub-Committees

his final response to you and the client.

The adjudicator can make a finding of "No poor service" in which case he will inform both parties and he will close the file.

The adjudicator also has the power to issue a decision which neither party can appeal, although the client would have the right to reject the decision made by the adjudicator and would still be in a position to refer the matter through the courts should he or she wish to do so.

If the adjudicator decides the service falls short of what the client should reasonably expect, a finding of one or more of the following can be made:

- Reduce or limit your bills
- Award compensation for distress and inconvenience
- Award compensation for financial effects
- Tell you to take specific action at your cost

Any awards the LCS makes for distress and inconvenience will usually be met by your professional indemnity policy.

Going forward it is anticipated there will be much media and consumer interest generated following the creation of the Office of Legal Complaints (OLC) in late 2010, which will take over from the LCS. This will raise public awareness and will no doubt increase the level of complaints about legal services.

It is hoped that this article has served as a useful reminder for anyone who has to deal with complaints. We would in fact recommend that you monitor and review complaints on an ongoing basis.

If you are an Aon client, in the unfortunate event you receive a complaint and you are not sure how to deal with it, or just want to discuss ways forward, you can contact your Client Manager and we will be happy to guide you through the process step by step.



Research on Will Writers by the Non Contentious Business Sub-Committee

John Kirkhope's article (*page 6*) on unregulated will writing firms offers an interesting insight into the changing nature of the will writing industry. His experience and conclusions may prompt many members to take a fresh look at how we offer our services to clients who wish to write their Will.

The Law Society's position at Chancery Lane (in response to increasing competition in what was traditionally the preserve of the legal profession) is that all will writing firms should be properly regulated to the same high standards as solicitors, including the requirement to carry indemnity insurance. According to the House of Lords debates on the Legal Services Bill, it was noted that the Institute of Professional Will Writers had suggested that self regulation of Will Writers may be ineffective to address the "issues that face the will writing profession".

That prediction seems to have come true. The Law Society has several examples of bad practice and poor service amongst unregulated will writing firms. Some such firms gather new clients by leaflet drops, cold calling and street canvassing. A marketing method forbidden to those regulated firms. Often canvassers appear to be using scare stories which are, at best, designed to frighten individuals into paying for legal services that are inappropriate, and at worst, are simply untrue.

The Non Contentious Business Sub-Committee of DASLS has itself received several examples of poor advice and service from unregulated will writers. Naturally DASLS members will tend only to see the downside of the unregulated market via clients who come to us to check advice received or to put problems right. Clients of businesses which give a good service (whether regulated or not) are less likely to come through our members' doors for a second opinion.

Will such a regulatory level playing field take away the solicitor's advantage in promoting ourselves as a safer pair of hands than an unregulated business? If the poor advice or service is given by an unregulated firm, the unsatisfied client may have

no recourse to four important safeguards: a formal complaints procedure; a process of asking for the charges to be assessed for fairness; continued cover and responsibility for the estate in the future if the firm ceases to trade, and most importantly, professional indemnity insurance to cover financial loss arising from the poor advice.

The solicitors' regulatory regime is designed to provide all these safeguards and more; including regulation of referral fees and codes of conduct relating to advertising. Many in the profession feel that more should have been done to ensure the general public is made more aware of this important distinction.

That aside, surely it is in the public's best interest to know that their will writer is properly regulated, whether as a solicitor or a regulated non-solicitor?

It is the recommendation of the Sub-Committee that DASLS members are asked for evidence of good practice, as well as poor practice to be made available to the national Law Society in support of the campaign for regulating the whole of the Will writing industry. To this effect we enclose a short questionnaire to be completed by all practising in this area (*please go to page 14*).



We believe that in the future the marketing of our professional services should be based on the outcome of our research, which we hope will endorse the above, and we very much welcome any comments.

**Steven Came (Member) and
Patricia Durham Hall (Chairman)
DASLS Non Contentious Business
Sub-Committee**

The Hunt for Principle

By Trevor Hellowell (*Ex-L Professional Skills*) and David Turner (*DASLS Contentious Business Sub-Committee Chairman*)

The final report of the Hunt Review of the Regulation of Legal Services was published on 6 October 2009.

It makes 88 recommendations regarding the future regulation of the profession and others seeking to offer legal services in the new competitive environment of the Legal Services Act, when it rolls out in 2011.

It also reflects much of the concern expressed about the current regulatory regime ("quixotic and inconsistent") and the obvious inability of the banking and financial system to control excesses in that industry, against a similar model which was to be the foundation of the proposals for legal services. Hunt calls for "principle-based regulation" as a substitute for the current box-ticking, slavish compliance mentality into which it is so easy to fall. As the report says, though, principle-based regulation works only for those who have principles.

He calls for a return to a deep-rooted base of ethical integrity – not lacking in most members of our calling – and a method of regulation which reflects upon the "right" answer to ethical conundrums, rather than acting within the framework of specifically-drafted rules which those lawyers who revel in such things find it exciting to side-step and argue over.

