



# Newsletter



DEVON & EXETER  
LAW SOCIETY

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

## ONLINE EDITION

DELS has a new look logo and Newsletter.  
If you would like to contribute to the next edition of the  
Newsletter then give us a call.

SEPTEMBER 2003

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### **DEVON YOUNG SOLICITORS GROUP AGM**

24 September 2003 - AGM - White Hart Hotel, Exeter - 6.30 pm

For further details contact Hannah Lush at [hmlush@wbw.co.uk](mailto:hmlush@wbw.co.uk)

### **LEGAL SUNDAY SERVICE 2004**

We have been advised that the Legal Sunday Service will take place on the 23<sup>rd</sup> May 2004

### **ENVIRONMENTAL LIABILITY IN THE EU**

Seminar to be held in Exeter on 19 & 20 September 2003. For more details contact Jennie Moule, telephone: 01392 262399, email: [j.e.moule@ex.ac.uk](mailto:j.e.moule@ex.ac.uk)

### **PLYMOUTH LAW SOCIETY**

The tenth Pilgrim Fathers Lecture will be given by the Right Hon. Lady Justice Hale DBE at 6:45pm on Friday 24<sup>th</sup> October 2003 at the Robins Conference Centre, University of Plymouth. Tickets are available priced £12.00 and include a reception afterwards with wine and savouries. For further details contact Mrs C J Davidson. Tel: 01752 339707

### **THE YOUTH JUSTICE SYSTEM - GOOD DEFENCE PRACTICE**

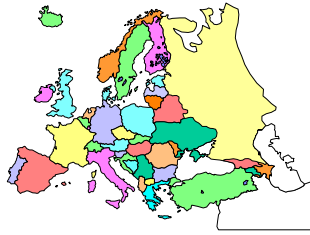
Intensive one day course on Thursday 2<sup>nd</sup> October 2003 presented by THE LAW SOCIETY in collaboration with the Youth Justice Board. Further details from the Law Society South West Regional Office. Tel: 0117 929 5171

### **DEVELOPMENT AND FLOOD RISK SEMINAR**

A seminar to debate the interpretation and implementation of Planning Policy Guidance Note 25. A two part course including seminar dinner to be held on 24<sup>th</sup> and 25<sup>th</sup> September 2003 at the Grand Hotel, Torquay. For further details please contact Olivera Crabtree, Halcrow. Tel: 01752 502980

# REMEMBER

DELS can provide  
Personal  
Introductions  
to Lawyers in  
Mainland Europe



Ring Monique on  
01392 411585

## **THOUGHTS OF THE PRESIDENT** **AUTUMN 2003**

**We are in the dog days of one of the hottest summers I can remember but despite the heat DELS has been busy in many ways. Here are some.**



**Bracton Law Society.** As a Society we make an annual grant of £100 to this society, the effective Law Society of Exeter University. Bracton Law Society has an annual mock trial which I attended in June. A very high standard of legal argument was rehearsed by the law students before a bench which included a lecturer, a QC and a district judge. The bench gave the students quite a hard time – a very realistic High Court scenario. Good to see budding law students in action and that we can play a small part in their education.

**Foreign Lawyers.** The same week-end we entertained lawyers from Ireland, Italy, Belgium and Germany taking them on the Dart Valley Railway and on a ferry up the Dart. It reminded me of what a very beautiful part of Devon we inhabit. On the Sunday our foreign guests accompanied many members of both sides of the profession in the annual Legal Sunday Service in the magnificent venue of Exeter Cathedral. Whilst in little sense contemporary, the service recognised the length of the inheritance that we possess as lawyers in the 21<sup>st</sup> Century. The foreign lawyers were quite moved and not a little envious of our traditions.



**Mediation** Jeremy Ferguson has written at some length on the next page about this. But let me just add what a really major coup it is for DELS to have convinced DeCAf of the worth of our mediation scheme

and to have obtained public funding for it. Congratulations to Jeremy and all the mediators who have until now have given their services free.



**DELS Office** - at Renslade House, Exeter is now one year old. And aren't we as a Society getting good value from it and from Monique Bertoni, Tony Steiner and Jacqui Asher who work there for us? By the end of this year they will have organised some 50 law courses and a Professional Skills Course. The recruitment facility too continues to thrive for our benefit. 42 applicants have so far been placed with firms in Devon – two of whom, I am pleased to say, are with my firm. Both these ventures not only serve the profession admirably but also at considerable saving to our pockets: the recruitment alone is less than half what one would pay the commercial organisations. And of course benefits us too by the fees enuring for the Society thereby keeping our costs down.

