

Newsletter



DEVON & EXETER
LAW SOCIETY

www.devonlawsociety.org.uk

November 2007

**Your Committee, Officers and Staff
wish you a very merry Christmas
and a happy New Year.**

In This Issue

President's Diary

Law Society Excellence Awards

Devon Legal Network

New Members

Report from Law Society Council

Is PII The Answer?

Interview of the Month

Postcard from Erlangen

Horizon Scanning Workshops

Obituary: Paul Horsey

Heard it on the Grapevine

Employment Register



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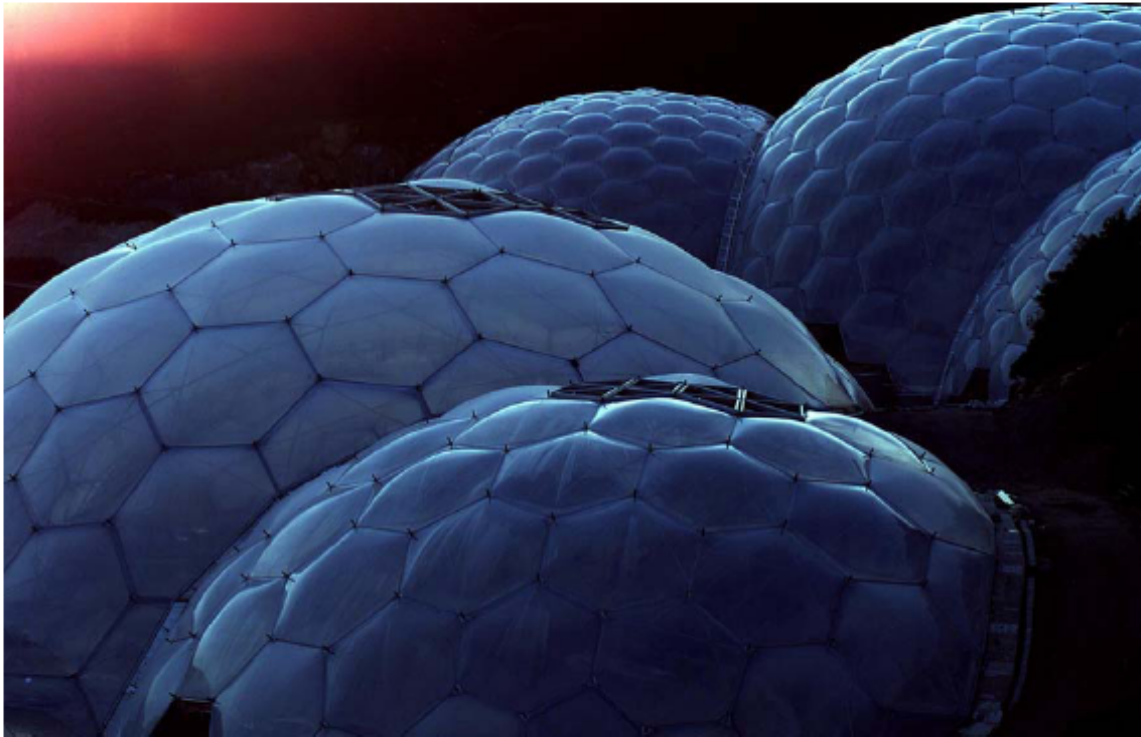
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Photo:
'The View from
Glastonbury Tor'
by Philip Dowle



Courtesy of South West Tourism

Creative cover in an uncertain world

Founded in 1991, Parkers is an independent insurance broker providing impartial advice backed by extensive experience and the highest standards of professional integrity.

We specialise in insurance for the legal profession and at present, we arrange professional indemnity and other insurances for many well-known South West firms.

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and the Professions**

President's Diary

By Erik Salomonsen, President



This is an exciting and positive time to be President of DELS. We are looking forward to 1 January when we will be joined by our Somerset colleagues. The signs are very good and already more than 100 have applied for membership. Many more will follow. The plans for the Bicentenary celebrations, and in particular the FBE conference, are advancing. We have the promise of substantial sponsorship, a very exciting programme and a commitment by the National Law Society to work with us to make the event a great success. Michael Cosgrave, Rod Mole and I attended the FBE conference in Strasbourg in October and discussed our plans with the Secretary General and the President Elect. They are clearly very positive about Torquay 2008.

