



Newsletter



DEVON & EXETER
LAW SOCIETY

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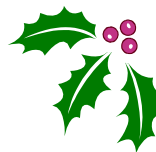
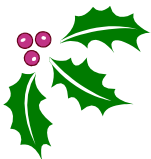
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Joint Meeting with
Torquay & District
Medical Society
2 December 04



Your Committee, Officers and Staff
wish you a very Merry Christmas
and Happy New Year

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[DELS ANNUAL DINNER.](#)

With Disco

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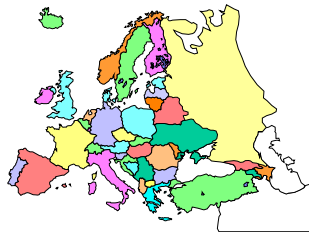
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PRESIDENT'S DIARY **LAW SOCIETY NATIONAL CONFERENCE**

Paul Derbyshire
President

While Rod Mole and the other globetrotters were in Foggia, Tony Spiers and myself went to Birmingham for Solicitors 2004. Drizzle hung over the ICC but sparks flew inside. Day 1 was the Presidents' and Secretaries' Conference and we were joined by Monique Bertoni and Tony Steiner. There was a great deal of soul-searching as the profession waits for the Clementi report – is there going to be a representative role for the National Society – should the profession be more reliant on local law societies? Is anyone in Chancery Lane listening? The truth of course is that they are, but as with any large organisation it takes an age to get things done.

Breakout sessions covered property selling issues where the Scottish model was discussed; Lexel accreditation – a must for the promotion of good standards within the profession; new business opportunities from abroad and complaints conciliation.

I found myself sat at lunch with Sir Stephen Lander, who having spent 25 years with MI5 is now advising the Law Society on how it should deal with complaints! The Devon model was applauded as a benchmark of good practice.

Day 2 was the annual conference, chaired by the President Ed Nally. Baroness Scotland (now in the Home Office) fielded some hostile questions about the continued withdrawal of legal aid from civil/family while the major part of the criminal legal aid budget was spent on high cost cases. Tony and I went to as many fringe sessions as we could from money laundering to compliance with the Disability Discrimination Act to e-conveyancing and modernisation of the criminal courts. The big debate of the day was the Referral Code and the recent poll of

members which heavily favoured reinstating the ban on referral fees. Most of the contributions from the floor echoed that view, but it seems that the Law Society is likely to recommend a 'review' to be completed and sent to the Master of the Rolls by March 2005.

During the conference I had a great many compliments from presidents all over the UK who admired the vibrancy of DELS. It would be easy to be complacent, but we must press on with our plans for the future because we are obviously on the right track.

Referral Fees

Many firms pay referral fees, even though they may be dressed up as administration charges. Now that the ban on such fees has been lifted, there is nothing wrong with making payments as long as there is transparency for clients as directed by the Code. It is clear however that many have reservations about the new rule and question whether a relaxation of the ban is in the best interests of clients.

One of the hot spots of referral fees is personal injury work where claims farmers continue to charge 'administration fees' to clients and sign them up to consumer credit agreements which require the claimants to hand over some of their compensation on settlement. Another is the practice of estate agents insisting on fees for referring conveyancing clients – squeezing the already tight margins.

The Law Society nationally is seeking the views of members and hard evidence as to how the new rule is operating in practice. Whichever side of the argument you are on I invite you to send evidence to:

Janet Paraskeva, Chief Executive, Law Society, 113 Chancery Lane, London WC2A 1PL.

Legal Aid

The government has insisted on a cap on legal aid in all its forms. The UK's treaty obligations mean that criminal legal aid has to receive priority over civil/family. The result is that if the criminal legal aid budget overspends, the civil budget is reduced pound for pound. The Law Society is pleading with the government to 'ring fence' the civil budget so that funds continue to be available for child care, domestic violence, housing etc but no concessions have yet been made.

Many solicitors are wondering whether it is really worth it. One solicitor at the conference did a straw poll in her local magistrates court and found that the average age of advocates was 50. With so many of the older advocates soon to retire there was a real difficulty in finding young replacements. Increasingly law schools are discouraging students from following their social conscience if they want a partnership.

Meanwhile, firms doing criminal legal aid have been complaining about excessively enthusiastic audits, the impact of the Public Defender System in pilot areas and compulsory competitive tendering. The areas for LSC preferred supplier pilot schemes are Birmingham, Brighton, London, Manchester and Nottingham. A series of 'focus groups' is being arranged by the LSC to discuss feedback from the profession in non-pilot areas like Devon. There are events scheduled for the following dates:-

16th November 2004 Plymouth

17th November 2004 Bristol

More details on LSC website:

www.legalservices.gov.uk/civil/how/psp.asp

IT and Criminal Justice Reform

The Department for Constitutional Affairs is spending large amounts of money modernising the links between police, courts, prisons, probation, CPS and defence solicitors. Commercial lawyers are now streets ahead of criminal practitioners in the use of IT, emails etc. The plan is to modernise so that advocates can take a laptop to court and have instant access to documents eg primary/secondary disclosure, reports and other sensitive client information.