One can see obvious parallels in Sir Tom Legg's approach to the MP's expenses issue. Being within the rules is no good, if the rules are flawed or do not represent the public interest. We must honour the spirit and the principle behind the Rules to be above and beyond reproach, and Regulators must police accordingly.

The main core of the Report's thrust is to restore the elements of Rule 1 of the Code of Conduct – the Core Principles – to their rightful place at the forefront of everything a provider of legal services does. This involves re-codifying it to encompass further aspects of professionalism, emphasising it as part of all levels of training, inculcating its precepts in all staff within the practice (not merely professionally-trained fee-earning staff), using it as the prime justification for regulatory action, printing it on credit-card sized cards to be carried on the person like a donor card as a constant reminder to "do the right thing" and formulating a declaration akin to the Hippocratic Oath used by the medical profession to such effect.

There is much to digest in the Report, and the implications for the SRA, the Legal Services Board, the LCS and the Law Society in its over-arching role will take time to absorb. Training organisations and other PD providers

have much to reflect upon too, as to how to emphasise the new approach as a fundamental aspect of all we do – instilling basic principle in those who may have profit as a sole over-arching motive and may be prepared to make unacceptable compromises in a harsher competitive environment is a big ask. The fine and largely incontrovertible words of the report may be harder to implement in practice, but Hunt regards it as largely essential if trust is to be restored in the minds of the public. At the time of writing there has been no official response from the SRA to the reports findings and recommendations.

A fuller version of this Article, by Trevor Hellowell and David Turner, looking at the detail of the recommendations, will appear in the January edition of the Newsletter.



This article expresses the personal views of the authors.



The Somerset Dinner



Friday 20th November 2009 at 7pm, Taunton School, Taunton

With Special Guest Speaker : HHJ Stephen Wildblood QC

**Tickets: £31
includes VAT, Welcome Drink
& 3 Course Dinner
Dress Code: Black Tie**

Details and booking form from

**Miss Rebecca Hill, Executive Assistant,
Devon & Somerset Law Society,
Suite 5 Renslade House, Bonhay Road, Exeter, EX4 3AY. DX 8361 Exeter 1.
Tel : 01392 411585
Fax: 01392 431511
email: rebecca@dasls.com**

By Claire Revell, Everys, Exeter Member of the Non Contentious Business Sub-Committee

The new Employment Act 2008 came into force in April 2009. For those of you with employer clients this is an ideal time to suggest a review of their contracts and policies, particularly as the Act will repeal the controversial statutory dispute resolution procedures. As many employer clients are unaware of current legislation until they fall foul of it, now is a great time to act.



Your employer clients should be aware that every employee requires a contract or written terms and conditions, itemised payslips, grievance and disciplinary procedures and details re holiday entitlements and sickness policies amongst others. It is difficult for small companies and one man bands to have to comply with the same procedures and paperwork as the large companies with specialist personnel and HR departments but the law does not differentiate at Employment Tribunals.

Lawyers are there to help businesses not hinder them. Your employment departments are there to guide them through the maze of legislation and put the procedures and policies in place from early on. As there are no rules re costs at Employment Tribunals in the normal course of events this can be of enormous financial importance to a business – prevention is better than cure. Employment teams should be working with Commercial teams from the purchase of the business checking that everything is in place before it is too late – this is also a perfect opportunity for a firm to cross sell!

Beware of dabbling as this can be dangerous; one of the rare circumstances in which cost orders can be made at Employment Tribunals is if the legal representative has conducted the matter incorrectly. The Employment Tribunal can impose those costs orders not just on the party but on the legal representative themselves. One of the most prolific areas of negligence is poor advice on compromise agreements as these are often advised upon by lawyers from another discipline as they can be seen to be 'money for old rope'. Do not fall into this trap. Leave the employment law to the employment lawyers!

A Taste of Leuven's Medieval Elegance: The Jonge Balie Leuven Solemn Opening of the Legal Year 2009

I had heard rumours of Leuven's beauty and as I emerged from the train station and wandered up the main street I was not disappointed. The architecture is nothing less than stunning and even the shop fronts ooze style and elegance.

After making my way to the hotel, remaining awe struck the entire walk, I couldn't check in and drop my bags quickly enough before venturing back out into the town. The streets were bustling with students from all over the globe contributing a linguistic backdrop to the already cosmopolitan avenues; the atmosphere was completely intoxicating.

Before I had even begun to lift the veil it was time to meet the members of the Jonge Balie Leuven (Young Bar Association of Leuven) for the opening of the legal year.

However, in line with Belgium tradition not one gown was donned before gathering for the first (I shall admit to several) glasses of wine, before proceeding to the formal ceremony. During which, the Balie Leuven took the opportunity to announce their new communications strategy, which has been developed over several years, and their new dictum "lawyers are listening". The Leuven Bar are acting to breathe new life into the positive public regard for the profession.