With this Newsletter comes a little reminder for your desks of DELS and what we do. Do use it and save your glossy desks from coffee stains unless like me you rarely see the bottom of the desk.

Enjoy the rest of the summer while it lasts.

**Jeremy Howell**  
*President*



Need someone to listen to *your* problems for a change?

Professional worries or Personal problems

the Solicitors' Assistance Scheme is there to help solicitors

The Solicitors' Assistance Scheme –the SAS – offers a lifeline to solicitors with problems by providing a fellow practitioner who will listen and help.

Don't delay – an early call could make all the difference

If you would like to contact a scheme member call Susannah Lewis at The Law Society in confidence on  
Tel. 020 7320 5795

## **MEDIATION**

### **Small Claims Mediation Funding**

We have cracked it for the time being.

As I expect everybody knows I could bore for England about the small claims mediation scheme but I really do think it is something which DELS can be extremely proud.

Those of you who gave me so much support during my Presidency remember that when I left Office we were still waiting to hear from the CLS Partnership as to whether they would give us any funding. I had grave reservations about whether we would get funding and those reservations turned out to be fully justified when I heard in mid May that funding was not available.

However .....

I had the pleasure of meeting Baroness Scotland when she opened the main court mediation scheme in March and she had asked me to keep her posted. When I learnt that funding was not available I actually drafted a letter to her but before it could be sent my Secretary received a message from Baroness Scotland via her P.A. that I should ring Heather Bradbury of the Lord Chancellor's Department. I rang Heather Bradbury and found that I was talking to a very senior civil servant, she indicated me that if she could be convinced that our scheme was really worthwhile she would look favourably at funding it.

We arranged for Heather to visit Exeter and to actually sit in on a mediation session and I managed to persuade Judith Hirst to give up her mediation list on the morning of the 8<sup>th</sup> of July. I arrived at the Court to pick up the files at about 9.00 a.m. and Heather arrived shortly afterwards. We had an opportunity then to look at the files together and our first customers were wheeled in I think at 10.30. What had looked like a comparatively easy list turned out to be the most difficult one I think I have done where nobody was prepared to agree anything but I persevered and in fact managed to achieve 100% success. On entering the District Judge's room to report success I was surprised to find that Judge Crosse had metamorphosised into Jill Wainwright who was able to introduce Heather Bradbury to the Court staff. We all then adjourned to the Red Square for lunch when we found ourselves in the unusual position of being

asked by a Government Department how much it was we wanted and how we intended to spend it and being able to reply with chapter and verse. When we finished I had modest expectations that we would be successful, Tony Steiner then sent an email to Heather, as instructed, and we have heard that the funding will be provided.

Funding will initially run from the 1<sup>st</sup> of August to the 31<sup>st</sup> of March and it will provide £300 plus VAT to any small claims mediator undertaking a morning's mediation. Funding is available for mediations in Exeter County Court and Barnstaple County Court. After our bid had been made and accepted Tony learnt that Torquay County Court were about to introduce the small claims mediation scheme at that venue. An extension to our bid to fund mediation for six months from October in Torquay has also been successful.

Sue Prince of Exeter University is carrying out an in-depth study of both the small claims scheme and the main court scheme and had had very justifiable worries about funding. Heather Bradbury has set Sue's mind at rest by, I understand, offering to fund the research which runs for about eighteen months.

Our funding initially ceases at the end of March next. Departmental budgets allowing, I am optimistic that funding will be made available to continue the scheme for another year. In the meantime movement is taking place in another direction, namely the Civil Justice Council who have been in touch with Dr Ann Brady and will be holding a seminar 19<sup>th</sup> to the 21<sup>st</sup> November to which I rather gather I shall be invited with a view to enthusing forward looking County Court Judges up and down the country with the success of our scheme. Clearly that success depends a great deal on the continued success of the small claims scheme and the success of the main scheme.

Heather Bradbury turns out to be a very senior person within what used to be called the LCD and of course is now DCA, she is clearly not unused to thinking out of the box and following the principle of trying to divert cases away from the Courts I would not be a bit surprised to find an experimental period during which cases will be referred to mediation before the issue of proceedings.

I realise the amount that is available for the small claims mediators is pretty modest being

calculated at legal aid rates only but the qualification of mediators to the main court scheme via the small claims scheme is perhaps an incentive and at least future mediators will not run at a total loss in the way that those noble souls who supported me during my year of office did.

I shall be delivering a presentation to the Presidents and Secretaries Conference on the 24<sup>th</sup> of September on our scheme and it will be interesting to hear the views of other law societies.