To ensure that such information can be passed confidentially without fear of interception, criminal practitioners are urged to sign up to 'Secure E-Mail'. It's free and to find out more visit: www.legal.cjit.gov.uk

E-Conveyancing

At the Law Society's conference a Memorandum of Understanding was signed by the President of the Law Society and the Chief Land Registrar. The profession and the Land Registry has agreed to consult and work closely together to implement on-line services.



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Assistance for trainees and solicitors with disabilities
- Solicitors in Local Government
Assistance for local government solicitors
- Commerce and Industry Group
Assistance for in – house solicitors

RECOVERABLE RATES IN CIVIL LITIGATION UPDATE

David Turner

Partner, Bond Pearce

Thank you to all those firms who completed the recoverable costs questionnaire. The results have been collated and representations made accordingly to HHJ Overend. We hope to have some news for you later on in the month.

TWINNING WITH ZIMBABWE

Paul Derbyshire
President



At first blush this might appear to be a daft idea, but read on.

Earlier this year Chancery Lane said that it was responding at national level to a request from the Law Society of Zimbabwe (LSZ) for help. The hope was that a local Law Society would also cooperate by offering to 'twin' with LSZ. Newcastle Law Society has already twinned successfully with the Rift Valley Law Society in Kenya. As the DELS membership and the membership of LSZ were roughly similar we decided to find out more. Rob Newman and I were despatched to a meeting in Chancery Lane where we were introduced to Joseph James the President of LSZ.

We had a long meeting with Joseph and heard some of the agonising stories of the breakdown in the Rule of Law in Zimbabwe. We made it clear that we could not involve DELS at any political level, but that we might be able to give practical support. Two items emerged: a) books; b) training. LSZ has very few books at its disposal and has a great need even for out of date books. Text books and other reference books (he mentioned specifically employment law and insurance law) would be very welcome.

This is where I would like your help. My partners at Ford Simey have kindly agreed that I can use one of our rooms at the Cathedral Close office to store books on a temporary basis before arrangements are made to ship them out to Zimbabwe. If any of you have any books that you are thinking of throwing out, please make a list and send it to DELS. I have already been offered a full set of AER reports by a retiring judge in Bristol. We will also be having talks with the Law Library in Exeter, some of whose books may become available as part of the closure of The Castle.

I will then contact Joseph James and ask him to indicate whether he can make use of them. DELS will also liaise with Chancery Lane to try and get funding for the shipment of the books to Zimbabwe – because it will be expensive. If we can't get funding, we may ask members if any of their firms would like to be associated with us and generate some Pro Bono publicity.

In the longer term, I hope that ties can be established at a personal level with members of LSZ. We envisage DELS as being part of a package of support whereby members may even give of their time to go to Zimbabwe and take part in training programmes. But that is for the future and has to be part of a national strategy, funded not by DELS but through national sources.

If you've read this far, I hope that you don't think it is quite so daft. Please help if you can.

PRESIDENTS' AND SECRETARIES' CONFERENCE



14 October 2004: Parallel workshops

New Business Opportunities from Abroad
Monique Bertoni, *Administrator*

Alison Hook, Head of International at the Law Society, opened this workshop by stating that solicitors in England and Wales earned £2 billion from legal services abroad. She described the activities undertaken by her Department including the promotion of English legal services abroad, forthcoming international projects and events.

The second speaker was Andrew Sparrow, founder and principal lawyer with Lecote Solicitors in Birmingham, a niche practice specialising on new media issues and the law relating to the internet. His approach was to contact similar firms across Europe that were not already linked with U.K. firms and to set up meetings as cost effectively as possible (EasyJet travel was the starting point!). His firm started to get work from those initial contacts.

We also heard from David Hull, a Partner in the Corporate practice of Hammonds Solicitors in their Birmingham office who shared his experience of international transactions relating mainly to the U.S.

The message from all 3 speakers was that opportunities from abroad are there and growing all the time. The success lies in sending your best people to network and develop a dialogue. Language is not a barrier – English law is international law – but you will find it an asset if you can exploit your language

abilities. On the cautionary side, tapping in this market requires focus, work, commitment, investment, individual effort and an awareness of international rules.

Lexcel

Anthony Spiers, Honorary Secretary

The speakers were the Law Society's Lexcel Manager Giles Watson and Jane Riley MD of Alexander Forbes Professional Consulting.

Giles outlined the Lexcel scheme for solicitors and emphasised the benefits that flow from accreditation for firms, the profession and clients.

The especial benefits that were said to flow from Lexcel included improved risk management and better customer services leading to improved client retention. There are claimed to be marketing and competitive advantages too. Lower PI premiums or favourable treatment from insurers are likely.

Jane Riley concentrated on risk management and emphasised its importance from insurers' point of view.

She dealt with Strategic Risks and Operational Risks for law firms and explained how the adoption of appropriate management systems should reduce claims and lead to reduced PI premiums.

A print of the speakers' slides is with Monique and a copy is available for any interested member on application.