For possibly the first time it dawned on me that we are not alone in the challenges that are facing our profession. Although perhaps not through legislation, similar implications of the Legal Services Act 2007 are being felt by our European counterparts. The members of the Balie Leuven were concerned that our defined and definite role in the market is being tested and our value questioned. With the development of internet resources the clients are more astute, aware and ultimately far more open in their criticism of lawyers. Our mutual concern is that the profession will no longer be able to demonstrate its validity and worth in the market. It is clients who will determine our value and how much they are willing to pay for our services; if they fail to see the value profit margins will decrease.



The speaker, Barond Blonde, commented that when trying to understand the client and how best to help them "silence is silver and listening is golden". This will enable us to diversify according to the client and demonstrate that our bespoke professional service is of great benefit to them.

In what I imagine to be true Belgian style, the formal conference was informative and straight to the point, leaving plenty of time for drinks and further discussions over canapés. I took the opportunity to grill a few of the lawyers about their new policy.

After stealing another hour to explore the beautiful city of Leuven it was time to dress for the evening celebrations.

One of the many things that the Belgians excel in is fine food and wines, the "walking dinner" was lavish and the desserts were unforgettable. The members of the Balie Leuven are so well informed of our legal and political system, their knowledge stimulates great conversation and if you are lucky the occasional debate (over a glass of fine red, of course).

I had a truly engaging experience with our Belgian counterparts. We are facing the same challenges yet responding to them in different ways. It is so refreshing to hear ideas and strategies from other parts of Europe. We must take advantage of our relationship, to share our knowledge and experience as this is of mutual benefit to the profession. I cannot imagine a more perfect place to achieve this than in Leuven.

Rachel O'Connor

Trainee Solicitor, Harold Michelmores,
Newton Abbot



Leuven Town Hall

DISTRICT JUDGES' CORNER & EXETER COURT NOTICEBOARD

The fact that the majority of applications for ancillary financial relief after divorce or judicial separation result in an application for an order to be made by consent is a tribute to the realistic approach adopted by most practitioners. Having achieved agreement, the parties will usually be anxious that the appropriate court order is made by consent as soon as possible.

In deciding whether or not to approve an application for a consent order, the court has a "duty....to have regard to all the circumstances of the case, first consideration being given to the welfare while a minor of any child of the family who has not attained the age of eighteen" (s.25 Matrimonial Causes Act 1973). In other words, in scrutinising such an application which, if granted, would result in the making of an order under ss23-24 of the Act, the court has a statutory obligation to undertake precisely the same inquisitorial role as it has in cases where there is no agreement and the court is required to decide matters. The court cannot, therefore, merely act as a "rubber stamp" to an agreement between the parties.

Practitioners will, in the circumstances, want to ensure that there is as little difficulty as possible in the obtaining of the desired order. The following are examples of just some of the points which regularly occur and which prevent an order being made by consent, at least initially.

1. Family Proceedings Rules 1991 Rule 2.61 requires that with every application for a consent order there shall be lodged a "statement of information". The only circumstances in which the court might be prepared to dispense with such a statement is when the consent order is filed shortly after Forms E have been lodged. Even in those cases it is as well to inform the court in the covering letter that there have been no significant changes in the financial position of the parties since Forms E.
2. If there is something unusual about the case or the proposed settlement which, if unexplained, is likely to result in an enquiry from the court, take the trouble in the covering letter sending the papers to the court, to set out the reasoning behind the agreement.
3. Make sure that the statement(s) of information have been properly and fully completed and signed. If there are

significant assets, it is quite acceptable to set them out on an annexed schedule.

4. Ensure that any mortgagees or joint owners, other than the parties, of assets affected by a proposed transfer of property order have been served with notice in accordance with Rule 2.59. **N.B.** The fact that one of the parties proposes to remortgage does not remove the need to give notice to the current mortgagees. First, the Rules require it. Secondly, particularly in these more difficult times for the obtaining of mortgage finance, even after a mortgagee has given an indication that it is likely to consent to the transfer of a property and the release of the other party from their covenants under the mortgage, that "consent" can be "withdrawn" at a later stage before the transaction has been completed.
5. Only include in the body of the order provisions which the court has power to order. For example, the court has no power to order someone who is not a party to effect a transfer of property, or to order a payment by one spouse to a non-party.
6. Do not include in the recitals an undertaking by a party with which he/she cannot guarantee to comply. **N.B.** A practice seems to be developing for one party, usually the Applicant to offer to the court an undertaking to "... procure the release of the (other party) from the covenants under the mortgage". It is of course the mortgagors, and not the parties, who have the ultimate control over whether or not the other party will be released.

It is sometimes argued that the Applicant intends to remortgage the property with another lender, so that he/she can be "sure" that the Respondent will indeed be released from the current mortgage. However, such apparent confidence ignores the prospect that some unexpected event may occur which prevents the Applicant taking up the new mortgage e.g. a serious accident or redundancy. In that event, however unlikely it might be, the Applicant would not be able to "procure" the release of the Respondent: he/she would be in breach of his/her undertaking and a notice to show cause could be issued by the Respondent.