Very many congratulations are due to Foot Anstey for winning the Law Society's National Award for Excellence in Practice Standards. It is clearly a considerable achievement and raises the profile still further of the local profession. It is particularly pleasing that Foot Anstey have offices in both Devon and Somerset! Jeremy Ferguson was shortlisted in the Solicitor of the Year category and received special mention in the Gazette. He has worked tirelessly to raise the plight of lawyers in Zimbabwe and his efforts could not have been acknowledged better than by Chancery Lane launching the Law Society of Zimbabwe Appeal.

Thank you to those firms who supported the Macmillan Coffee Morning. With apologies to those firms of which we are not aware, particular thanks to Charlesworth Nicholl, Ford Simey, J&SP Pope, Harold Michelmores, Hooper & Wollen and Bond Pearce, who between them raised £1066.08. I know that as well as raising money for a good cause the firms involved felt that the event was a resounding success all round. Ford Simey looked for donations/sponsorship and managed to secure 6 boxes of luxury chocolate biscuits from Marks & Spencer, 3 large canisters of freshly brewed coffee and cakes donated by Ashley Bevans' mother and grandmother. When I spoke with Chris Hart at Hooper & Wollen he told me that he was full of bacon butties!

By the time you read this the first Business Quiz in Exeter will have been and gone, but I urge you all to support the next Quiz in North

Devon at Barnstaple Rugby Club on 29 November, with further opportunities in both Torbay and Taunton in the New Year.

Finally may I invite you all to make up a party for the dinner at the Palace Hotel in Torquay on 8 February (flyer within this newsletter), which will mark the start of our Bicentenary celebrations. Our numbers will be swelled by our new Somerset members, who we will want to welcome, and the third speech is to be replaced this year by "Kit and the Widow", who are a latter day Flanders & Swann and will make the trip worthwhile for their performance alone.

Law Society Excellence Awards

By Jeremy Ferguson

Many thanks for all the support and encouragement I received over the Law Society's Excellence Awards. Although I didn't win I never really expected to get as far as the shortlist and to be in the final three was amazing for me.

The Presentation Dinner was a splendid affair, made even better by the fact that Beatrice Mtetwa, the President of the Zimbabwe Law Society, was a special guest. At the ceremony she and I were both identified by Jeremy Vine, the master of ceremonies, and made to stand for an ovation.

I had the previous day rushed up to London to support Beatrice when she made a speech at Chancery lane and DELS' support for the Zimbabwe Law Society was praised by her, by Andrew Holroyd and also by Des Hudson. There is just the slightest hint that the authorities are slightly less inclined to harass the lawyers although Beatrice is expecting to be in trouble with them after her overseas trip and, with the elections coming next May, is expecting things to get worse before they are over.

Our standing continues to be very high in Chancery Lane. The Law Society is very supportive of the FBE initiative next October and is looking to us to continue the work that they regard as so valuable.

Devon Legal Network

The University of Exeter is setting up a Devon Legal Network. The aim of the network is to provide regional businesses with free legal updates from a range of sources, covering up-to-date topics of interest.

The network will be working with the University's School of Law and aims to provide support for legal employers, increase links with University services and to provide employment opportunities for Law students.

We aim to have a series of events kicking off in 2008 and would like anyone interested in attending or speaking at an event to register with us. Topics for future events include employment law, IPR, patents and copyrights, company, commercial and environmental law.

If you are interested in the network or in working with the University, please contact Jess Warburton on 01392 263456 or jess.warburton@exeter.ac.uk.

CHRISTMAS CAROL SERVICE

Monday 10th December 2007 at
6.00pm

St. Mary Arches Church, Exeter

Tea, Coffee and
mince pies will be served

ALL WELCOME

*Organised by the Lawyers Christian
Fellowship in Exeter*

Visit
www.devonlawsociety.org.uk for details of
forthcoming seminars
and courses!

Associate Membership

Associate Membership of DELS is available for all trainee solicitors in the area.