THE LAW SOCIETY **ANNUAL CONFERENCE**

15 and 16 October 2004

Breakout Sessions 15 October by
Anthony Spiers, Honorary Secretary

Disability Discrimination Act

This was a double act with Peter White, the BBC's blind Disability Correspondent and Dr Stephen Duckworth OBE recounting "funny" stories about their experiences as disabled people. Whilst amusing and interesting there seemed to be little said about the implementation of the new Act. Peter White gave a vivid account of how he brought the Bakerloo Tube Line to a complete standstill one day by (untruthfully) responding to a policeman's enquiry "where is your dog" (he does not have a

guide dog) by saying that he must have left it on the train. He described the ensuing chaos with great glee.

He also described having delivered by post Salmond on Tort in Braille; this consisted of 23 volumes and resulted in injury to the postman delivering because of their weight.

Working with Lenders in a New Era for Conveyancing

The highlight of this session was the signing by the President of the Law Society and Peter Collis the Chief Land Registrar of the Econveyancing Memorandum of Understanding.

Our West Country Member Helen Davies is Chair of the Law Society's Property Section and spoke at this session.

How do you become an Employer of Choice?

This was a fascinating account of the way Pannone's in Manchester achieved 6th place in the Sunday Times survey of Best Companies to Work For: it comes down to leadership from the top, good managers and a flat management structure. Again a print of the slides is available to anyone interested from Monique.

Funding Your Practice - Focus on Fee Sharing

This session concentrated upon LDP's; Legal Disciplinary Practices and inward investment in them and the rules that will apply if other "lawyers" (such as barristers) and support managers share fees and the position with "outside" investors.

DISTRICT JUDGES' CORNER



District Judge John Crosse

Practitioners are well aware of the delays that occur regarding documents reaching the court file. Case summaries prepared for civil and family case management hearings are invaluable to Judges but all too often they are not seen by the judge beforehand. It would be helpful therefore if you would file these well in advance of the hearing. Another problem arises when letters sent to the Court are addressed personally to the Judge who is involved in the case. These letters are passed

to the Judge who then has to obtain the file in order to respond to them. This results in further delay. Finally, if a letter is sent with reference to an imminent hearing, please show the date of the hearing on the letter and mark it 'Urgent'.

Notice To Family Practitioners

Rule 2.61B Family Proceedings Rules 1991 requires certain documents to be filed and served with Form E. These exhibits are rarely needed, if at all, until the final hearing and in some cases a separate file or ring binder is needed to accommodate them in the Court Office. Until the rule is changed, parties will still be required to comply with it but at the First Directions Appointment the exhibits will be returned to the party who filed them unless the District Judge considers that there is a good reason for retaining them. It would be helpful therefore if you would place such documents in a separate bundle and not attach them to Form E.

COUNCIL MEMBER'S REPORT

Christopher Palmer

Council Member

Sir David Clementi is due to publish his Review of the Regulatory Framework for Legal Services in December. His recommendations, if the Government adopts them or any variation of them, will have significant implications for the Law Society's regulatory and representational activities.

Regulation

The Society's formal response to Sir David's consultation paper said:

"The Law Society recognises that it is essential to make it clear to external stakeholders that the regulatory role of a professional body is not improperly influenced by representational considerations. The Law Society believes that it should establish a greater separation between its regulatory and representational roles."

At the September Council Meeting, held in Bristol, the Council developed the view that the Law Society favoured a greater separation of representation from regulation. However, the Council also re-affirmed its commitment to ensuring that the regulation of the profession

continued to operate in the public interest and independently of Government. The Council also confirmed its opposition to the establishment of a Legal Services Authority (similar to the FSA) on the lines canvassed by Sir David Clementi. The Council did not make any final decisions on how to implement the principle of greater separation of regulation and representation but envisaged that ring fencing of the regulatory function could be achieved through the establishment of a Regulatory Body under the "auspices" of the Council. However, the Council recognises that the regulatory body must have decision making authority rather than simply advising a representative Council. The Council reached a consensus that:

- The Regulatory Body must be substantially smaller than the present Council in order to be effective. Twenty to thirty members is the preferred range.
- The Chair should be appointed through an open process independent of Government.
- A modern regulatory body needs to have a substantial proportion of independent members (that is those persons not subject to regulation by the Law Society). A third to a half is the favoured range.
- Non-solicitor members of LDPs should be eligible for membership of the Regulatory Body.
- It is no longer desirable for the professional members to be appointed to the regulatory body simply through elections. The Council did consider propositions that the members should be all appointed or all elected. The current view is that members should be partly elected and partly appointed through a process independent of Government.
- All the independent members should be appointed through a process independent of Government.

The Council will discuss these issues further at its meeting on 15/16 December. Obviously, it would help those discussions if Sir David's Report has been published by then! In any event, a further special meeting devoted entirely to Sir David's recommendations is to be held in January.

Review of Non Regulatory Activities

At the meeting in September, the Council considered a report on the progress of the review of the Society's non-regulatory activities. Although this review is entirely separate from the Clementi review it is likely that the outcome of Clementi will have implications for the Society's non-regulatory activities. A further report will be presented to the Council in December. Once it is known what the Government plans in relation to the regulation of Legal Services, it will be possible to develop further a model for the professional services role.

