



Newsletter



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YOUNG SOLICITOR OF THE YEAR

*Last call for nominations- closing date 29th October 2004
See www.devonlawsociety.org.uk for details*

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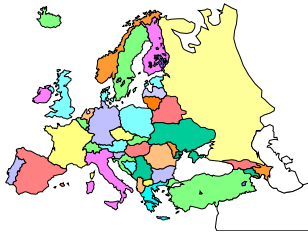
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REMEMBER

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to Lawyers in
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Ring Monique on
01392 411585

LAW SOCIETY COUNCIL MEMBER'S SURGERY

Tuesday 28th September at 5.00 pm

Bevan Ashford, Tiverton
Although no appointment is needed it would be appreciated if you would phone DELS 01392 411585 if you plan to attend.

DELS Council Member, Christopher Palmer, will be available to discuss Law Society issues.

Any member is welcome. Christopher would like to hear your views, comments and queries. He will take them to Chancery Lane and do his utmost to have them addressed.

We look forward to seeing you. If you are unable to attend and you wish to raise a matter you may e.mail Christopher at c.palmer@bevan-ashford.com or telephone him on 01884 242111.

PRO BONO AND THE MARINER'S WAY

Paul Derbyshire
President

I knew that the game was up when we were ambushed in Noel Edmonds' back passage. Gill and I were into our third day of the six day trek along the Mariner's Way from Bideford on the North Devon coast to Dartmouth on the South coast. It was our objective to raise £5000 for

Devon Air Ambulance Trust, and at the same time to draw to the attention of the public the extensive pro bono work done by Devon solicitors.

As we trudged wearily along a country lane near Jacobstowe out sprang James Rowland of Peter, Peter & Wright and his wife. A wonderfully generous surprise, just when the drizzle was beginning to run down our necks.

We had started on Day 1 at Bideford where Vice President Rod Mole and his wife Andy together with Jeremy Ferguson and several local solicitors gave us a send off to walk the 70 miles to Dartmouth.

Jeremy used his Radio 2 media skills to get film of us to Granada TV – and you can imagine our surprise to find ourselves on the 6 O'clock News!

For the first part of the journey we were following the Tarka Trail – so named after the famous children's book Tarka the Otter by Henry Williamson. The route starts gently enough ambling alongside the River Torridge using the line of a long extinct railway. At Torrington we met John Dobie of Stones who gave us a cup of tea and another donation towards the fund.

From Torrington the route crosses the River Torridge and on Day 2 we climbed along the line of the old railway to the clay quarries on Marland Moor in west Devon. The Tarka Trail is probably best known for the cycle track that runs from Barnstaple to Bideford through Instow with lovely estuary views. But the trail here, while still fit for cycles, is deep in the heart of rural Devon – rolling fields, woodland, flowers in abundance and bird life. We followed a heron up this stretch and I thought of Old Nog from the book and his cry of 'Krark'. Local schoolchildren had also contributed to the Tarka theme by designing and building surprise statues of the animals, some of which doubled as seats to rest old bones.

The railway line in its heyday not only took the clayworkers to their jobs, but also helped to take milk from these remote Devon farms to the railhead at Torrington and then on to London. Its O-6-O narrow gauge locomotives also pulled the clay which went on to make the toilets and washbasins of the Edwardian era.

On Day 3 we had a brief stop at the market town of Hatherleigh at the Tally Ho Inn. This pub boasts its own brewery and so in the interests of research we tried a few samples! Here the

Tarka Trail finishes for cycles but continues as a walking trail and we soon arrived at Okehampton on the northern edge of the Dartmoor National Park. Although we were wet and bedraggled, we were welcomed by Tony Cloke who has been operating in Okehampton for over 30 years. Like most practitioners throughout the county he has seen the reduction in legally-aided litigation replaced by non-contentious private client work and commercial. His firm and others in the area offer free initial interviews, free legal advice surgeries and promote free will campaigns, alongside their profit-making work.

As we left Okehampton the rain stopped and we started our climb onto Dartmoor. We took the track beside the East Okement river. This is a gorgeous path, which follows the river as it tumbles over rocks and waterfalls past ancient moss-laden oak trees. It was here that Tarka met his mate White Tip and went fishing for trout. After an hour we came out onto the moor proper just above Belstone and as we sucked in lungfuls of moorland air the blue sky was enormous.

Day 4 promised to be the most challenging so far. It was a 12 mile hike over the high moor in 'typical Dartmoor' weather i.e. strong winds and rain interspersed with sunshine – no two minutes the same. Friends and family joined us together with my senior partner Mike Horwood and his wife Judy and also last year's President Jeremy Howell who practises in Torquay. Jeremy Ferguson was again on hand with his movie camera to record the event. As we ate our soggy sandwiches on the grimly named Hangingstone Hill (1960 feet) the cloud lifted to reveal a wonderful panorama stretching all the way to Exmoor in the north east and Tavistock in the west. For the particular beauty of wild moorland it doesn't get much better than this.

