



Newsletter

DEVON & SOMERSET LAW SOCIETY

www.dasls.com

September 2011

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Friday 11 November
7.00 pm
Somerset CCC



INVESTOR IN PEOPLE

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WHAT DOES DASLS OFFER?

Devon & Somerset Law Society is a not for profit organisation whose sole purpose is to support the legal profession. It has experienced and able staff who can assist with most enquiries and have a significant network of resources at their disposal.

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President's Diary

By David Turner, President



My last President's diary dealt with events which took place in May and June; these were certainly busy months. July and August have been a little quieter and I have even managed some holiday, but nevertheless I am pleased to say that there were a number of DASLS events including a few social events which seemed to go down very well.

In July, I attended the Joint Professions' Networking Group at the Mill on the Exe and was asked to say a few words. This really is a very good networking event as well as being very enjoyable and probably worth a bit of a plug. It is attended by professionals who work in and around Exeter. There are Lawyers attending of course but also members of RICS (surveyors); CIMA (accountants); NAEA (estate agents); CII (insurance professionals) to name but a few. The next meeting of the Networking Group is on Tuesday 11 October 2011 again at the Mill on the Exe and I hope to see you there.

Also in July we had the DASLS 'Summer Sizzler' complete with live band and bouncy castle! My thanks to all the Social Sub-Committee for arranging this and putting it together, but particular thanks to Becky Smyth of Trowers & Hamlins and Julie Tiao of Charlesworth Nicholl. There are a lot more events coming up in the autumn.

I am representing DASLS at the congress of the Federation of European Bars in Wroclaw, Poland. To be honest, I have not heard of Wroclaw as a city,

but I am told is the fourth largest city (in population terms) in Poland and is known as the Venice of Eastern Europe. I am very much looking forward to attending and representing DASLS. Whenever I travel and represent DASLS I am amazed, but proud, at the reputation we have and how we are held in such high esteem; much deserved of course.

Can I also bring your attention to the DASLS Somerset Dinner. This takes place on Friday 11 November 2011. This is an opportunity to get together which is particularly aimed at Somerset members but there is no reason at all why any member from Devon cannot attend and plenty do and have a very enjoyable time. You will find details of this event on page 7 - please do think about attending.

As for my own holiday; myself and my family went to Spain. We flew into Malaga and then had two weeks by the pool and by the beach.



It was lovely to get away but good to be back. I always think September is the start of, if not quite a new year, then a new phase. I hope you all feel refreshed and raring to go.

Regards,

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

Local News

MERGERS

On 1st September 2011 the Solicitors firms of Chawner Grey and Co. and Powells merged together to practise under the name of Powells with Chawner Grey from Powells' present premises at 7-13 Oxford Street Weston-super-Mare BS23 1TE.



Hooper & Wollen, which was established in Torquay 1868, will be merging on the 1st October with Newton Abbot based Harold Michelmore, which has been practicing since 1861.

The new firm, which will be known as Wollen Michelmore, will have offices in Torquay, Newton Abbot, Paignton, and Dartmouth, will have 15 partners, and will employ a total of over 100 staff.



To Emma Brown of Clarke Willmott LLP, Winner of the Cook's & Hatchard's Law Prize 2011.

DASLS is going to "go green" in 2012. Like all lawyers I like things on paper.

But we need to love and trust electronic communication.

Starting in January 2012 we plan to send out DASLS Newsletter via the internet.

From then, only people who have specifically written to the office to request the newsletter in paper form will be sent a "hard" copy of it via DX or Snail Mail. Please do not ask us to do this.

We want to become completely paper free here at DASLS and this is a major step in that direction.



Ed.



DASLS NOTICEBOARD AND



DASLS Honorary Secretary Tony Spiers and Executive Director Tony Steiner recently attended a dinner in Birmingham hosted by incoming Law Society President John Wotton to mark the start of his Presidential year and to help facilitate communications.

The dinner, also attended by representatives from Birmingham, Bristol, Manchester and Liverpool, recognised the importance that the national Society attributes to the 5 large local law societies and reinforced DASLS place as a key stakeholder.

..... FORTHCOMING EVENTS

LAW SOCIETY LEGAL AID ROADSHOWS EXETER ON 18 OCTOBER

Anyone who holds a civil legal aid contract will benefit from this important update on the changes to the legal aid system that are coming as a result of The Legal Aid, Sentencing and Punishment of Offenders bill.

Timings:

16:30 - 17:00 Registration

17:00 - 19:00 Seminar

Speaker: Richard Miller

For more information e-mail:
events@lawsociety.org.uk

TORQUAY JOINT MEDICO- LEGAL MEETING ON THURSDAY 20 OCTOBER

Bar for event opens at 7.15 pm at the Palace Hotel, Torquay and dinner follows at 8.00 pm. Guest speaker Mr David Masters, President of the **Coroners' Society of England & Wales** will speak on the subject of Maddison Inquest. Tickets cost £19.00 pp.

For bookings and further information, contact Jackie Barrett on 01803 842924 or 07968 317452.

MUNDIAVOCAT 2012 Football World Cup for Lawyers 1-10 JUNE, ROVINJ, CROATIA

This annual tournament is especially organised for football teams made up of lawyers from one Bar or an association of lawyers from a maximum of four Bars.

For entry conditions, tournament rules and costs, visit

www.mundiaavocat.com

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

What's on @ DASLS

By Tony Steiner, Executive Director

August is usually a quiet time in DASLS office. It is no coincidence that we chose August to move to Renslade House in 2002 and again for the move to Aston Court last year.

I cannot believe a year has passed already. It is certainly quicker to get to work in the morning – the run in from the motorway is much easier than struggling through the Exeter traffic. Whilst the opportunities for lunchtime shopping are rather limited it is a great location for members to access and of course for us to travel to the various areas of the two counties.

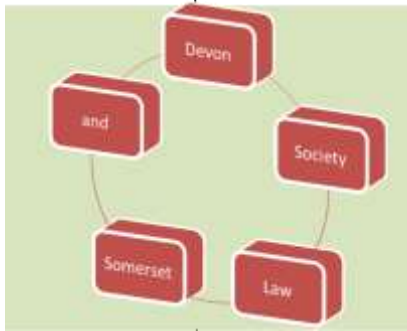
Since the merger of the two societies back in 2008 I have been out and about visiting firms, initially in Somerset but more latterly in Devon talking about DASLS and the services offered and, of course listening to the views and ideas of those

I have met. If I haven't been to your firm or in-house department yet I do hope that I will get the opportunity to do so in the near future.