Rule Changes

The Council has agreed to make a new Code of Conduct subject to the concurrence of the Master of the Rolls and the approval of the Lord Chancellor. This Code is the result of a major review of the Society's Practice Rules. The aim has been to simplify those Rules, to provide a modern and clearer set of conduct requirements and to make them less burdensome: both for the benefit of clients and solicitors. The new Code of Conduct is likely to come into effect in early 2005.

"My Hero ... My Solicitor"

Members may be aware of a series of advertisements that the Law Society is currently running. The aim of this campaign is to promote the Law Society's website as a means of finding a solicitor. A subsidiary aim is to counteract those in the media and elsewhere who insist upon under-valuing the contribution made by solicitors. The advertisements focus on family, employment, business and housing. They seek to emphasise how a solicitor is often a "hero" to those vulnerable members of the community. The campaign is limited in scope and is essentially a pilot scheme. The Society will be reviewing the success of the advertising campaign and decide whether or not to engage in a more extensive one in 2005.

New Law Society Website

The Society's Website has now been re-launched. It contains a wealth of information and I do recommend a visit to it at www.lawsociety.org.uk.

The Law Society, both Council and staff, have for the last 12 months been much involved with the Clementi Review. The first task was to endeavour to influence the content of the

Consultation Paper: then to respond to it, now to influence the contents of the Review itself and once published to respond to the recommendations in it. By this time next year it should be clearer as to what the future holds for us all.

SBA - CAN YOU HELP?

This year Jeremy Lee, the SBA's Director in Devon, is responsible for applications from 17 adult beneficiaries in the county, ranging from an elderly lady, the widow of a solicitor living in residential care, to three students, the dependants of solicitors on low incomes or unable to work and in receipt of state benefits. The SBA is able to offer these young people an annual grant to help them with the cost of books and course materials. In the past twelve months the Association's Trustees have authorised awards to beneficiaries in Devon totalling £51,126 of which £24,590 was by interest-free secured loan, made to those on modest incomes but with equity in their homes.

However, there is a strong feeling within the SBA that there must be potential beneficiaries who do not know of the charity's existence.

Applications are received via social workers, CABs, the medical profession and – most importantly – through you and your knowledge of fellow solicitors (often retired). If you know of anyone who might need help, please contact Jeremy or his assistant Sue by e.mail jl@srl-solicitors.co.uk or tel. 01363 775566

WE'RE LEUVEN IT!

Joanna Fassnidge & Frank Cook
Trainee Solicitors at Ford Simey & Stones respectively

The beginning of October marks the annual opening of the Leuven Bar in Brussels write **Joanna Fassnidge and Frank Cook**.



As some readers know, DELS is twinned with the law society of various towns and cities throughout Europe. As well as the annual get together (which was in Exeter this Summer and is in Erlangen, Germany in 2005), there are various events to

which DELS and its members are invited to attend.

Every year in Leuven, there is a 'Solemn Opening Conference' to mark the beginning of the legal year, which is organised by the Young Bar Association of Leuven. It is possible that the title of the event does not exactly serve as an international crowd puller, which may be why no one from DELS attended last year, but once we received confirmation the conference was indeed in the home town of Stella Artois, very little was going to stop us going.

Leuven itself is only 30 minutes from Brussels station, which in turn was only 2½ hours from Waterloo. The Hotel was easy to find (conveniently it faced the enormous Stella Artois factory) and we were delighted to find that a gift of speciality Belgian Beers and Chocolates greeted our arrival. We were then whisked away to the Town Hall in order to attend the Opening. Once the Bar had been officially declared open by the President of the Young Bar (intriguingly there is no 'Old' Bar Association, everyone simply remains a member of the Young Bar Association), the serious business began.

What followed was a lively debate on the introduction of the new money laundering legislation in Belgium. In essence it appears that difficulties are envisaged in respect of the implementation of the law with regard to when one reports a crime or potential offence and who it is reported to. Clearly there were some major difficulties in interpretation as after nearly 2 full hours of debate from the 4-member panel and questions from the floor, no solution had been found. At least we think that was what happened; the exact details of the problems did pass us slightly by as the discussion was entirely in Flemish.

Language barriers soon fell at the champagne reception that followed where we met representatives of other law societies from Verona, Rennes, Erlangen and Cologne. For those who may be interested, the Erlangen event coincides with their annual beer festival. After an all too short period of time it was back to the hotel again to get changed and then taxi off to the venue for the evening dinner.

The annual opening is clearly the main event as there must have been at least 200 people attending. The food (and wine) was excellent and, as is apparently traditional, small speeches were made between the courses. All the

international guests gave a small note of thanks but perhaps special mention must be made of the Dutch representative from the Hague who (speaking the language of course) gave a speech that drew laughter and bemusement in equal measure. On further enquiry it appeared that he had made some references to some historical battles between the Dutch and the Belgians. Anyhow, this matter was soon forgotten as drinks flowed and the party continued. The event finally drew to a close at around 5AM (or so we were told) and not wishing let the side down, your DELS representatives soldiered stoically on to the end.