My own view, biased of course, is that where Exeter lead others follows.

We are now reviewing not only ongoing training for our mediators but also possibly providing training courses for other societies if they wish to adopt our scheme.

On a domestic front the new Mediation Committee has had its first meeting, we are arranging a general meeting for mediators to take place in October and if things go on the way they have I foresee a great future for mediation and for those of our members who have been bold enough to take part in this successful pilot scheme.

**Jeremy Ferguson**

## **COUNCIL MEMBER'S REPORT**

Although the Long Vacation is now part of history, August is a quiet time for the ordinary backbench Council Member.

We had the AGM on 17 July. Unfortunately, I was unable to be present. However, I was re-elected to the Council and am extremely grateful for the support given and to those who voted for me. There are busy times ahead. There is a special Council Members' Conference in Birmingham on 3 and 4 September, followed by the Presidents' and Secretaries' Conference on 24 September and the Solicitors Annual Conference on 25 and 26 September. The first Council Meeting, of the new year, is on 15/16 October.

The Society's new President is Peter Williamson. The Vice President is Ed Nally and Deputy Vice President, Kevin Martin. They will be a good team.

The Department of Constitutional Affairs (in the form of Lord Falconer) is carrying out a "fundamental review" of legal services. The Government seems to favour allowing both multi-disciplinary partnerships and employed solicitors to advise third parties. Self-regulation is again under threat. The Law Society will also be finalising its proposals for the future delivery of publicly funded legal services. There is a paper in draft (to be considered during the Autumn) that take a fresh look at the provision of publicly funded services and explores the scope for bringing effective access to justice to the most vulnerable members of society. It looks at alternative models for the delivery and funding of legal services, as well as examining the extent to which the current system is capable of delivering real access to justice to those who need it.

There will be more to report during the coming months but, in the meantime, I hope that you have all had a relaxing and enjoyable summer and are well rested to deal with the many interesting developments that there are ahead.

**Christopher Palmer**  
*Council Member*

## **SBA - CHRISTMAS CARDS**

*(please support your charity)*

I hope that there will be something in this year's Christmas card leaflet that will appeal to you. For every card sold the SBA will receive 8p from OyezStraker. This year CCA, the publishers, have set up a designated website for the SBA, [www.ccagroup.co.uk/sba](http://www.ccagroup.co.uk/sba) where 35 cards are available, additional to the 8 cards shown on our leaflet: we will still receive a donation for any card purchased from that source. Orders over £25 may also be made through CCA's email address: [salesadmin@ccagroup.co.uk](mailto:salesadmin@ccagroup.co.uk).

CCA continue to print and despatch the cards at no cost to the SBA. All profits made from card sales go directly to our beneficiaries.

We are here to help necessitous solicitors and their dependants, please call us if you know someone who may need our assistance

Robert Harris  
SBA Chairman 2003

## **OBITUARY**

**SIR JOHN PALMER MA HON LLD DL (21 March 1920- 13 July 2003)**

Sir John Palmer, who has died at the age of 83, enjoyed adventurous and successful careers as both a sailor during the 2<sup>nd</sup> World War and as a prominent solicitor. Indeed he wrote a book (*Luck On My Side*), which was published in 2002 by Pen & Sword that was based on his wartime diaries.



Photo: Tiverton Gazette

**He gained a Sailing Blue at Oxford and this boating connection led him to become part of the early draft of young men to join the RNVR at the outbreak of War in 1939.**

As a Midshipman he gained early experience in tugs on the Thames estuary but was soon thrust into action on the Flower Class Corvette HMS Clematis on Atlantic convoy duty. One of his early experiences was on Christmas Day 1940 when the convoy they were escorting was attacked by the German heavy cruiser Admiral Hipper. After the convoy had scattered, their captain Cdr Yorke Cleaves had no hesitation in heading straight towards the Hipper, only 4 miles away. Fortunately for Clematis and her crew, as German records have shown, the Hipper did not want to become involved in a battle so soon.

He took part in the North Africa landings on the River Class Frigate HMS Exe and finally served as navigating officer on the sloop HMS Amethyst. Whilst he had left the Navy before her famous action on the Yangtze he was to take the surrender in the Channel of the first German submarine, which Amethyst escorted into Portland. Little did he know it then but he was to meet the Captain of the submarine again, 50 years later when he and his wife were invited to attend a crew reunion at Bochum in Germany.