From these visits it has been evident that DASLS is valued by its members and has much to offer firms of every size and type. These are however changing times and DASLS may need to adapt to continue to serve its members as well as it has done for the last 203 years. This autumn, under the guidance of your Vice-President, David Bowen, DASLS will be reviewing its strategic plan for the coming years. The views expressed in the recent membership survey will be extremely helpful in this process but if you were unable to take part but want to have your

say about the future of your Society please do get in touch.

The views and support of members are DASLS lifeblood. Those that serve on the various DASLS committees work hard for the profession, their efforts not always as visible or celebrated as they ought to be. They need your support and contribution. If you have some interest in getting involved please do not wait to be invited – all members are welcome, please make your interest known either to one of DASLS officers or any member of the team at Aston Court.



By the time you read this the summer will almost be past. The Social Sub-Committee will be thinking about **a follow up to July's Summer Sizzler**. Only those who were there will know what a fantastic evening that

was. Bar Venezia on Exeter's historic waterfront looked after us well with an excellent buffet and plentiful supply of Sangria (and non-alcoholic substitute for those of us who were designated to drive!). Thanks go to Claire Revell, Becky Smyth and Julie Tiao who worked extremely hard to make sure the evening was as successful as it was and also to Aon for their sponsorship of the event. Look out for 2012.

Finally, one member commented recently that it would be good to have a letters page in the Newsletter. Actually we do have one – **it's just we don't often get any** – we would love to hear from you!



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OBITUARY

Kenneth Ian Jerram
20.05.1940 to 30.07.2011

We are sad to report the recent death of Weston-super-Mare Solicitor, Ian Jerram.

Ian was born in the village of Maltby in South Yorkshire and although he spent all his working life in the West Country, he was very proud of his Yorkshire roots. He studied law at Leeds University and shortly afterwards moved to Somerset where he trained initially in Wells, later moving to Weston-super-Mare. Ian was articled to the former Town Clerk of Weston-super-Mare, Bert Alletson, and they later went into partnership.

Ian was an old-fashioned family Solicitor who for many years dealt with most types of legal work in the days before the pressure to specialise. He was perhaps best known for **his regular appearances in the Magistrates' Court**.



Ian was a great supporter of Somerset Law Society which he joined in 1965. He served as a Committee member for a number of years and became President of the Society in 1998. He greatly

enjoyed attending the Society's Annual Dinner in Taunton particularly during the period when the wine flowed from the sale of **the Society's library**. He had a reputation for being extremely good company at the event.

His daughter, Rebecca Parkman, followed him into the family firm Alletsons in which she also became a Partner. In 2003 the firm merged with Wards and shortly afterwards Ian retired from full-time legal work to pursue his many and varied interests, although he was still working at Wards on a part-time basis until about four weeks before he died.

Ian is survived by his wife, Betty, his three children, Rebecca, Simeon and Esther, and five grandchildren, Isaac, Sam, Luke, Jacob and Harriet.



The 2011 Somerset Dinner

Date: 11/11/11

Time: 7.00 for 7.30 pm

Somerset Cricket Club

This event is open to all Full, Associate & Affiliate members of the Society & their guests.

Only £31.00 inc. VAT per person

With Special Guest Speaker



The Bishop of Bath and Wells

The Rt Revd Peter Price has been Bishop of Bath and Wells since 2003. He has been one of the Bishops in the House of Lords since 2008.



CONTACT

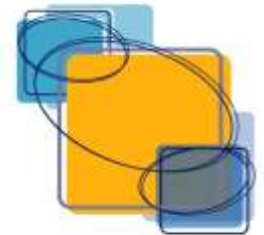
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Ticket price includes a drinks reception with musical entertainment and a 3 course meal.



PHOTOGRAPHY SERVICE

Members and their guests will be able to take away with them a piece of memory of this event with ANG PHOTOGRAPHY who will provide instant prints for sale during the evening.

Fundraising will take place during the evening for our President's Charity



**children's hospice
SOUTH WEST**

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PRIZES

To be won!

Dress Code: This is a Black Tie event!

Preparing for OFR Solicitors Regulation Authority

On 6 October 2011 the way in which solicitors and their firms are regulated will change radically. Outcomes-focused regulation (OFR) will herald a new approach to regulation, which will give the profession more freedom to deliver services in the way which best suits your clients.

The traditional, prescriptive approach to regulation, which concentrated on meeting detailed requirements, will make way for a risk-based approach which will focus instead on achieving clear outcomes.

The new Handbook, which you can find on the SRA website, at www.sra.org.uk, is your operating 'Bible'. It is important that you start to familiarise yourself with its contents, which include the new Code of Conduct, in preparation for October.

The new Code looks very different. It is much shorter than the previous code - at 53 pages - and gives you greater freedom and responsibilities.

To help you get started, 'OFR at a glance', also on the website, provides a summary of the key features of the new approach. The Handbook is currently in draft form, as it is subject to approval by the Legal Services Board, but it is unlikely to change fundamentally.

OFR is underpinned by 10 mandatory Principles which should be central to the way in which you work. They will apply to all solicitors and to all firms regulated by the SRA and everybody who works in them. You will be familiar with the first six: they are essentially the same as the former core duties in the 2007 Code of Conduct. The last four are new. You will find them listed in the Code of Conduct.

The Code also provides mandatory outcomes, which need to be achieved. To help you in assessing whether or not an outcome is being achieved, indicative behaviours are listed. These are NOT mandatory, but they

are indications of whether or not an outcome is being achieved. Look at the Code of Conduct to see both the outcomes and indicative behaviours.

All firms authorised by the SRA, apart from in-house legal teams, will need to appoint compliance officers for legal practice and for finance and administration. The reason for these requirements is to ensure risk management and proper governance. Sole practitioners may decide to perform both these roles themselves.

If you are an existing recognised body, including a sole practitioner - as these will become recognised bodies on 31 March 2012 - you will need to nominate your COLP and COFA for approval by 31 March 2012. They will be authorised from 31 October 2012.

COLPS and COFAs will be required to undergo an approval process, whether or not they are lawyers. The process will include:

- looking at a candidate's personal history and assessing them against a Suitability Test (including employment/professional details); and
- looking at how they will operate within your business structure (we may ask questions about the firm's governance structure and reporting lines).

The Suitability Test can be found online at: www.sra.org.uk/solicitors/handbook/authorisation/suitability-test/content.page.

This five-point plan may help you prepare for the introduction of OFR:

1. Read 'OFR at a glance'. This is posted on the SRA website at www.sra.org.uk. This will give you an overview to get you started.
2. Review the Principles and Code of Conduct. Ensure that you are familiar with these and think about any changes

you may need to make to ensure you operate according to these from 6 October.