The next day, somewhat bleary-eyed, the group met for coffee in the hotel reception before heading off into town for a guided tour. Apart from major concerns for our tour-guide, who almost needed resuscitation on several occasions, the tour was very enjoyable. The town hall in particular was stunning. After this, the group consisting of our hosts and the foreign contingent went for lunch in a local restaurant. The food was excellent and the setting was lovely; being the former home of a Belgian Prime Minister. After the goodbyes, we made a mad dash through town to catch our train back to Brussels and then the Eurostar on from there.

It was all over very quickly, but we were wonderfully entertained by our Belgian hosts who could not have been more generous and welcoming. Plans are already underfoot for the 'Solemn Opening' of 2005 and if you can spare the time, it's well worth the trip.

COLLABORATIVE FAMILY LAW

Ian Walker

Partner, Tozers and Member of The Law Society's Family Law Committee

Would you like to become a family law collaborator?

Don't worry - this isn't an article about a new model of family law which does away with solicitors or in which solicitors don't get paid!

Over the last ten years or more those of us in family law have got to know, live with and even like mediation. Collaborative family law, a new alternative method of alternative dispute resolution in family law, is now tentatively establishing itself in the UK. I expect many of

you will have heard of this through articles in the SFLA Review and Family Law magazine.

For those who haven't heard of it collaborative family law is a model of family dispute resolution founded in the USA in the early 1990s. Unlike mediation, there is no neutral third party - the mediator - who assists the couple in a neutral even handed way, with the couple having access to their own independent legal advice between mediation sessions. With collaborative law the clients instruct trained collaborative lawyers and issues are discussed in four-way face to face meetings between the clients and their lawyers. Correspondence between the lawyers is discouraged and kept to a minimum and financial disclosure takes place within the collaborative law process. The lawyer provides legal advice and guidance to his/her client throughout the process but all parties work together as part of a team to help achieve settlement.

As part of the agreement, which is entered into before the process starts, the lawyers will not represent his/her client at court if the process breaks down.

As you will gather, there is clearly more lawyer involvement in the collaborative law process than there is family mediation.

It isn't the same as simply having a round table meeting, although there are similarities. Unlike round table meetings - which tend to take place at a time when the parties are some way into the court process, a lot of time and money has been spent and the parties and their lawyers will in all likelihood have formed firm positions and will remain instructed if the meeting fails to achieve a settlement - collaborative law takes place at an early stage, as with mediation, and at a stage when the parties are less likely to have become entrenched in a particular position. Part of the process is the obtaining of full and frank financial disclosure without which the lawyers would have been unable to have formed a sufficient enough view to give their client definitive advice.

Some people say it works! As with family mediation, it is not suitable for everyone. There may be some situations where family mediation is better, others where collaborative law is better, and others where it is simply better just to go to court.

The first UK training for collaborative law took place in London about a year ago and I was

first introduced to the idea at a presentation by James Pirrie to the Law Society's Family Law Committee. James has taken a leading role in promoting collaborative law and will be known to most family lawyers through the SFLA and his interest in CSA. As an accredited family mediator I have an interest in ADR for family law generally and did consider the idea of training, although I was somewhat put off by the practicalities. Collaborative family law requires a network of collaborators in an area who will regularly have cases against each other and would be able to recommend the process to suitable clients. Even now a year on, with some 150 collaborative family lawyers trained, as far as I am aware the nearest one to us is in Bristol.

The reason for my writing is that we now have an opportunity to address this. Currently Tony Steiner of DELS is in negotiation with James Pirrie over the possibility of running a training course in Devon. We need to have about 40 people to keep the cost to a reasonable level and to justify the trainer, Pauline Tesler, to come from America. Pauline is a former president of the International Academy of Collaborative Professionals, (www.collabgroup.com), and apparently a leading light in collaborative family law, who has provided other UK practitioners with their training.

We need to be able to say authoritatively to James Pirrie that we will be able to fill the places on the course. I seem to recall that the London course was two or three days and that the cost was comparatively modest and certainly nowhere near the cost of mediation training. If you are interested in this training would you kindly email Tony Steiner at

mail@devonlawsociety.org.uk.

Tony will open a waiting list and once/if the course is confirmed (probably to run around September 2005) places can then be offered to those on the waiting list, on a first come first served basis, before any remaining places are made available to others.

It would certainly seem that collaborative family law does have a future. There is already interest from the Legal Services Commission within their latest consultation "A New Focus for Civil Legal Aid". If we can run the course in Devon then we have an opportunity to establish the first fully functioning network of collaborators outside London. I seem to

remember Exeter at one time had more LSC franchises for family mediation than London - we were first with FAlNS - this is an opportunity to maintain our ADR/pioneering credentials!

OBITUARY

David Lyon - Smith

David joined the practice of J. & S. P. Pope in Exeter and by 1952 followed his senior partner John Pope as the Hon Secretary of the Devon & Exeter Law Society. He remained in the post for 16 years until he was succeeded by his colleague John Eden.

In the 1950s the Honorary Secretary more or less ran the Society. He had the assistance of the President and a single Committee that met only four times a year. The main business was managing the internecine warfare arising from either failure to honour fixed fees for conveyancing or from alleged "advertising". These were cardinal sins.