It was while serving on convoy duty out of Plymouth that he met his future wife – Mary Ellyatt, sister of a fellow officer, who was serving as a boating Wren. They were married 5th February 1945, between convoy trips across the North Atlantic, with the wedding taking place at Shaldon, Devon with a three day honeymoon in

Liverpool. It is an indication of the urgency brought about by war that he was to send a telegram dated Friday 2<sup>nd</sup> February to Mary saying ‘Leave starting today, suggest wedding Monday’ After a three day honeymoon it was straight back to convoy duties.

John Chance Palmer was born in Chancery Lane, London, on 21<sup>st</sup> March 1920 to Claudine and Ernest Palmer and it is perhaps an unusual coincidence that the flat where they lived overlooked the Law Society, which was to feature so prominently in his later life. He was educated at Orley Farm, Harrow and St Paul’s School, London and went up to St Edmund Hall, Oxford in 1937 to read Modern Languages. It was here that he enjoyed political debate at the Oxford Union with contemporaries such as Edward Heath and Robin Day. It is perhaps surprising that as his father was, for many years the Parliamentary correspondent for The News Chronicle, where discussion at the dinner table must have been dominated by politics that he did not take up the offer to stand as MP for Tiverton when Derek Heathcoat Amory, Chancellor of the Exchequer during the Macmillan Government relinquished his seat. Instead he chose to concentrate his energy on the legal profession although he was Chairman of the Tiverton and District Conservative Association for many years.

He was articled to become a solicitor with Anstey and Thompson in Exeter and qualified in 1948. From 1948 until 1950 he worked for Mowl and Mowl in Canterbury but lack of prospects there decided his move to Tiverton, Devon. He was to practice there as a partner in Penny and Harwood, later to become Ashford, Sparks and Harwood before retiring in 1985 prior to the formation of Bevan Ashford. He was a guiding light in the development of his firm and was instrumental in steering it towards the leading regional practice it has now become.

He loved the Law and was fascinated by the great and famous characters in it. Although in many ways a traditional country solicitor, some of his greatest friends were eminent barristers, city solicitors and judges. His many associates amongst the Judiciary include Lord Denning who became a close friend. He was President of the Devon and Exeter Law Society and later was elected as a Council Member of the Law Society of England and Wales, followed by Presidency of the Law Society during 1978 and 1979. As President he travelled extensively, representing the Profession in Australia, Nigeria, The USA and Canada. In the latter countries he

was made an Honorary Member of the American and Canadian Bar Association. During his Presidency he established particularly strong links between the Profession, the Bar and the Government. For his service to the Law Society he received his knighthood in 1979. He served on the Criminal Injuries Compensation Board (1981-92).

Throughout his distinguished legal career his bond with the sea remained and he was Chairman of Trustees for the London Sailing Project and a Trustee of the James Myatt Memorial Trust. He also was an early member of the Tiverton Sea Cadet Unit (TS Hermes), which he served as Chairman, as well as for many years being President of Shaldon Regatta, the small village in South Devon where he and Mary were married. He was a member of The Royal Yacht Squadron and Royal Naval Sailing Association as well as the Shaldon Sailing Club and Teign Corinthian Yacht Club. Whatever he was involved in he used his natural ability and sense of humour to get on with everyone from all walks of life.

Whether it was being President of the Law Society or involvement with many local organisations there was never anything that was too much trouble in his dealings with people. Although his commitments were great he always had time for those he met or those who sought his advice, and always with immense good humour.

His involvement with the Society for the Protection of Animals in North Africa (SPANNA) as Honorary Secretary took him back to North Africa for the first time since the 2<sup>nd</sup> World War during his time on HMS Exe and only accentuates his wide-ranging interests and commitments.

He was appointed Deputy Lieutenant of Devon in 1984 and then Vice Lord- Lieutenant between 1992 and 1995. In 2000 was made a Freeman of the City of London.

He was devoted to his family and is survived by his wife, Mary, of 58 years and his four sons, two of whom are solicitors.

**Published by kind permission  
of Rachel Palmer**

## **DATE FOR YOUR DIARY**

### **DELS ANNUAL DINNER.**

**Friday 13<sup>th</sup> February 2004,  
the Palace Hotel, Torquay.**

**Further details to follow.**



### **RENSLADE HOUSE ONE YEAR ON**

As members will know the administrative office is now at Renslade House, Exeter.

The Exeter Law Library Society continues to maintain the Law Library at the Castle. The current chair of that Society is Sally Parnell of Gilbert Stephens, Exeter. Tel: 01392 424242.

The Bristol Law Society is able to deal with telephone enquiries from DELS members for Library materials. They can be contacted on 0117 976 3092.



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