3. Think about your business and your clients. OFR will give you more freedom to deliver your services in the way that best suits your clients' needs. There may be innovative and cost-saving ways in which you could develop your business.
4. Appoint a COLP and COFA. You need to identify suitably qualified people to take on these roles and to decide how they will operate within your business structure.
5. Review your management structure and individual responsibilities. You may be appointing COLPS and COFAs but managing partners will still have overall responsibility for the business. You should review your management structure and individual responsibilities to ensure you've covered all areas.

OFR represents a major change for the profession - the SRA recognises and will be providing support and advice to help you make a smooth transition from the old-style of regulation.

As mentioned previously, the new Handbook and 'OFR at a glance' are available for downloading from the SRA website.

The Ethics Helpline is also now able to offer advice and guidance on OFR. You can contact them on 0870 606 2577, 10am - 5pm, Monday to Friday.


We will also be running webinars on particular aspects of OFR, including risk. The SRA website will carry details.

Finally, you should look out for the development of mySRA. This will transform the way solicitors and other legal services providers interact with us. It replaces our paper-based system of application forms and fees with an online system and is being phased in.

WILLS AND WHEREABOUTS - MR RICHARD PETER GASKIN (b. 04.03.1942) of HOLMACOTT COTTAGE HOLMACOTT CROSS INSTOW BIDEFORD who died on 14.06.2011 at the North Devon Hospital.

Anyone knowing of a Will would they please contact his sister Frances Gaskin on 07809 667 886.

Market Conditions

Advertorial from 

Think what you will about the single renewal date, but one undeniable consequence is that it ensures summer truly becomes a season of speculation. So, what are the hot topics in the hostelrys this summer where those with an interest in professional indemnity insurance (PII) congregate to debate and speculate over a glass of wine? Will new qualifying insurers (QI) enter the market and increase capacity? Will the assigned risks pool (ARP) persuade new entrants to stay on the beach this summer and maybe next summer too? What will existing QIs' appetite for risk be? Will the market become increasingly selective thereby impacting capacity and the sixty four thousand dollar question, quite literally for some firms, will premiums increase?

At the time of writing this article, at least one new entrant, First Title Insurance plc, has formally announced that it will be a QI this season and others may follow. However, some potential new entrants indicated that remedial measures taken this year to reduce the impact of the ARP on the market have not gone far enough to make entry worthwhile. It is possible that the Solicitors Regulation Authority's staged approach to ARP restructuring may give prospective QIs an incentive to keep their powder dry until the reforms are completed in 2012, with thoughts of entering in 2013 when the proposed dismantling of the ARP is scheduled. Of course, there will always be speculation that there is a white knight waiting in the wings to ride to the rescue late in the season and, in the past, this has proven to be the case. The Law Society's Guide to Insurers will be continually updated throughout the renewal period to provide information on any market changes.

Heading market concerns is that lenders are thought to still have a large number of mortgage default claims to pursue against conveyancers which could prove to be costly in 2011/12. Whilst it is encouraging that no changes have been made to the coverage provided under the minimum terms for financial institutions, new entrants may want to be sure that this market loss

has run its course before making a commitment.

What are these changes that are considered so fundamental to market performance?

Reforming the ARP is a staged process spread across the next few policy years. Changes during 2011/12 centre on the length of time firms may reside in the ARP. Hitherto it was one year, but from October 2011 this is reduced to six months during which time the firm must address the issues that prevented it getting cover in the open market, implement solutions, obtain alternative cover or cease trading. It is not until October 2012 that changes to the funding of the ARP will transfer some of the responsibility for funding ARP losses from QIs. As for the total dismantling of the ARP, this is proposed for the 2013/14 policy year where insurers offer a three-month extended policy period to firms who cannot obtain PII for the following year after which the policy will revert to providing run-off cover.

Although existing QIs are not immune from **the ARP and lingering lenders' claims, XL** intends to expand its underwriting activities outside the volume end of the profession and has indicated a willingness to consider 4-10 partner firms via insurance broker Marsh. Otherwise, the indications are that existing QIs will proceed with caution and be selective over the risks they are prepared to write. What shape, therefore, is this selectivity likely to take?

The ongoing financial downturn focuses **attention on firms' financial viability; will it** be able to meet its premium payments, even if terms are offered? Certainly underwriters will pay attention to the arrangements firms can demonstrate they have in place for risk management either through Lexcel accreditation or an alternative assessment process. Uniquely for the forthcoming policy year, underwriters will be able to further gauge a **conveyancing firm's risk profile thanks to the Law Society's Conveyancing Quality Scheme (CQS)**. CQS is an accreditation scheme which provides a recognised

quality standard for residential conveyancing practices including ensuring that credit checks are made against firms and that they adhere to good practice management standards.

The Law Society's stated objectives for CQS includes, inter-alia, that it will **"increase consumer awareness about the importance of using a qualified conveyancer, provide reassurance about integrity; practice standards and therefore increase business"**. **The Law Society also claims that CQS is "fully supported by lenders and stakeholders including the Council of Mortgage Lenders"**.

The Law Society has recently released figures that suggest in excess of 1,100 firms have already applied for CQS accreditation and that this number is still rising. Given this level of interest, CQS is unlikely to escape the attention of underwriters and proposals from firms which hold, or intend to gain CQS accreditation are likely to be viewed as preferred risks. In other words, CQS is likely to be an influence in the selection process. Whether your firm is in the process of applying for CQS or Lexcel for that matter, your broker should be able to provide you with a method by which you can demonstrate your quality and risk management systems to underwriters.

That brings us to our concluding question, the sixty four thousand dollar question; are premiums likely to rise this season? With the continuing influence of ARP cash calls and general nervousness over underlying, and thus far unreported, conveyancing claims by lenders, the answer would seem to be yes. Some observers predict that the increase will be between 10-20%. For some firms therefore, the summer of 2011 might end up feeling like a winter of discontent!

Grahame Davidson
Dip CII Lexcel Consultant
Branch Director

Marco D'Ovidio
Senior Client Manager
Tel: 0117 948 5116

@ DASLS Newsletter

With an increasing number of members opting for the email version of the Newsletter, the time has come to encourage **ALL** our members to go "green" and "keep it on the screen"!

From January 2012 DASLS Newsletter will be redesigned for electronic circulation. It will be brighter, with a professional look and readily accessible online.

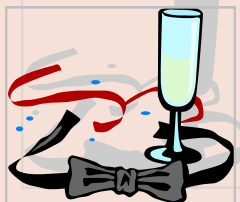
Hard copies will remain available for those members who would prefer to opt out of the email version by writing to Monique at DASLS Office.



Letters to the Editor

...are always welcome.