David was an adept manager with a light and conciliatory touch. He held out against pleas for independence by Torbay and North Devon and resisted Chancery Lane when necessary.

He was a general practitioner with many county clients and very much a country gentleman. He was Master of the Stoke Hill Beagles for many years and his ability to find earned him the enthusiastic support of his followers.

Those who remember him will do so with respect and affection.

John Parkinson

Past Honorary Secretary and President

BILL SAVAGE 1906 – 2004

Those who knew him will be saddened to learn that Bill died on 11th October in Torbay Hospital.
Mr Savage was 98.

NEIL YATES 1930 - 2004

We regret to announce the death of Neil Yates, Sole Practitioner in Honiton, on the 13th September 2004. Mr Yates was 74.

LEXCEL

YOUR ROUTE TO RISK MANAGEMENT, CLIENT RETENTION AND BUSINESS DEVELOPMENT

Giles Watson

Lexcel Manager

With over 500 practices having either gained or applied for accreditation, more and more law firms are recognising the benefits of lexcel, the Law Society's practice management quality mark. For clients and buyers of legal services, Lexcel offers peace of mind and reassurance that they will receive a first class service. For solicitors, the development of a quality mark provides solicitors with a tool for combined risk management, business improvement and business development.

Risk Management

To many lawyers, risk management means avoiding client claims and lowering professional indemnity premiums. Although this remains a key factor, risk management covers issues far beyond this, including employment claims, business interruption, losing a client, key partner or general loss of reputation. The way in which a firm manages its risk can also be a far wider and more positive concept – making the practice more profitable and successful – rather than just avoiding the downside of losses.

Good management systems such as Lexcel can help practices to learn lessons from past mistakes and minimise the risk of future ones, managing client expectations better, and reducing the incidence of claims and mistakes. Insurers are definitely keen on the results that good risk management can bring. Although it may take a while for new risk management procedures to impact on your claims profile, Lexcel can certainly help you reduce your exposure to claims and in turn lead to reductions in premiums or favourable consideration from insurers.

Business Improvement

One of the simplest advantages of a practice management system like Lexcel is that it can lead to better customer service. A number of recent surveys have all confirmed that dissatisfaction with lawyers is overwhelmingly due to failings in communications and client

care, rather than any criticism of legal knowledge or expertise. Quality management systems like Lexcel have been shown to lead to improved customer service, fewer complaints, increased client retention and more word-of-mouth referrals.

A related benefit is consistency. Larger practices may often suffer from different standards of customer service between their different offices or practice groups. Lexcel will implement a common standard so a client will receive the same level of service from all parts of the firm. Once effective practice management processes are implemented, a practice will also find it much easier to implement change or react to new requirements such as new practice rules or new legislative requirements such as the Money Laundering Regulations 2003.

Business Development

One of the main benefits of Lexcel is the competitive advantage it gives to a practice's marketing efforts. Many firms issue media releases or hold a client event to celebrate - and the Lexcel office is keen to support this by arranging a congratulatory quote or attendance from the Lexcel office or Law Society office holders.

The Law Society is also looking to support Lexcel firms by raising their profile amongst clients. Activities include further Yellow Pages ads, mailing key referrers such as CAB's and Business Link, discussions with organisations such as the Council for Mortgage Lenders and highlighting Lexcel accredited firms on the Law Society's 'Find a Solicitor' website.

Lexcel is particularly useful in pitches and beauty parades. Most invitations to tender will ask about a firm's commitment to customer service and client care, and the vast majority of firms will claim to offer excellent client care and customer service. The difficulty lies in proving it, and this is where a quality mark like Lexcel is so useful. It not only demonstrates that a firm has high standards of client care, but that there is management commitment to maintain and improve on these standards.

The Lexcel standard covers 55 requirements across 8 areas, and assessment could cost as little as £600. More information about Lexcel is available on www.lexcel.lawsociety.org.uk or from the Lexcel office on 020 7320 5749 or lexcel@lawsociety.org.uk

LAW SOCIETY **CRICKET REPORT** **- SUMMER 2004**



Keith Biggs

I hope this doesn't quite read like an obituary, but this Summer saw the DELS cricket team in fairly poor health. Even David Graveney may begin to consider his position if he were the Chairman of Devon's selectors!

But let us not dwell on the results - do they really matter? Like all good leaders I must accentuate the positive, eliminate the negative and.....pray that we do better next year.

The Cornish encounter proved to be one of those 'if only' games. If only we had had 11 fit players, if only we had had 11 on the pitch, if only we had scored 200 runs, if only it had rained..... Sadly it proved to be another defeat for Devon which is a run we **must** now reverse. The bare facts were that we scored 150 ish with 9 players (Justin Osborne top scored with 73), got close to bowling them out but couldn't ultimately plug the gaps in the field. It was a lovely sunny day though.

The match against the Accountants was a far closer affair, as Devon chased an impressive 40 over total of 203. Devon's bowlers toiled in the heat with little luck. Hurrell took 4-27 and Jonatham Wharmby also looked good returning 1-27 off his 7 overs.