Associate membership is **free** and forms can be found at www.devonlawsociety.org.uk

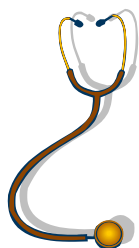
Devon and Exeter Law Society's New Members

We would like to welcome ...

Mrs Penelope Ayre,
Crosse Wyatt Verney & Ayre, South Molton
Mr Michael Clark,
Beviss & Beckingsale, Honiton
Mr Lester Francis,
South Hams District Council, Totnes
Mrs Elizabeth Heron,
Beviss & Beckingsale, Seaton
Mr Christopher Keenan,
Beviss & Beckingsale, Chard
Miss Rachel Mason,
Beviss & Beckingsale, Honiton
Mrs Janet Milton,
Solicitors Title, Exeter
Mr Anthony Osborne,
Beviss & Beckingsale, Axminster
Mr Charles Parry,
Woollcombe Yonge, Plymouth
Miss Zoe Sims,
Peter Peter & Wright, Barnstaple
Miss Nicola Smith,
Beviss & Beckingsale, Axminster
Mr Geoffrey Trobridge,
Ashfords, Exeter

Date for the Diary

Torquay and District Medical Society and Devon and Exeter Law Society warmly invite you to their Special Medical Projects and Research Trust Lecture on **Thursday 28th February 2008**



"Skeletons in the Cupboard" - An Evening with the Coroner

(Guest Speaker: Mr Ian Arrow, Her Majesty's Coroner, Torbay and South Devon District)

Full details will follow in the January newsletter

Report from the October Meeting of the Law Society Council

Extending higher rights

The Law Society's call for an extension of higher rights through a voluntary accreditation scheme has been accepted by the Solicitors Regulation Authority. Permission will be sought from the government to implement the new arrangements.

Getting greener

The Council approved an environmental policy for the Society; setting tough targets for reducing its carbon footprint and general use of non-renewables. This builds on an already significant carbon reduction of 393 tonnes per year since 2005. The Society, with Business in the Community and DLA Piper, is establishing an initiative to define, develop and promote best practice in environmental protection for the legal sector.

Getting fit for purpose

The Council agreed a timetable for moving to a new structure by 2010 that meets the representation needs of the profession

Is PII the answer?

By our sponsors, Parkers

So that's it for another year!

October 1st came and went, the Managing Partner negotiated a great deal for the firm's Professional Indemnity Insurance and the file is back in the drawer, hopefully not to be disturbed until the next renewal season. Job done – or is it?

Whilst Professional Indemnity cover protects partners in their professional capacities, no cover is provided for them in their managerial and business capacities – for example, in their dealings with employees, stakeholders and external government agencies.

Partnerships are facing a barrage of new legislation and regulation that, if not properly addressed, could have serious financial impact on their business operations. These include:

- Changes in employment legislation and the growing number of employee grievances.

- The complex and changing responsibilities of outside directorship roles, particularly in the light of the new Companies Act.

Today's partnerships have real exposures, not only to their own employees, but also to regulators and shareholders of outside companies. Even unfounded allegations can be expensive and time-consuming to defend – not to mention the possibility of associated bad publicity and severe damage to professional reputation.

Directors of limited liability companies have for many years been able to protect their position by arranging Directors and Officers insurance, but this cover has historically been unavailable to partnerships. Until now!

Parkers, in conjunction with a leading global insurer, are able to offer an insurance solution that focuses on the needs of professionals in their managerial capacity. This policy complements existing professional indemnity covers and provides real peace of mind for partnerships, knowing that they have protection from the unexpected costs associated with investigations and tribunals, not to mention defence costs.

For more information contact Parkers partner Stephen King on 01392 861275 or email stephen@eparkers.co.uk.

DELS Annual Golf Day

The DELS Annual Golf Day will return in 2008. This event will take place on the East Course at Saunton Golf Club on Wednesday 19th March. 3-ball team stableford and individual stableford together with the essential nearest-the-pin and longest drive competition. Limited to approximately 45 participants. Meal and, of course, prizegiving afterwards. If you are interested in taking part please contact Adam Bradford at Messrs Brewer Harding & Rowe. (adambradford@bhrlaw.co.uk or 01271 340898)

Interview of the Month:

Martin Justice, Chair of Education and Training Sub-Committee

Why did you join Devon & Exeter Law Society?