The court is most unlikely to accept an undertaking proffered by an Applicant in this situation (and, for my part, I would not be prepared to do so). Further, if it is argued that the Respondent only accepted the terms of the proposed settlement on the basis that such an undertaking is offered, then the Respondent will find that that approach will not be supported by the court.

In cases such as this, where the Respondent wishes to be released from mortgage covenants, the parties are likely to be invited to amend the proposed order to revert to the more acceptable practice where the Applicant offers an undertaking to "use her best endeavours to procure the release of the Respondent from the mortgage covenants".

7. Make sure any required pension annexe is attached to the proposed consent order, that the annexe is fully completed and that, in particular, the current address of the pension provider is inserted.
8. The signatures of the parties and their solicitors should appear on a separate sheet, for this is not formally part of the order, if made. Three copies of the proposed order should be filed.
9. Ensure that any blanks left in the draft of the proposed order have been completed before it is filed.

© District Judge Paul Waterworth
Exeter Combined Court
Barnstaple District Registry and County Court

EXETER COURT NOTICEBOARD

As a way of improving the service we provide, the Court will now email a daily civil and family District Judge list to those solicitors and barristers chambers requesting it.

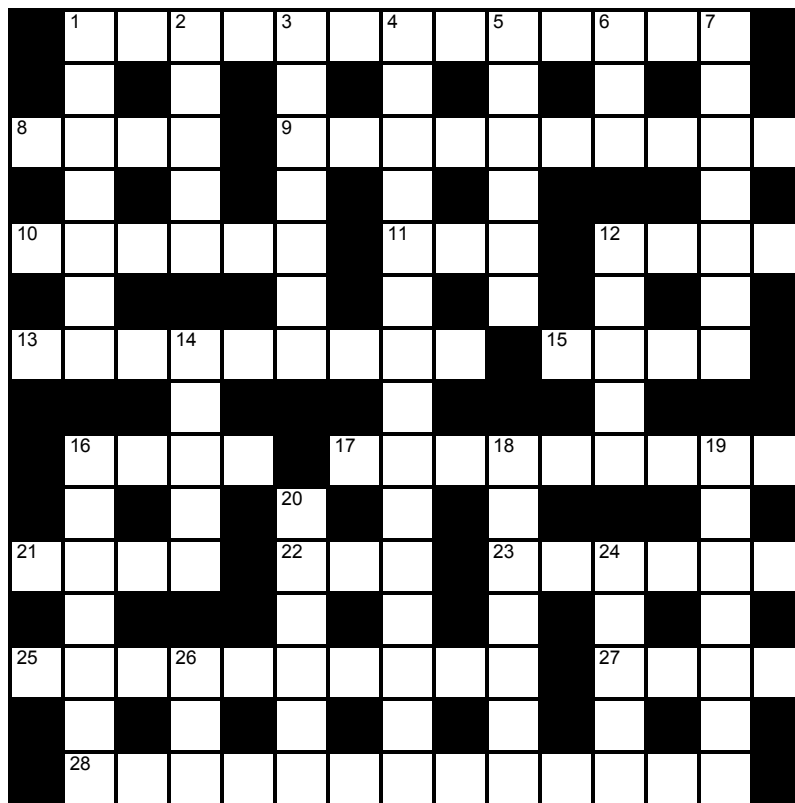


If you wish to be added to the distribution list, please contact the court on hearings@exeter.countycourt.gsi.gov.uk and provide the email addresses you require the lists to be sent to.

Please note at the present time we are unable to provide possession claim on line lists (PCOL).

Crossword Corner is Back!

Compiled by David Stephens of BATTENS



Across

- 1 Desert creature upset Albert MacCain (8,5)
- 8 French author finishes the Italian cheese (4)
- 9 Prestigious achievement from Berlioz' pen (5,5)
- 10 Backward soldier in name change puzzle (6)
- 11 Sheep, from memory (3)
- 12 Spots? Some Prozac need (4)
- 13 Cut across the Exeter Road initially in Bug (9)
- 15 In deficit? - yes, London for example. (4)
- 16 Peterhead, Portishead, or Turk's Head? (4)
- 17 Sale to get rid of damaged 12 (9)
- 21 Tie I lost, from antipodean beauty spot (4)
- 22 Bird from outside Musselburgh (3)
- 23 Bemoan mental disorder (6)
- 25 Me final gin! Spilt by 21 creator! (3,7)
- 27 Finished six deliveries (4)
- 28 Often cynic o'er assorted sweets (13)

Down

- 1 21 has Branson in pickle (7)
- 2 Cigar upset 21 (5)
- 3 Broken antlers on hire (7)
- 4 Tutorial's rubric about tree-man (15)
- 5 Nelson's piece in the paper (6)
- 6 First man in Russian space station (3)
- 7 Benz lay in ruins for singular 21 (7)
- 12 Fool in problem drinkers' group? It's a girl! (5)
- 14 Made mistake appearing in darker red (5)
- 16 Around Capri? So dull! (7)
- 18 Lively music - or legal wrangle? (7)
- 19 21 none cry about (7)
- 20 Harsh cut, to a point (6)
- 24 21 as disturbed Romeo (5)
- 26 One keen on electrical appliance (3)

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 27th November. The DASLS address can be found on the front cover. The solution will be published in January's Newsletter.