The batting was more impressive after Devon had lost two early wickets. A cultured 50 from Phil Jacques of Bevan Ashford gave hope of a victory. He was well supported by Mark Lewis (18) and Paddy Blake (37). Sadly the run chase ran out of steam as wickets tumbled and the DELS were finally bowled out for 187 in the 37th over.

As I say it is not all doom and gloom. There is new blood in the selection camp - Nigel Butt joins the ranks of the 'old farts' to add his knowledge and organisational skills. We have uncovered young batting talent to bolster the ageing pros, and we must look forward to next season. If England can conquer the Aussies next summer, then it must be time for Devon to regain the silver salver from the Cornish! Finally, thanks go to the Devon & Exeter Law Society who generously sponsored some of the match expenses for the two games.

YOUR PRESIDENT INVITES YOU: WALK OF THE MONTH

TWO BRIDGES HOTEL, DARTMOOR (GR 609750)

Distance: 4.5 miles, easy walking. The hotel has a large car park.

Note: If you climb to Beardown Tors this takes you on to the Merrivale military range so before going up there you could check to see that there is no firing going on. Times of firing are available at the hotel.

THE WALK

Cross the road from the hotel and go through the gate next to the parking area (signposted public footpath to 'Wistman's Wood'). Follow the track alongside a stone wall. Go round to the right of the house at the end of the track and follow the well-worn path ahead. This takes you to a wall which you cross. As you do so, look to your right where you can see Crockern Tor. This is where the old Stannary Parliament met. The tinnerns used to have a great deal of freedom regulating their own affairs and the Stannary Parliament was made up of miners' representatives.

Cross the field ahead of you with the West Dart river babbling away on your left. There is a stile across the next wall after which you will see Wistman's Wood straight ahead. This is one of the last remaining remnants of the primeval forest that once covered Dartmoor. The unusual oak trees grow no higher than about 15 ft and are so twisted and stunted that they look like large bonsai trees. There are many legends connected with Wistman's Wood. This is where the Wisht Hunt is said to emerge from. Led by the devil on his headless black horse, the Wisht Hounds – black dogs with red eyes – issue forth on their nightly hunt for souls. They chase their victims down to the Dewerstone, near Shaugh Bridge on the south-west corner of the moor, where they fall over the edge to their deaths.

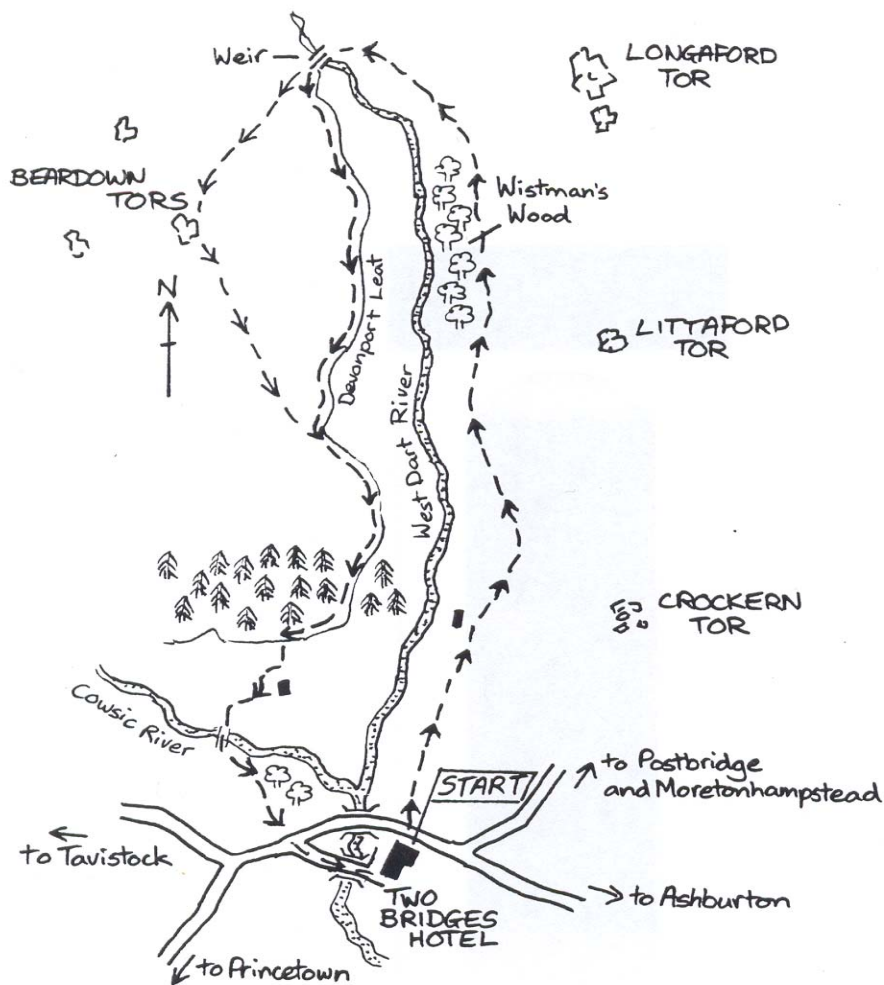
Our path goes above Wistman's Wood and then past a second smaller clump of trees, with the great bulk of Longaford Tor on the right. After the second lot of trees bear left down towards the river. There is no clear path to follow here but aim for the weir which is now clearly visible – it has a shed next to it. Cross the river at the weir or at the rocks below it.