My firm automatically enrolled me as a member when I joined them just over 2 years ago. However, I believe that a Local Law Society is much more relevant to me and my firm than the national Law Society and was keen to become involved as a member of the Education and Training Sub-Committee. I was therefore very honoured (not to say surprised) to be asked to become Chair of the Sub-Committee earlier this year.

If you were choosing a career now would you still choose to work in the legal industry?

I am not sure that I would still choose a legal career. The current cost of obtaining a law degree and completing the LPC is frightening and must discourage a lot of potentially talented lawyers from pursuing a legal career. There is also a lot of uncertainty for the future of traditional high street private client work, which is the area I practice in.

Which sort of work gives you the most job satisfaction?

Like me, most of my clients do not like paying more money to the taxman than they have to. I do a lot of inheritance tax planning and tax mitigation work and get a lot of personal satisfaction when we win technical arguments with the revenue.

What do you do in your spare time?

I play 5-a-side football and badminton to keep fit. I also like cooking and eating out.

What book are you reading at the moment?

I started reading "Winter in Madrid" by C J Sansom on holiday this year but I don't seem to have found time to finish it yet.

What is the most recent film you have seen?

I am rather embarrassed to say it was "Ratatouille", but only because my daughter wanted to see it!



What is your favourite food?

I like almost everything, but I think good classic English food is very much underrated.

Which is your favourite restaurant?

The Merry Harriers at Clayhidon.

Where is your favourite holiday destination?

I always enjoying going back to Spain and I think Valencia is the best city in Europe that I have visited.

Postcard from Erlangen

By Russell Dowling,
Trainee Solicitor
Messrs Slee Blackwell, Barnstaple

After having such an enjoyable time at the Twin Bar Conference in Rennes how could I turn down Alec McNeill's offer of a trip to the Erlangen Bar Walking Day in Germany? Well I couldn't. After a short conversation with Alec and Monique I was booked on a flight to Nuremburg (via Amsterdam) for the following week. I was unable to find another trainee in Barnstaple who was free to travel as they were all on holiday that week. (It's a hard life being a trainee!) Luckily, my partner Rachael was more than happy to accompany me.



We were met at Nuremburg airport by our host, Walter Hildmann, and quickly spirited away through the Bavarian countryside to his colleague Dr Trost's house, for a traditional German meal. After a relaxing evening of sampling German culture

(classical music, beer and sausages) we retired to the Hildmann residence, eagerly anticipating the Walking Day.

The day began with a trip to Herr Hildmann's offices in Erlangen followed by a tour of Erlangen town centre with Dr Trost. We then joined our German colleagues on the coach for a drive through the wonderful Bavarian countryside to the Ludwig-Donau-Main-Kanal for a trip on a horse-drawn barge. Our party then walked to the Mühlhausen solar park, the largest solar energy park in Europe. The scale of the park, several square kilometres, was something to behold. The day ended with a meal at a traditional Bavarian guesthouse. In the interests of international relations, as I explained to an unconvinced Rachael, I did have to try each of the unique beers available.

The only disappointing part was our early flight home on Saturday. We had tried to push our flights back until Sunday at the request of our hosts, but without success. Next time I go, and I very much hope I do, a Sunday return flight will be a must.

I found this a much more relaxed event than the Rennes conference, although after attending Rennes in May, it meant several acquaintances were renewed. The Germans were very impressed that DELS had included younger members within our delegation and I think this may encourage them to do the same in Exeter next year. By encouraging young

solicitors to participate in the Twin Bars programme, DELS was seen as setting an example and I hope this can be continued into the future. As a trainee, and fairly recent associate member of DELS, I feel

extremely lucky to have been asked to attend not one but two Twin Bar events. It is unlikely that other trainees elsewhere in the country are offered opportunities such as this and I feel that this is yet another good example of the unique opportunities to be had for young solicitors in Devon.

To any trainees and young solicitors I would highly recommend getting involved with any Twin Bars events.