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Dear Private Client solicitor

**UNREGULATED WILL WRITERS –
EVIDENCE GATHERING**

The Non-Contentious Business Sub-Committee (NCBC) of the Devon and Somerset Law Society wish to gather evidence of good and bad practice in the area of will writing. The Law Society's position at Chancery Lane is to lobby government for all will writing firms to be regulated, such that the legal profession can compete for will writing work on a level playing field. In order to support this, Chancery Lane has asked the Sub-Committee to collate examples supplied by DASLS firms.

The NCBC already have some examples supplied by member firms over the past few years, inevitably which relate to poor practice. We are keen to receive any examples of good practice at the same time. It is worth noting that the Institute of Professional Will Writers supports the campaign for will writing firms to be regulated.

Please would you send this note to all your private client lawyers, and any others who may come across unregulated Will writing firms, and ask for details of any cases to be provided. The more information the better, but opposite is a response form which can be used by those who don't have the time to write a detailed note on each matter.

Obviously client matters will be covered by your own duty of confidentiality, and in many cases we would not expect detailed client information. However, we have already received copies of wills prepared by unregulated firms for clients, and copies of sales literature, and this adds strength to the evidence we have.

Where your clients are happy to waive their right to confidentiality, please provide as much background as possible. All information you supply to the Sub-Committee will be treated with care, and individual client names will not be passed to The Law Society at Chancery Lane unless your client has agreed.

I would urge you to spend a bit of time returning evidence to us to support the campaign, and thank you in anticipation of your support.

With kind regards

Patricia Durham Hall
Chairman, DASLS Non Contentious Business Sub-Committee

Name of your firm:

.....

DETAILS OF ANY REPORTS BELOW OF UNREGULATED WILL WRITERS' SERVICES YOU HAVE COME ACROSS THROUGH YOUR FIRM'S EXPERIENCE:

Client name (or your file reference):

Date matter drawn to your attention:

Details of good service provided:

- Poor/incorrect Will drafting
- Incorrect Will execution
- Insufficient/incorrect/inappropriate Tax Advice
- Incorrect/misleading advice as to Solicitor/Bank/Trust company charges
- Incorrect/misleading advice as to Intestacy provisions
- Incorrect/misleading advice as to Guardianship provisions
- Poor communication (please give detail)
- Complaint about fee information
- Problems with Will storage
- OTHER (please give details)

Reasons for poor service (tick all that apply):

Please give further information in relation to the above:

PLEASE, IF POSSIBLE, ATTACH DOCUMENTARY EVIDENCE IN SUPPORT

OUTCOME FOR CLIENT:

- A] Client instructed your firm
- B] Client suffered loss
- C] Client compensated (£.....)
- D] Client received apology
- E] Allegations denied by unregulated firm

Please return the completed form by 4 December 2009 to:

Miss Monique Bertoni, Administrator
Devon and Somerset Law Society
Renslade House, Exeter, EX4 3AY
DX 8361 EXETER 1
monique.bertoni@dasls.com

News From The Law School at Exeter University

Introduction to the new Professor of Socio-Legal Studies

Dr Liz Trinder joined the Law School at Exeter in September 2009 from Newcastle University as a new Professor of Socio-Legal Studies. Her areas of interest are in family law and policy and (empirical) socio-legal research. She talks to Julia Paci (Business and Outreach Co-ordinator, School of Law, University of Exeter) about her research and possible future links with the profession locally.



Julia: *What attracted you to Exeter Law school?*

Liz: Well it's a thriving law school with big ambitions and Devon is beautiful. The main reason though is that the School wishes to build up its strengths in socio-legal research or empirical research about the law in action. That's my area of particular expertise.

Julia: *What research have you done that might interest our readers?*

Liz: My substantive area of interest is in family law, particularly private law contact, although I've also researched on adoption.

I'm probably best known for some major studies for the Ministry of Justice (and its previous incarnations) on court-based dispute resolution processes for parents litigating over contact and residence. In the most recent study ('The longer-term outcomes of in-court conciliation', 2007 MoJ) we found that whilst court intervention generally produced fairly high levels of enduring agreements, not surprisingly the impact on parental conflict was much less evident. It does seem that some additional psycho-educational or even therapeutic intervention is needed alongside dispute resolution processes in these cases. I'm currently involved in a pilot with CAF/CASS to test a new intervention, based on the Australian Child-Inclusive Mediation approach. It will be interesting to see how effective that proves to be or – the perennial problem in this field – whether or not sufficient numbers of parents will take up the opportunity.