The purpose of the weir is to divert water from the West Dart down the Devonport Leat, which starts here. This leat was built in the 18th century to supply water to Devonport 17 miles away – an incredible engineering achievement bearing in mind the facilities available at that time. Once you have crossed the river you can either choose to go up the hill to the top of Beardown Tors or turn left along the side of the hill to follow the path along the Devonport Leat. Make sure there is no red flag flying from the top of Beardown Tors – this indicates that the military are firing. It is certainly worth going up to the top despite the climb because the view goes on for miles. If you do, make your way back to the path along the leat which gradually descends back towards Two Bridges.

Eventually you will come towards a plantation. Just opposite the start of the plantation is a bridge. If you are on the right bank of the leat cross over to the left bank here otherwise you won't be able to get through the fence into the plantation. About 100 yards beyond the bridge cross a stile and enter the wood.

There is a pleasant walk through the plantation and then you leave it via another stile. The path goes straight on with a fence on the left and the leat still on the right. Cross another stile, and then a bridge. Here you leave the leat turning left over a stile onto a track (signposted simply 'path'). Follow the track around to the right, skirting the farm ahead of you. After a few more bends, you cross a bridge. Immediately beyond this bridge, turn left off the track (signposted 'path') to follow the course of the Cowsic river.

A stile takes you into a beautiful cool wood, with the water babbling cheerfully on the left. Then you come to another stile which leads into a field and at the far end of the field there are steps up to yet another one and a small footbridge. Two more stiles bring you to the road. Cross over and make your way back to the hotel for a well-earned drink.



Could You Help?

LawCare needs more volunteers. People who could care for a lawyer in need based on their own experience.

If this is you please call 0870 774 3663

www.lawcare.org.uk/volunteers



NOTICEBOARD

THE LAW SOCIETY WEBSITE

Members may wish to check their entries on the Law Society's new website. We have heard of some errors particularly relating to areas of practice. To do this you can link from DELS own website at www.devonlawsociety.org.uk and from the menu select Find a Solicitor which will link directly to the relevant part.

TORQUAY HOUSING ADVICE DUTY ROTA SOLICITOR SCHEME

Torquay County Court would like to thank Messrs Boyce Hatton, WBW Solicitors, Messrs Hooper & Wollen & Alan Hine for their continuing hard work in managing to fill their rota dates until March 2005. The Duty Rota works with Torbay Homeless Unit to provide the Torbay Housing Advice Service. Any firms with the publicly funded housing franchise are invited to join them.

LAW SOCIETY SEMINAR 2004

DISABILITY EQUALITY IN ACTION

Date: Thursday 25th November 2004 – 5.30 pm – 7.30 pm
Venue: Best Western Tiverton Hotel, Tiverton
CPD: 1.5 Hours
Fees: £15.00 (includes wine reception)

For further details contact: The Law Society South West Regional Office on 0117 929 5170

EXETER RELATE

Exeter Relate, part of the well-known registered national charity, is seeking a new trustee to join the seven already in place. We have a broad range of expertise among the existing trustees but currently lack someone with legal knowledge and experience.

Previously we have had invaluable support from Peter Payne and Kay Rumford from Stephens and Scown, but they have stepped down after many years of service. Trustees comprise the majority of the executive committee which usually meets quarterly. Additional trustees meetings are convened, when required, on a monthly basis.

Further information is available from Dr Richard Tillett, Acting Chair of Exeter Relate : telephone (work) 01208 251337 or (home) 01392 841268.

DELS CHRISTMAS HOURS

The DELS office will be closed from midday on the 24th December and will re open at 9.00 am on Tuesday 4th January





TORQUAY and DISTRICT MEDICAL SOCIETY

THURSDAY 2ND DECEMBER 2004
Torbay Special Medical Projects & Research Fund Lecture
Joint Meeting with

The Devon & Exeter Law Society

To be held at the Grand Hotel, Torquay

Guest Speaker – Dr Basil Purdue – Independent & Home Office Forensic Pathologist
“A Life of Bumps and Bruises”

Basil Purdue is well known in pathology for his work in its forensic aspects. He trained in Leeds and London before working in Dundee and then in Edinburgh as Senior Lecturer in Forensic Medicine. He has had extensive experience investigating war crimes in Bosnia. He recently moved to the South West where he provides a service both to the Home Office and independent solicitors. He retains an academic interest as Visiting Professor at Northumbria University and is known for his entertaining and enlightening talks to academics and non-academics.

Meeting 7.00 pm for 7.45 pm
Buffet Dinner

Members and guests welcome; tables of 10.



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COMBINED MEETING – THURSDAY 2 DECEMBER 2004

Name of Member.....

No. of Dinners Required (£16.00 per person).....

Cheque Enclosed (payable to ‘Torquay & District Medical Society’) £.....

Please return this form with your payment to: Mrs N Spalding, Level 6, Torbay Hospital, Torquay TQ2 7AA by 1pm Tuesday 30th November.