Report from the Law Society's Horizon Scanning Workshops

Introduction

By Tony Spiers, Honorary Secretary

The Vice President and Hon Secretary attended a "Horizon Scanning Workshop" at Chancery Lane on 20 August and what follows are the official minutes of that meeting.

The Law Society has a Strategic Research Unit which annually produces a statistical report entitled Trends in the Solicitor's Profession.

This shows that there are (2005-6) 104,543 solicitors with a current practising certificate (80575 in private practice). The largest 1% of solicitors' firms employ 39% of solicitors and that 7075 new solicitors were admitted in 2005/6.

The profession has doubled in size in 20 years.

The meeting was notable because, for the first time, I heard people in our profession making comments that led to the following (rather startling) minute:

"many expected significant reductions in the numbers of practising solicitors. There was a need for assistance with exit strategies".

A copy of the Statistical Report is at Renslade House and available on loan.

The Editor will welcome letters or comments on this subject: what do rural Somerset and Devon practitioners think and how are they planning to cope with the changes for the profession likely in the immediate future?

Below is a note of the open discussion at the two workshops of Law Society Council and committee members and staff, and local law society and practitioner association representatives.

Discussion notes

There was room for every type of practice in future as long as solicitors meet the Society's standards. The diversity of practice types was seen as a difficulty for representative organisations.

However, many expected significant

reductions in the numbers of practising solicitors. There was a need for assistance with exit strategies.

It was recognised that the profession's high ethical standards were no longer a strong selling point – consumers take them for granted and are looking for highly developed skills and knowledge from solicitors.

It was suggested that solicitors should differentiate themselves by developing greater specialism and badging higher levels of expertise through advanced accreditation schemes. If there was a perceived need to raise standards should the Society be lobbying the SRA to do that?

It was asked whether Lexcel or a similar quality mark could be used to market high standards to the public. Might the Society create such quality marks as 'Fellow of the Law Society'.

Solicitors were being successful in seeking new markets by for example opening up one-stop property shops or obtaining higher advocacy rights.

Some firms were coming together in joint marketing initiatives, sometimes led by larger local law societies. Others were sharing back-office operations.

The chair asked whether professionalism at all inhibits the running of a business. One response was that professionalism was not a problem on a level playing field – only if others were not meeting the same standards. The point was also made that professionalism meant that clients were not sold unnecessary services.

The chair summed up by saying that there was consensus around the primacy of the Society's role as the profession's principal advocate. The Society needed to be fleet of foot to deal with challenges to the profession's image posed by issues such as the controversy over miners' compensation.

The Society needed to help solicitors as professionals to run their businesses successfully. There was also a need to promote the reality of solicitors as trusted all round advisers in addition to their specialist legal expertise.

List of issues discussed in identifying key challenges for the profession

Demographic/social/environmental changes

- Emergence of India and China (e.g. 4m Chinese and Indian graduates each year – 10 times the level of UK)
- Increasing consumer power/activism
- Changing commercial client expectations
- Solicitors changing career aspirations
- Increasingly diverse UK population - large-scale new immigrations e.g. Polish
- Environmental change - climate change

Changes to the business environment

- Globalisation of legal services
- Legal Services Act consequences: alternative business structures, external capital, external ownership
- Economic change – will prosperity continue to increase?
- Increasing demand for legal services market
- Drivers bringing solicitors and barristers closer together (rights of audience, lead supplier)

Business pressures

- Power of very large purchasers of legal services (e.g. insurance firms, mortgage lenders, the LSC)
- Commoditisation of legal services
- Consolidation of firms
- Pressure to report on CSR activity (environmental policies, pro bono, community work, diversity)
- Competition – from other providers and from other jurisdictions

Regulatory/professional issues

- Principle-based regulation – minimum standards v promotion of best practice
- Changing profile of legal profession – e.g. balance of private practice/employed
- Unique selling points of solicitors
- Badge of solicitor – how to retain and exploit its value
- Vastly different business models and practice types within the profession
- Letting the market decide v considering the public good.