Julia: *What are your plans for future research at Exeter?*

Liz: I'm really looking forward to finding out more about new family law initiatives in the south-west and thinking about the research implications.

I also think we need to know far more about how family lawyers go about their task.

Despite the myths, we all know that family lawyers are settlement-oriented rather than adversarial, but we don't have much systematic research on how lawyers 'do' being family lawyers. I'd be very keen to start talking with lawyers locally about their ideas to develop that project. Probably the most exciting development is the work I am doing with my colleague Professor Anne Barlow on setting up a new family law research centre based at Exeter. We are confident that the centre will be a major player in research in the family law field and also act as a bridge between researchers and the policy and practice communities.

Julia: *If readers of the DASLS Newsletter would like to find out more from you, how can they contact you?*

Liz: I'm based in the Amory Building on the Streatham campus in Exeter. My number is 01392 263379 or you can email E.J.Trinder@exeter.ac.uk

President's Fund Raising and Awareness Walk on 24 & 25 October - some photos



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Go directly to:
www.thebiggive.org.uk/dasls
where you can automatically add gift aid to your donation.



LAWYERS CHRISTIAN FELLOWSHIP'S CAROL SERVICE

This Carol Service for the legal profession will be held in **St. Mary Arches Church** at **6.00 p.m. on Monday 14 December** with refreshments and a collection in aid of the Charity Rainbow Living. Please contact Sarah Hornblower at Rougemont Chambers for further details - SHornblower@rougemontchambers.co.uk

News From The Devon Community Foundation

The Devon 100 Club - Corporate Social Responsibility Made Easy

Local charity Devon Community Foundation has launched a new way for businesses to invest in local community projects, double the value of their giving and make a real difference to Devon through their CSR activity.

With Corporate Social Responsibility now understood as a valuable contributor to business success and staff development, finding ways to give back to and engage with the local community is now an important part of any business.

The Devon 100 Club is designed to provide a cost-effective, time-saving and practical way for businesses to support a whole range of local voluntary and community projects which help people in need and create better communities in which to do business.

Martha Wilkinson, Chief Executive of Devon Community Foundation explains, "Finding ways to give back to and engage with the local community as part of Corporate Social Responsibility activity is now widely accepted as a valuable contributor to business success, both in inspiring and motivating the workforce and in creating better relationships with customers, suppliers and future employees.

"In these challenging economic times, many businesses know that more people are being pushed into difficulties and they want to help. They realise that some gaps previously plugged by government are increasingly being filled by voluntary and community groups."

"We've set up the Devon 100 Club to provide an easy and rewarding way for businesses to come together to target their support to these local groups and make a real and long term difference to the local communities where they do business – without having to take on all the administration and time involved in that themselves."

The Devon 100 Club gives members a chance to support a whole range of voluntary and community projects helping local people in need, in return for a simple annual payment of £1,000 or quarterly payments of £250.

Members can help to choose which voluntary groups are supported with small grants and get regular feedback on how their money is being used, including visiting the groups.

Devon Community Foundation can take the heat off internal resources by dealing with all charitable requests received by members on their behalf. Local groups looking for support will be helped to apply for a grant from the 100 Club.

Staff can get involved by taking part in annual Community Challenges and there are regular networking events for members.

Most importantly, all fees received for the Devon 100 Club Infinity Fund before March 2011 can be matched £1 for £1 by the Foundation as part of its Grassroots Challenge.

Chief Executive of Devon Community Foundation, Martha Wilkinson says Using our Grassroots Challenge we can turn every £1,000 into £2,000 for local causes and build a powerful fighting fund to get money to where it really matters to help local people in Devon. Business people especially will recognise the exceptional opportunity this gives us right now."

Steve Hindley, CBE, Chairman of the Midas Group who are 100 Club members comments, "As a home-grown westcountry business, supporting the local communities where we work is an important part of the way we operate. The 100 Club is a great way for us to target our support locally and is integral to our CSR Policy."

To find out more about joining the Devon 100 Club call Martha on 01884 235887, email her on martha@devoncf.com or visit www.devoncf.com

Who is Devon Community Foundation? (Panel)

As Devon's largest, independent grant making charity, Devon Community Foundation supports hundreds of small voluntary and community groups making a difference to the lives of local people in need every year.

Over the last six and a half years, the Foundation has made over £7 million in grants to groups, supporting everything from lunch clubs for isolated elderly people to sports club for disadvantaged young people and from help for young carers to equipment for those with disabilities.

It's one of 57 Community Foundations across the UK making £70 million in grants every year and specialising in helping local donors (individuals, businesses and organisations) to make a difference to local communities and the lives of local people where they live and work.





DASLS Challenge Cup

The fourth event of the 2009-10 Challenge Cup was an evening of Tennis held at Exeter University Sports Hall on 24 September.