Please write to Tony Spiers
at Aston Court, Pynes Hill,
Exeter, EX2 5AZ
(DX 8361 Exeter) or email
mail@dasls.com



DASLS
ANNUAL
DINNER
2012

Friday 2 March
Sandy Park, Exeter.

Contact Monique at DASLS office
to register your interest.



Interview of the Month: Liz Kendall, Chair, Mediation Sub-Committee

Why did you join Devon & Somerset Law Society?

I first became involved with DASLS (Devon & Exeter Law Society as it was then) when they were seeking Mediators to assist in the pilot of the Time Limited Mediation Scheme at Exeter County Court back in 2002. I was unable to become a Member of the Society at that stage because Membership was only open to Solicitors and I am a FILEX. I was delighted when DASLS brought in their Affiliate Membership for Legal Executives, practising Barristers and Senior Academics and joined as soon as I was able last year.

What is your dream job?

This will sound corny but I think I already have it.

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

There have been a few! However, the one that always springs to mind is when I was visiting a firm of Solicitors in Cardiff Bay. Those who know me will be familiar with my non-existent geographical skills. I had three minutes left to find this firm, having driven around the same route five times by then. I decided to ditch the car and get a taxi which would take me to the doorstep. I jumped into the rear seat of the first car in the line of taxis, throwing down my bags and saying that I sincerely hoped he knew where this firm of Solicitors were. He said something which I **couldn't hear and asking him to repeat, he said "I'm not a taxi – I'm just waiting for my wife to come out of Tesco's".** Sure enough, to my left, a Tesco Metro. Could have been very awkward!

Which sort of work gives you the most job satisfaction?

Something where a successful outcome has been achieved: a satisfied and happy Claimant when a good settlement has been achieved; parties to a Mediation who can shake hands and have a decent conversation afterwards; in my role with TICCS (*The Injury Care Clinics*), securing new business Contracts; troubleshooting situations where Claimant Solicitors and Insurers need to agree on the right path of rehabilitation for a Claimant.

What do you do in your spare time?

Relax with a glass of Merlot in good company; travel; read and daydream about whether I will ever have the time again to do black and white photography and learn to master my saxophone.

What book are you reading at the moment?

"**The Procrastination Equation**" by Dr Piers Steel – I keep putting off reading it!

What is the most recent film you have seen?

I think you should ask "which is the most recent film that you haven't fallen asleep in" – my children take bets now as to the length of time I will stay awake during a film. However, the last time I went to the Cinema I saw "**Black Swan**" – it was brilliant and I watched every minute of it.

What is your favourite food?

Difficult one. At the moment a Hot Chicken Salad with sweet chilli. I am also partial to fried bread as a special treat when I am away provided it is crispy.

Which is your favourite restaurant?

Abode in Exeter.

Where is your favourite holiday destination?

Whilst I love Mazarron in Spain and Tavira in Portugal for the hot weather, my favourite holiday destination has to be Venice, in late November-early December. No matter how



many times I visit, its beauty, history, architecture and mystery always take my breath away.

What is your favourite pet?

Someone else's!

DASLS AFFILIATE MEMBERSHIP

The Society's main Committee passed a resolution back in 2009 to extend membership to non-solicitors. Currently DASLS has 37 Affiliate Members all bringing additional and diverse talents.

Affiliate Membership is free and nominations forms can be found at www.dasls.com

SCAN & EXPLORE
Scan the barcode using your Quick Response
enabled phone to discover more about
Trimega Laboratories.



The Hair Alcohol Industry Innovator

Trimega Laboratories has always been a leader of the hair alcohol testing industry.

We were the first to market with the combined FAEE and EtG tests, and are the recognised thought leaders in this crucial advance in reliability.

It was no coincidence that our data was chosen to be presented at the Society of Hair Testing's annual conference in March to prove the 94% accuracy rate of dual hair alcohol tests, showing less than 1% risk of a false positive, and just 5.75% risk of a false negative.

Our laboratories in Germany are fully accredited to international standard ISO 17025.

And in February we launched a state-of-the-art £1 million laboratory in Manchester which operates to ISO 17025 standards and is being audited by UKAS with a view to receiving UK accreditation shortly, thereby 'onshoring' our European leadership capability.


We are sharing our knowledge and capability with all industry stakeholders, and are hosting a practitioner forum in Central London in September 2011 to which you are warmly invited. Please pre-register:

www.trimegalabs.com/sepforum

Call Us: 0845 388 0124 | www.trimegalabs.com



Dual-marker Hair Testing sets Industry Standard for Detection of Alcohol Abuse

Advertorial from  TRIMEGALABS
PROVIDING NEW INSIGHTS

Recent developments in the scientific and legal communities have highlighted the reliability of dual-marker hair testing for alcohol abuse, confirming the process as a valuable tool for any person or body seeking accurate data on alcohol abuse issues.

In March, research by the Society of Hair Testing (SoHT), confirmed that dual-marker testing on hair for alcohol misuse provides accuracy rates of over 94%. This outcome represents a major advance in the evidential role that hair testing can play in court cases, particularly with regards to child protection.

The findings were presented at the annual symposium of the SoHT in Chamonix, France. The results showed that dual hair testing methodology runs less than a 1% risk of resulting in a false positive, and just a 5.75% risk of a false negative.

The SoHT analysis was performed by Professor Dr. Fritz Pragst and Dr. Silke Suesse, two of the leading pioneers in testing hair for substance misuse. The data set of approximately 2,000 samples, the largest of its kind in the world, was provided by Trimega Laboratories, a company that is well recognised for being a leader in the development of innovative techniques for testing for substance abuse.



Prof. Pragst

Professor Dr. Fritz Pragst **commented:** *“In the last few years, hair analysis for alcohol markers has become an important diagnostic tool in forensic and clinical cases.”*

Hair testing can provide a picture of alcohol consumption of up to six months. In contrast, traditional forms of testing, of urine and blood, can cover only the previous three days and four to six weeks, respectively.

The results of hair testing were further validated in June, when a lawyer, Lorna Cservenka of Hanne & Co., who had used evidence provided by Trimega Laboratories, was named Family Lawyer of the Year at the Legal Aid Lawyer of the Year Awards.

In the case that saw Ms. Cservenka nominated for the award, she had used dual-marker hair testing technology to persuade the court that a mother had not been drinking, an outcome that was instrumental in reuniting the mother with her children. A previous single-marker test, conducted by another provider, had suggested that the mother had been drinking. An outcome of the court case was that the judge directed that dual-marker hair alcohol tests should be used for cases where hair analysis is applied.