Obituary: PAUL HORSEY (1937-2007)

Paul Horsey, who died on 4 September, was an outstanding lawyer, and friend to many. He was born on 23 May 1937 in Weston-super-Mare, the son of Frank and Maria Louisa Horsey. On leaving St John's School, Leatherhead, Paul was one of the last to do National Service (in the REME). He was also one of the last "five year men": serving his articles in London under Sir Frank Medlicott MP. After 18 months in New Zealand, working as a solicitor for the State Advances Corporation, Paul returned to the UK and joined Stephens and Scown in Exeter. In 1968 he joined Penny and Harward in Tiverton. From then until his retirement in 1997, he developed and expanded the firm's litigation department.

Paul specialised in crime, family and personal injury work. He was a formidable and skilful advocate: perhaps the best of his generation. He was respected for his fair play and decency. He cared deeply for his clients and became a lifelong friend to many. Paul was an inspiration to his staff and much loved by them all. Regardless of the pressures of work he was always available to talk and to give advice. He had a great sense of humour and was always full of fun. There are many people within the legal profession who owe much to Paul. Although meticulous in his work he recognised the limitations of

over-reliance on time recording and individual billing targets. He valued a person's worth in much more than financial terms.

Paul became a Deputy District Judge in the mid-1980s, a post he held until the late 1990s. He also served on the Criminal Injuries Compensation Board. As a Judge he was courteous and fair to all those who appeared in his Court. He was also held in great affection and much respected by the Court staff throughout Devon and Somerset. Had he wished there is little doubt that he would have been appointed to a full time judicial post.

Paul was the Society's first Advocacy Training Officer. He served the Society with great distinction as President in 1987/88.

Out of the office, Paul was devoted to his family. He was a fine tennis player, an accomplished sailor and a lover of all music: particularly choral music. At home he and Els were always generous hosts. Paul leaves Els, a daughter, three sons (one of whom, Robert, is a partner with Ashfords) and ten grandchildren. He will be much missed by both his family and the profession.

Can You Help?

On 2nd April 2007 the Solomon Islands were struck by a tsunami. The people of Madali Point and Rendova Island are now homeless, without clothing or food.

Christopher Palmer (DELS President 1996-97) and his wife, Jennifer, have launched an appeal, in order to assist those affected.

A successful evening was held at **Tiverton Rugby Club on Friday 23rd November 2007** with all proceeds going to this cause.

If you would like to make a contribution please contact Christopher or Jennifer on 01884 256954.

Heard it on the Grapevine

The Auction of the
Hospices de Beaune

By Andrew Ford, Quay West Wines

Beaune has one of the world's most famous hospitals, which was built in the mid 15th century and is still in practice. The Hospices de Beaune was founded by Nicolas Rolin, Chancellor of the Duke of Burgundy, and his third wife, Guigone de Salins on 4th August 1443 and is known today as Hotel-Dieu.

The hospital took in the destitute sick and gave them medical help. It earned its keep (as did the residents) from wine. Since then, wine growers from all communes (concerned for their own salvation) have bequeathed their land to the hospital.

Today the Hospices de Beaune own 151 acres of vines, from which they produce 37 wines. Each *cuvée* (blend) is named after the donor of the area of land.

A charity auction has been held every year, on the third Sunday in November, since 1859. The individual *cuvées* are auctioned off for well in excess of their market value. Consequently, the excess paid is regarded as a precise measure of the economic situation in Burgundy. The only people allowed to attend the auction are merchants from Beaune, although they frequently bid on behalf of clients from elsewhere.

The money raised, in excess of €5 million last year, still goes to the hospital and maintains it with modern equipment as well as tending to the sick of Beaune without charge.

There is also a hospital in Nuits-St-Georges which has 30 acres of vineyards. The charity auction here takes place on the Sunday before Palm Sunday and is essentially a local event.



Wine offer

Devon and Exeter Law Society in association with Quay West Wines are pleased to offer Society members 12 bottle mixed cases of wine at the following reduced prices for Christmas. Each case contains 3 different whites and 3 different reds.

£48 £60 £78

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

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

Telephone: 01392 841833

Fax: 01392 841996

Email: sales@quaywestwines.co.uk

STOP PRESS!

'Adding Insult to Injury? The Money Laundering Regulations 2007' by Trevor Hellawell of Ex-L Professional Skills is now available for download from:

www.devonlawsociety.org.uk