The event was won by the team from Hooper & Wollen now at the top of the league table, with Gilbert Stephens relegated to second place.

It's not too late to get involved! If you would like details of future events in the Challenge Cup, please email tony@dasls.com

Position	Team	Points
1	Hooper & Wollen	16
2	Gilbert Stephens	12
= 3	Trowers & Hamlins	6
= 3	Veitch Penny	6
= 4	Dunn & Baker	4
= 4	Over Taylor Biggs	4
= 4	Law Society Mixed Team	4
5	Ashfords	3
6	Bond Pearce	2
= 7	Charlesworth Nicholl	1
= 7	Every's	1
= 7	Ford Simey	1
= 7	James Mason Tucker	1
= 7	Stones	1
= 7	Windeatts	1

DASLS 2009 Golf Day

The 2nd DASLS Annual Golf Day took place at Taunton Vale Golf Club on 8 October. Conditions could not have been better. It was a warm day, there was hardly a cloud in the sky and only a very slight breeze. The scenery is varied, the fairways are typically wide and well kept, and the greens were in good condition and generally true. Water hazards feature on several holes, with the 4th and 11th perhaps the most challenging and "Augusta-like". It is, overall, a pretty parkland course. With a bacon bap and coffee before the game and a large main course and dessert after, the fees of only £27 were impressively good value.

The results of the competition were very close, with virtually everyone finding the back nine more difficult than the first nine holes. A Somerset team led by Patricia Durham-Hall finished just 2 points ahead of Prowse Thomas Solicitors. Brewer Harding Rowe were 2 points further back. The best individual prize was won by Michael Chittock with 37 Stableford points. Don Haycox finished second, and Steve Parry was in third place. Des Wilson won the longest Drive (on the 15th) and Don Haycox finished closest to the pin (on the 8th).

A wooden spoon now features as a prize in this event. The spoon was returned aloft to the offices of DASLS by Tony Steiner and Matt Still. Short of a player, with only two in their team, they had a very difficult task on their hands from the very 1st. With a team at full strength next time they intend passing the spoon on to another team!

Unfortunately, although it was a very enjoyable event, there were not very many teams competing. We would like to give every golfing DASLS member the opportunity to put the 2010 event in their diaries at the very earliest opportunity, and therefore details of the DASLS 3rd Annual Golf Day will be made available in the next few weeks. So that everyone can perfect their driving, pitching and putting over the summer months, we anticipate that the event will again take place in October, and plan for it to be held in South Devon.

Adam Bradford
Brewer Harding & Rowe



Email tony@dasls.com to register your interest in next year's Golf Day.

Heard it on the Grapevine: Sherry

By Andrew Ford, Quay West Wines

Xerez was the Arabic name for the city of Jerez. As the English could not pronounce this, they simply said Sherry. Today the names; Jerez, Xerez, or Sherry, are synonymous with the wines from the region of the west



Andalusian city of Jerez de la Frontera. The soil produces the best quality grapes, grown on dazzlingly white chalky earth, which can absorb water up to 33% of its own weight, and during hot months form an unbroken crust that prevents high levels of evaporation. Jerez is the uncontested kingdom of the Palomino grape, which thrives particularly well here. However, the secret of Jerez wines lies less in their location or in the vines themselves but more in the unique climate that the area enjoys.

At 15% alcohol, the surface of the wine in the cask develops a film of yeast called *flor*. As this yeast film needs oxygen as well as alcohol to develop, the casks are never completely filled. The *flor*, (a foamy, dirty white film), protects the wine from contact with the air, and over the years provides its distinctive aroma. This covering of *flor* yeast arises only in south-west Andalusia's where its special climate, and the humidity of the sea air playing a decisive role.

However, to guarantee the *flor* nourishment, fresh wine must constantly be added, and this is one reason behind the *solera* system. This system dates from only the second half of the 19th century, when English importers of Sherry demanded that the wine cellars in Jerez supply wines of unvarying taste. The *solera* system consists of 110 gallon, (500 litre), casks, called butts, stacked one above the other. The chief cellarman draws out for bottling a certain quantity of Sherry from the lowest cask. Then, from the cask above, called a *criadera*, he draws out the same quantity to top up the cask below. He continues like this until he reaches the top *criadera*, where the missing quantity is replaced from the vintage cellar. In this way older wines add their character to the younger ones. Through this step-by-step ageing process, the *solera*, (which retains the wines specific character), imparts this to all the wines in the system. Thus, in time, all vintage distinctions are erased, and the wine has a consistency that delights all lovers of Sherry.

Styles of Sherry

Amontillado

Aged and matured Finos of an exquisite amber colour, dry top-range varieties are robust, with nutty aromas.

Cream Sherry

Oloroso Sherry to which sweet wine has been added; very full-bodied and round.