At the time of the award, Douglas MacSween, UK General Manager of Trimega Laboratories, **said:** *“The award contributes to what is now a wide acknowledgement of the importance of dual-marker hair alcohol tests in providing high levels of accuracy about alcohol consumption over several months by parents and guardians in child custody cases.”*



Doug MacSween

Trimega Laboratories commercialised the technological breakthrough of analysing human hair samples for alcohol, firmly believing that just as hair testing had become accepted by the industry as the gold standard for analysis of drug abuse, hair testing for alcohol would receive similar recognition once its accuracy rates had been widely **demonstrated.** One of Trimega's key achievements was being the first to market with dual-marker hair alcohol testing.

Trimega was responsible for the creation of a Hair Strand Scientific Advisory Board, the purpose of which is to analyse the fast growing database of information created from the 10,000 hair alcohol tests and 7,000 hair drug tests carried out on UK samples each year, of which Trimega is responsible for around 40%. The findings of the Board are shared with the Society of Hair Testing which will assist it in future decisions, particularly those relating to the setting of universal guidelines.



The technical aspect of dual hair testing consists of testing hair for ethyl glucuronide (EtG) and fatty acid ethyl esters (FAEE). As hair grows, it absorbs FAEEs and EtG into its structure. While FAEE markers get into the hair mainly by diffusion from an external sebum layer, EtG markers are formed almost exclusively in the liver and then deposited into hair mainly from sweat. The more markers there are, the more alcohol has been consumed.

SoHT and the UK courts advise that dual-marker tests should be conducted for hair alcohol analysis. However, the SoHT has stressed that hair testing should not be the sole determinant in cases of substance misuse. It should be one part of the overall evidential picture.

Nevertheless, dual testing sets the current benchmark for industry accuracy when testing for alcohol abuse. At the time of the SoHT conference, Professor Pragst **said:** *“We continue to research the benefits of dual testing and are delighted that the results of our latest study show that together EtG and FAEE tests provide a far more accurate long-term view of alcohol abuse than other forms of analysis.”*

Obituary: Alan Feinson 1929-2011

Eulogy by Alan Gordon-Lee of Toller Beattie LLP, Barnstaple

It would take the rest of this service and the next to begin to do “Justice” to Alan or GAF as we knew him. He rarely, if ever, made a “gaffe” but if he thought he had he would be the first raise the possibility: the mark of a professional. As to Justice he cared passionately and his Client came first. His integrity was not learnt it was his character.

With his intellect and mastery of languages he would have had an illustrious career in the Foreign Service, his rugby accident in 1952 being the profession’s gain.



Some would have curled up: not Alan. Indeed only once did I see his disability cloud his good humour. Unable to drive his beloved Mercedes to the Royal Orthopaedic Unit near London he had to suffer my driving as his anti-spasticity implant needed urgent dosage recalibration. But, within minutes we were swapping anecdotes about his early career and antecedents: ironically not that far from the hospital. His catholic general knowledge ensured any 500 mile round trip would be fun.

Some outside of the profession suspect that there is a steady progression “up the stairs” to being a Judge: not so. Alan was exceptional in being, in 1978, in the vanguard of the new solicitor Judges: only achievable on merit. Actually his stair climbing exploits were legendary. A gold medal should have been struck when the lifts in the Civic Centre failed. Nonchalantly casting aside the genuine offer of a piggyback from a then strapping Michael Oerton he made it to the

seventh floor Court to successfully present his client’s case: a Herculean effort.

Alan could have been a hotshot city lawyer. Money was not his passion rather his family (of whom he was justly proud) and, in the firm’s he chose as a vehicle to serve to the local community. The firms still exist. Articled first with Porter Mangnall in Yeovil, later as a litigation lawyer with Ottaways in St Albans & finally with Toller Oerton & Balsdon from 1964 becoming a partner in 1965.

Our friendship started during my interview in 1975 when Tom Oerton with a wry smile said “you might do but you need to be vetted by my partner GAF – he’s a proper chap: played rugby”. The three founding partners of Tollers, so legend has it, were all England trialists. Thus unprepared I entered to be interviewed by this hunched and patently crippled “proper chap” but with penetrating sparkling eyes. It was at once electrifying, exhilarating frightening - within 30 seconds of being with such an incisive intellect - where was the disability? Incidentally I never once saw his mouth smile without his eyes in harmony.

Alan was a good teacher & delegator but always there with support, wise counsel, when necessary constructive criticism but delivered in a way that it seemed like encouragement: no mean feat. Many, like me, found it challenging just trying to keep him in sight intellectually.

His qualities made him a great committee member and partner. Serving the Law

Society from 1972 his Presidency of the Devon & Exeter Law Society in 1990 was not “Buggins’ turn” but peer respect. His year “flew” by: literally when he happily parked himself in the luggage rack of a dubious light aircraft to fly with colleagues across the Channel to a French Law Society “bash”. To the astonishment of the assembled company: no embarrassing stumbling school boy “Franglaise” but fluent banter with jokes included!

Incidentally after being “thrown in by the bouncers” at Xenaxis (nightclub) accompanied by surviving reprobates from our Christmas Party: he was among many clients, some respectable, some reformed, some not. It was heartening to see so many (male & female) anxious to pay their respects wishing him Happy Christmas. He was the envy of us all - if he would have accepted all the drinks offered we could have been wasted for months: a red letter day.

He was no Luddite but anticipated and embraced change also being instrumental in the successful merger with R H Beattie & Co in 1988. All knew he was a “proper chap” just from the extraordinary loyalty or rather devotion displayed by his “longtime” secretaries.

All in all a complete rounded human being: who influenced, for good, all those lucky enough to have had contact with him. It was uplifting that despite the huge proportion of his life spent getting just from A to B: he always had time to help and support others. Gone in body but not in spirit: thank you Alan for the fun, inspiration and thus the opportunity for this celebration!

Extracts from Alan’s family’s eulogies

Brother Keith Feinson - When I was living in France he announced that he would drive out unaccompanied to visit us. We were rather alarmed by all the difficulties he would face but he insisted. Of course he arrived on time, without problem. Over dinner I asked how he had coped with the motorway booths. **Easy. I had bought a child’s shrimping net so I would put in the money, pass it through the passenger window, the girl would put the change in the same net & off I would go!** — What about un-manned tolls? — *Oh, I would just sit & wait: from the cars waiting behind there would be irate shouts, blaring horns.*

Eventually there would be someone slightly more intelligent who would get down & come forward to investigate. I would then give him the money, he would do the honours & away I would go!

This anecdote brings out some typical aspects of his personality:
 A) the intrepidity to embark on such an adventure in his condition
 B) the resourcefulness
 C) his patience & tenacity
D) his humanistic faith in man’s ability to sort out its problems.

One more admirable quality he had was his ability to recognise with total lucidity what he

could no longer do and to move on - never any regrets or lamentations.

Daughter Petronella and sons Conrad and Geoff -

Dad loved meeting people – people always **remembered him. When people asked Dad’s advice they would listen and also take Dad’s advice**

Dad seemed to know everyone in North Devon and deeply cared about people

Dad loved classical music which he always tried to get us to appreciate – without any success on my part.

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- ☺ Access to local and national networks
- ☺ Your voice at Chancery Lane and beyond

THE PERILS OF POSTING

By LawCare



Actor Hugh Jackman recently found himself **embarrassed by a Twitter post ("tweet") which said he was in Sydney "having lunch on the harbor across from the Opera Center"**. As the face of the latest marketing push to sell Australia to the world, many were naturally offended not only that he used American spellings, but also that he seemed to have forgotten the correct name of the famed Sydney Opera House. Jackman was forced to admit that his tweets were written by his publicist, and has since used Twitter to pledge \$100,000 to charity.

In Los Angeles, a prosecutor was accused of acting unethically after he posted thoughts on a Louisiana Murder case on his personal blog, and in Pennsylvania a trial was halted after it was discovered that one of the jurors was posting updates on deliberations on his Facebook profile.

Slightly closer to home a bilingual secretary from Yorkshire was sacked from a British **accountancy firm's Paris office when it was discovered that she had a personal blog with 3,000 followers on which she was detailing her daily work life and lampooning managers, albeit anonymously.** She later pursued a claim for unfair dismissal and was awarded £30,000.

Years ago, getting your opinions and thoughts into the public domain meant that they had to have sufficient merit to get past proof-readers, editors and publishers. Today, anyone can post anything online and it will be instantly viewable to millions of internet users worldwide, complete with appalling spelling mistakes, poor arguments, inadequate research, bias, and frequently outright lies. Freedom of speech means that there is little that can be done about ignorant people

posting their half-formed opinions, but if online posts contain libel, breaches of confidentiality, obscene or illegal content, then there are likely to be consequences.

About 8.5 million people worldwide have a personal blog, and many companies (including LawCare) have one or more corporate blogs which offer a friendlier face to their customers. A blog is like an online diary and gives the blogger an outlet for their thoughts, with the opportunity for others to comment. Twitter offers the chance to post brief and simple updates on what you are doing, and Facebook and similar social networking sites takes this a step further by allowing you to post photographs and **interact with your friends.** It's easy to understand why these online tools are so popular, but important too to remember that it is a very public arena, and that you have little to no

control over who reads what you post.

Following a few simple steps may help you to avoid the pitfalls and dangers of posting your thoughts and opinions on the internet:

- ★ **Don't write anything you wouldn't want your boss, or your mother, to read.** In fact, if there is *anyone you would prefer didn't read it, don't post it.*
- ★ Make good use of the spellchecker, and invest in a book about English usage, grammar and punctuation. Those reading your words – which may include your Senior Partner - will form an opinion of your level of intelligence based on your writing.
- ★ If you must write things which may be controversial, blog anonymously and keep all details vague enough to remain **confidential. Don't mention where you live**, for example, or what type of firm you work for. Always remember that you are still traceable to anyone determined enough to find you. Sites such as

www.anonymizer.com can provide additional protection of your identity.

- ★ Even if you have chosen not to remain anonymous, never post personal details anywhere on the internet. These include your address, telephone number and email address.
- ★ Whilst it may be tempting to use your blog to anonymously expose unethical or illegal practice, in your firm (as many others have chosen to do) this is not the same as reporting it. Your duty under rule 20.04 is to bring any breaches of the rules directly to the attention of the Solicitors Regulation Authority, and doing so via a blog is unlikely to be seen as sufficient, which means that when it comes to light and your blog demonstrates that you were aware of it, you may still be considered complicit.
- ★ **Don't blog at work, even if you are having a slow afternoon.** Unless it is a blog which you do as part of your job, it is an abuse of

the firm's resources and your paid time. If something happens at work you feel you need to write about, scribble it on a notepad and take it home with you to write up later.

- ★ Remember that you bear legal liability for the articles you write.
- ★ Once something is posted, it is permanently on public display. Even if you delete it, someone may have it cached, or may have printed it. Think twice before you **press the "Publish" button.**

Anna Buttimore is Administrator of LawCare, the author of four novels and two blogs – www.lawcarelife.blogspot.com and www.annajonesbuttimore.blogspot.com.

LawCare provides free and confidential health support and advice for lawyers, their staff and families, across the UK and Ireland. 0800 279 6869 www.lawcare.org.uk

CHILDREN'S HOSPICE SOUTH WEST

By Rob Emery, Legacy Coordinator

Children's Hospice South West helps and supports children and their families who are living with life-limiting or life-threatening conditions which mean that sadly they will not reach adulthood. We are the only organisation in the South West to provide vital hospice care in a hospice environment to these families. We provide palliative and emergency care, planned respite and end of life care. Our hospices offer a place where everyone can begin to forget their worries for a while, be a family again and find expert help and support in facing an uncertain future.

The services are free to the families and we rely on the generosity of supporters to deliver **our promise to 'make the most of short and precious lives'**.

Children's Hospice South West has three purpose-built hospices in the South West. Little Bridge House in North Devon and Charlton Farm in North Somerset. Our third special home from home for life-limited children in Cornwall and Plymouth, Little Harbour in St Austell is due to open its doors to families at the end of 2011.

One of misconceptions people hold about **children's hospices is the type of care we offer the whole family.** Many of our children spend time in and out of hospital for specific

diagnostic assessments, for clinical procedures, for out patient clinics, and for specialised treatments and therapies. For families, this busy clinical environment is often alienating for the rest of the family, especially siblings.

At our hospices we look after the whole family. The sick children come to stay with us joined by their parents, siblings and, sometimes, their grandparents. We have dedicated care team that can take over the complete care for the sick child 24/7 if the parents wish. We also cater for the well brothers and sisters and we have a dedicated sibling team who take them on day trips or enjoy other activities in the house. They are also there to discuss thoughts, feelings or fears they may have **about their brother or sister's illness.** These services also give mum and dad a much needed break, a chance to sleep, or go out for the day and offer a listening ear, anytime during the day or night.

Ensuring the public understand the services that are offered by CHSW is vital. For our supporters it is important to appreciate the huge impact that your generosity really does have, and the wide range of services that your donations make possible.

More importantly, for families who may be

able to benefit from our services, a lack of understanding about the ethos and services of CHSW and a fear of what a 'hospice' may mean, stops some families from benefitting from the valuable services on offer.