Fino

Very dry and pale, matured below *flor*, best drunk in the first 6 months after bottling, has aromas of yeast and almonds, and is best consume chilled as an aperitif or with tapas or fish dishes, once opened will not last long.

Manzanilla

An especially light, pale Fino from Sanlucar de Barrameda.

Olorosso

Fermented without any *flor*; a full-bodied complex wine with aromas of dried fruit and nuts.

Palo Cortado

A very rare, dry, subtle and complex Sherry, also aged without *flor*, lying between Amontillado and Oloroso in taste and aroma.

Pedro Ximenez

Rarely appears as a pure varietal, extremely sweet dessert wine, blended with Oloroso.

Should you require any information regarding any particular wine or sherry we would be happy to discuss this and please do not hesitate to contact us.

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

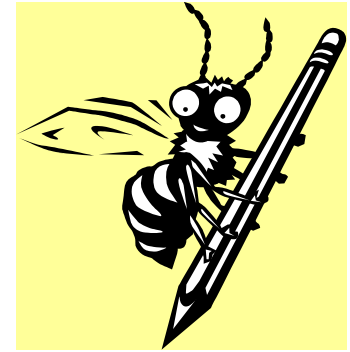
If there is ever a particular wine you are looking for we will do our best to source it for you.

Telephone: 01392 - 841833

Fax: 01392 - 841996

e-mail: sales@quaywestwines.co.uk

Have you seen DASLS's BUZZ?



It's our fortnightly e-bulletin to keep members up to date with DASLS events. If not, do we have your current email address?

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

Join our Facebook group!

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Solicitors Support Network

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Don't forget ...

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VAT Changes - Practical Issues

Tuesday 24th November 2009
4.00pm – 5.15pm 1 hour CPD
Julie Towers

This course will look at the forthcoming changes:

- Change in VAT rate on 01.01.10
- Cross Border VAT changes from 01.01.10
- Online submission of VAT returns from April 2010

and will also address other issues:

- New penalty regime
- Voluntary disclosures
- Payment of VAT
- Partial exemption

SRA Course

Tuesday 12th January 2010
2.00pm – 5.15pm 3 hours CPD
Tim Platel

Conveyancing for the Elderly Client

Wednesday 27th January 2010
9.45am – 1.00pm 3 hours CPD
Richard Snape

Handling The Land Registry including Early Completion

Wednesday 27th January 2010
2.00pm – 5.15pm 3 hours CPD
Richard Snape

Civil Advocacy Training

Thursday 28th January 2010
2.00pm – 5.15pm 3 hours CPD
Dr Nicola Isaacs

Professional Skills Course 2010 - Compulsory Course for Trainees

TUTORS: Trevor Hellowell, Judith Hirst, Andrew Pryce & Lesley Scott

Core Modules All modules 09.15am - 1.00pm and 1.45pm - 5.15pm

1. Client Care and Professional Standards: 8th & 9th February
2. Financial and Business Skills: 10th, 11th, & 12th February
3. Advocacy and Communication Skills: 17th, 18th & 19th February

Electives All electives 09.15am - 1.00pm and 1.45pm - 5.15pm

1. Client & Personal Management Skills: 2nd March
2. Financial Skills for Lawyers: 4th March
3. Matter Management: 10th & 11th March

Criminal Law Update

Thursday 11th March 2010
10.00am—5.30pm 6 Hours CPD
Anthony Edwards

TBA (Taunton) FOR CONVEYANCERS

Thursday 18th March 2010
9.45am – 1.00pm 3 hours CPD
Thursday 18th March 2010
2.00 - 5.15 pm 3 hours CPD
Both seminars by Richard Snape

Advising the Elderly, Asset Protection & Long Term Care

Monday 22nd March 2010
9.45am – 1.00pm 3 hours CPD
Jonathan Wilkey

Elderly Client Issues & Equity Release

Monday 22nd March 2010
2.00pm – 5.15pm 3 hours CPD
Jonathan Wilkey

TBA - FOR PRIVATE CLIENT

Wednesday 14th April 2010
9.45am – 1.00pm 3 hours CPD
Wednesday 14th April 2010
2.00pm – 5.15pm 3 hours CPD
Both seminars by John Thurston

Probate for Paralegals and Support Staff

Thursday 15th April 2010
9.45am – 5.15pm
John Thurston

Commercial Property Update

Tuesday 20th April 2010
9.45am – 1.00pm 3 hours CPD
Peta Dollar

TBA - FOR COMMERCIAL PROPERTY

Tuesday 20th April 2010
2.00pm – 5.15pm 3 hours CPD
Peta Dollar

Planning Update for Commercial Property Lawyers

Thursday 10th June 2010
9.45am – 1.00pm 3 hours CPD
David Forbes

Planning Update for Residential Conveyancers

Thursday 10th June 2010
2.00pm – 5.15pm 3 hours CPD
David Forbes

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

Book via the website or phone Rebecca on 01392 411585

All courses are held in the Exeter area unless otherwise indicated