There are many ways to help support our charity: to make a donation or see other ways that you can help, including leaving a Gift in your Will, please visit www.chsw.org.uk/supportus or call 01271 325270.



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CROSSWORD CORNER

Compiled by David Stephens of Battens

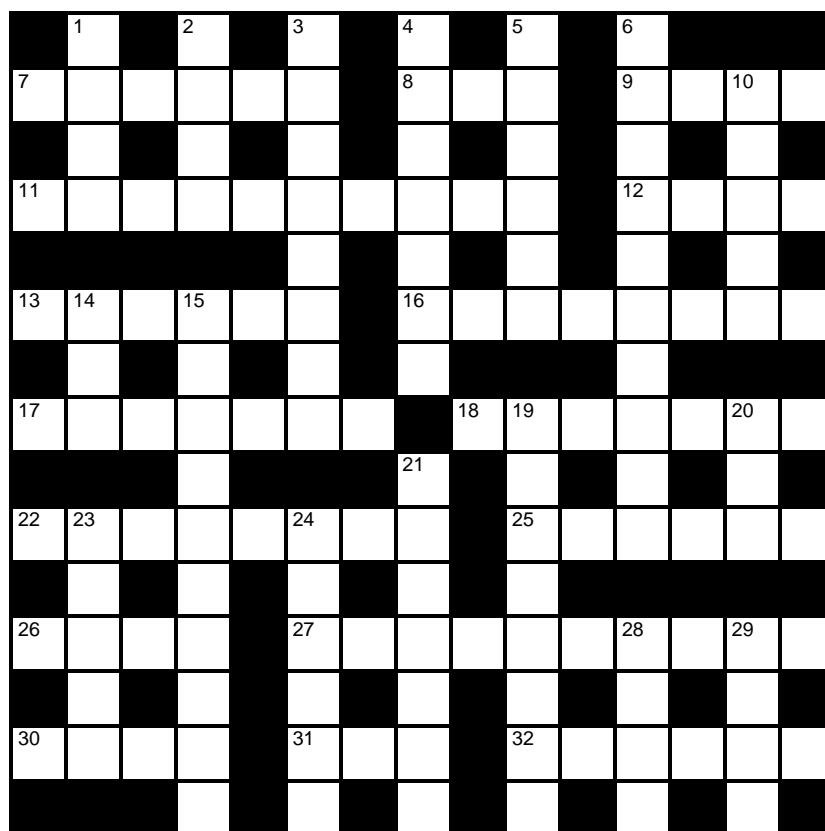
Competition!

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 28 October**. DASLS address can be found on the front cover. The solution will be published in the November issue.

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

Champagne supplied by

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- 7 Disturbed Zen? yes one of 13 (6)
- 8 Fish backed one of 13 (3)
- 9 Heard again removing earth from around each other (4)
- 11 Downhearted or maybe not? Depends (10)
- 12 Wine growing area discovered in Vienna park (4)
- 13 War between Danish leader and heads of Finland and Sweden was short, folks. (6)
- 16 Use belly around the middle (5,3)
- 17 Potwarmer from scot? Aye! (3,4)
- 18 One of 13 is lush! Fab! Bad! (7)
- 22 Held added jug, broken (8)
- 25 Hollow one of 13 (6)
- 26 Tips returned? Expectorate! (4)
- 27 Molly Brown is powerless around washbasin (10)
- 30 Song for the Man is heard (4)
- 31 Food from Chippies - but no chips (3)
- 32 Lancastrian goon (6)



- 1 King born in low joint(4)
- 2 ... will retain part of castle (4)
- 3 Joint's aware - is said to produce sleep-like state (8)
- 4 Words! Quickly! Rapidly! (7)
- 5 Confuse a Celt. A mixture containing alcohol (6)
- 6 Sport footwear, then noises off (6,4)
- 10 Little Henry acquires app for one of 13 (5)
- 14 sadness was only endured initially (3)
- 15 Telling story of checking numbers again (10)
- 19 Missing person been east maybe (8)
- 20 Short sporting official in slum property (3)
- 21 Yes, Syd Owen - return journey after new part (7)
- 23 Yep, do upset one of 13 (5)
- 24 Steak in gravy limits one of 13 (6)
- 28 Patronising curve for a top bishop (4)
- 29 Staffordshire vegetable (4)



Heard it on the Grapevine

I love the sound of pulling corks by Rory AKA The Jolly Vintner

To me there is no more satisfying noise than the plop of a cork being pulled from a bottle, a noise that will very often stop conversation at a dinner party as guests look to see what the host is offering up next. But as you scan the shelves of your local supermarket the majority of wines are now bottled under screw cap, user friendly and cost effective yes, but the chance for wine to develop and take on character no.



The debate in the trade has been hot for many years, and interestingly with the U.K. being one of the leading markets for screw cap there is a slow reverse for producers going back to cork for their better wines.

But it is strange how some markets just will not accept screw caps in any shape or form, the emerging Chinese market being the best example where producers who only bottle under the Stelvin closure are having to use **other people's bottling lines rather than invest** in a whole new bottling line. Last year I had a lovely parcel of wine under screw cap from France from a producer who only sold his wine in France. Trouble was all his French customers almost unanimously did not buy his wine due to their loathing of screw cap, their loss was my gain. Needless to say following vintage was back to cork.

But why was this massive change from 100% cork in the seventies to where we are now? At one point the trade estimate was that about one in twenty bottles of wine was out of condition due to cork taint or corks so cheap that they failed to do their job properly. I remember being at a producer in Spain once and he opened three bottles of wine one after another, all of which were out of condition, not the best advert for your business. Now the cork industry has the Forest Stewardship Council that has been certifying Mediterranean cork forests, the certification means the growers can supply traceable cork planks from forests certified to adopt landscape sustainable practices.

What I love is the adverts from the producers each extolling the virtues of their products and trying to take the environmental high ground, take these two for example:

"Top the eco-responsible label for aluminium screw cap. Higher security level, lower energy consumption, 100% off setting of CO2 emissions, controlled by independent 3rd party, Ecocert Environment."

"Natural cork and wine have an age old bond and the tale of one cannot be told without the other. A natural cork possesses unrivalled qualities that even today cannot be imitated or improved upon. It enhances the flavour by allowing the wine to develop naturally as well as protecting the environment by being the only truly sustainable wine stopper."

To me the cork argument wins being sustainable and environmentally friendly and as they point out allowing the wine to develop.

One form of packaging that seems to have bitten the dust yet 20 years ago was being hailed as the future for wine is the Tetra pack (the same sort of container as your orange juice) but the image of your specialist pair of scissors to open your little box at the table, then it squirts down your trouser leg, and then dribbles onto the table cloth as you did not get the cut quite right, seems like an idea that would never catch on.



So if you fancy a glass this weekend generally you will get a better bottle under **natural cork** than plastic and if it's for the barbie grab a screw cap.

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OFR, COLP, COFA and Other Acronyms -
SRA Code of Conduct Practical Briefing
Monday 12th September 2011:
2.00 - 5.15pm 3 hours CPD
Trevor Hellawell

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

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

The Future of Litigation (APIL accredited)
Thursday 29th September 2011:
9.45am - 1.00pm 3 hours CPD
Dominic Regan

Settling Claims (APIL accredited)
Thursday 29th September 2011:
2.00pm - 5.15pm 3 hours CPD
Dominic Regan

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

Challenges to Wills
Thursday 29th September 2011:
2.00pm - 5.15pm 3 hours CPD
John Thurston

Mediation Training Day - Introduction to
Neuro Linguistic Programming
Monday 3rd October 2011:
9.30am - 5.15pm 6 hours CPD
Trevor Horne

The Bribery Act: what Employers need to
know
Tuesday 4th October 2011:
9.45am - 1.00pm 3 hours CPD
Debbie Grennan

All courses are held in the Exeter
area unless otherwise indicated

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

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

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

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

Land Registration (Tiverton)
Thursday 6th October 2011:
2.00pm - 5.15pm 3 hours CPD
Laura Ford

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

Ancillary Relief Update (Yeovil)
Wednesday 12th October 2011:
9.45am - 1.00pm 3 hours CPD
Valentine Le Grice QC

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

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

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

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

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

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Sewers no longer a drain on you

Changes are being made to the ownership of many private sewers and drains. Zoe Dobson, of Wessex Searches, explains how this will affect you and your clients.

FOR most people drains and sewers are out of sight out of mind – until they experience a problem and realise it may be their responsibility to put right at which point, there is likely to be a lengthy discussion or dispute between neighbours about whose responsibility it is to call an engineer and who will pay for any work required.

A blocked private sewer can subsequently result in neighbourhood disputes and people being out of pocket. Residents who are not directly affected by the blockage may be reluctant to contribute towards the necessary work to get things flowing again.

But from 1 October 2011 this will be something of the past after the Government made the decision to change the ownership of a large proportion of the privately owned sewer network.

So, what will the changes mean? Are there any sewers that will not be transferred?

For anyone connected to a public sewer, the only wastewater pipework that will remain responsible for will be that within the property boundary and only serving that property. All other drains and sewers will be the responsibility of water and sewerage companies which will deal with any problems with these pipes.

Why is it happening?

The Government considers that these changes provide the only comprehensive solution to a range of drainage problems faced by householders. The idea is to integrate management of the sewage network right up to the property boundary.

The changes will have an impact on both residential and commercial Drainage and Water Enquiries. All existing questions will remain the same, however, there will be enhanced answers to some of the questions.

Water companies have been working closely to ensure the updated Drainage and Water Enquiries offer the best possible advice for consumers. Should you have any questions regarding our searches, please do not hesitate to contact us.

Wessex Searches – Wessex Searches is provided by Wessex Water, Bristol Water and Sombcorp Bournemouth Water. We provide the official CON29DW Drainage and Water Enquiry in the Wessex Water region, plus an extensive range of additional conveyancing reports including coal, environmental, flood, planning, Local Authority searches (official or personal) for both residential and commercial properties throughout England and Wales.

For more information – T: 01225 526206 E: contactus@wessexsearches.co.uk W: www.wessexsearches.co.uk

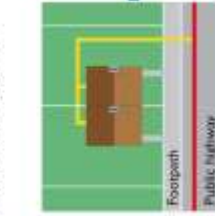


The diagrams below show how the changes affect typical semi-detached and detached properties.

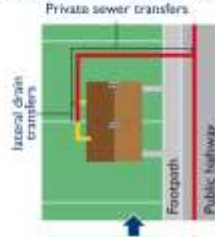
Semi detached

Ownership before transfer

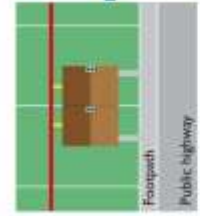
Example one: Public sewer in highway, private sewer in gardens.



Ownership after transfer



Example two: Public sewer in gardens.

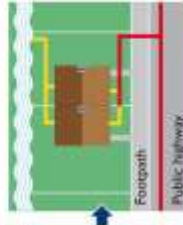


Ownership after transfer

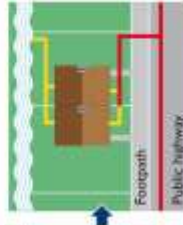


Ownership before transfer

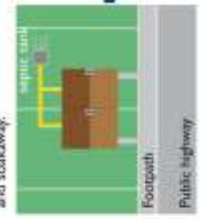
Example three: Private foul water sewer draining to public sewer in highway, Private surface water sewer draining to watercourse.



Ownership after transfer



Example four: Private sewer draining to private septic tank and soakaway.



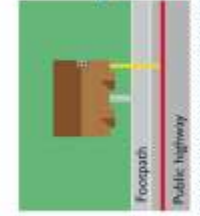
Ownership after transfer



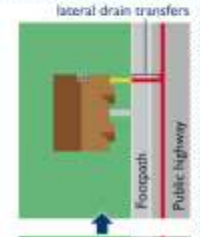
Detached

Ownership before transfer

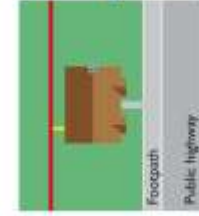
Example one: Public sewer in highway.



Ownership after transfer



Example two: Public sewer in gardens.

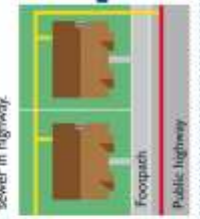


Ownership after transfer

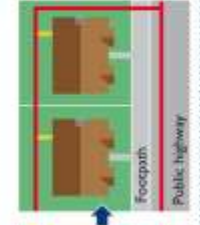


Ownership before transfer

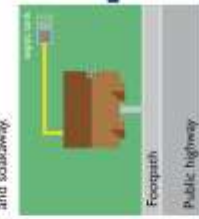
Example four: Private sewer in garden draining to public sewer in highway.



Ownership after transfer



Example five: Property draining to private septic tank and soakaway.



Ownership after transfer



Key Private pipes - responsibility of homeowner Responsibility of Wessex Water

For more information and to view a video about the changes visit www.wessexwater.co.uk/privatesewers