The memorial stone to the poet Ted Hughes is unobtrusively located near this hill. It lies in a bend of the River Taw as it begins its journey to the Bristol Channel, the second part of Tarka's adventure. But we leave the northward flowing rivers at this point to following the nascent River Dart as it runs south off the moor towards our journey's end. As we stumbled wet and weary into Postbridge Gill reminded me that we were over half way.

A spot of luxury overnight at the Lydgate Country House Hotel revived us and we were again joined by friends for the start of Day 5

which would see us climbing up to Mel Tor and then wending our way along medieval cart tracks off the moor to Buckfastleigh. We passed along Dr Blackall's drive, named after the local squire who had a carriageway built alongside of a hill so that he could watch in comfort as the River Dart plunged in a torrent through the Double Dart Gorge 200 feet below.

It was tempting at Buckfastleigh to take the old steam railway to Kingswear – but ever mindful of our sponsors we ploughed on to our overnight stop at the Seatrout Inn at Staverton. Distances can be critical at the end of a day when we had already walked about 15 miles. I thought it was only 3 more miles to Staverton but it turned out to be more like 6 around the lanes. Gill was not talking at this point, legs being powered by fury alone!

Day 6 dawned sunny with a light south-west breeze – perfect walking weather. Our first objective was to reach Totnes for a rendez-vous with local solicitors and a cup of real coffee on Steamer Quay. David Hassell of Bartons reminded me that pro bono assistance is given by his firm to a number of charitable organisations in the area. Not only by the giving of advice but also the taking of complete actions for clients on a pro bono basis.

From Totnes to Dartmouth we followed the Dart Valley Trail. This trail is way-marked by Devon County Council and runs along the River Dart through creekside villages like Ashprington, Bow, Tuckenhay (the Maltsters – lately owned by Keith Floyd the TV chef who called the pub Floyd's Inn (Sometimes)). We passed Sharpham House – famous for its English wine and cheeses, but no time to stop – we have a date with the Mayor of Dartmouth. The pace quickened as we dropped down into Dittisham and then slowed again as we climbed the 1:5 hill out of the village – the South Hams won our prize for the prettiest picture postcard views and villages, but it has some hills!

We charged down the road into Dartmouth with only ten minutes to spare to meet Councillor Richard Rendle, Dartmouth's Mayor, and the local press. We were kindly presented with the Dartmouth plaque and, you've guessed it, Jeremy Ferguson was there to record our debility on film. Thank you Jeremy. We were able to announce that we had nearly reached our target of £5000 for Devon Air Ambulance. Though some came from friends and family, the

vast majority came from Devon solicitors. What a start to our pro bono campaign!

During the journey I was conscious of the fact that we were following in the footsteps of working men over the centuries: the seafarers moving along the Mariner's Way; the clay miners of mid Devon; the tin miners on Dartmoor and the farmers of the South Hams. These men had to use the route for their livelihoods – we were just passing through.

GOODBYE TO THE CASTLE

Paul Derbyshire

President

The new court building to house the combined Crown and County Court will be open on the 15th November. At the same time we will be saying farewell to The Castle which has been 'home' for litigators for over 300 years. The judges have asked DELS and the Bar to participate in a closing ceremony which will take place at The Castle on the 29th October 2004 at 12.30pm. We hope that Mr Justice Butterfield will be there as well. Members of DELS who would like to attend are asked to contact Monique as soon as possible so that numbers can be finalised. There won't be room for everyone so I suggest we limit ourselves to one representative from each of the interested firms.

COUNCIL MEMBER'S REPORT

Christopher Palmer

Council Member

This is a quiet time of year for the back bench Council Member. The last Council Meeting and the AGM were in mid-July. At the latter the new office holders were elected: Ed Nally, President; Kevin Martin, Vice President; Fiona Woolf, Deputy Vice President. I am confident that this new team will continue to provide the much more effective leadership that The Law Society has had over the last few years.

The AGM passed a motion deploring the Council's decision to relax the ban on the payment of referral fees, and calling on it to be reintroduced. This was followed by a vote to hold a ballot of the profession on the issue. This is yet to take place. Although the result is not binding on the Council it is persuasive. I suspect that the vote will be small. It usually is. Should the Council provide strong leadership? Or

should it follow the views of a small number of the profession? It is difficult. The Council has debated the issue on a number of occasions and has been almost equally split. Those who support a relaxation of the ban say that the old rule was not enforced (and unenforceable) and failed to recognise commercial and market reality. Those who want to see a ban retained say that the current relaxed rule is "a sordid state of affairs" and is not in the public interest.

My view, for what it is worth, is this: I would like to turn the clock back to the gentlemanly days of the 60's and 70's, but times have changed and "the horse has bolted". It is too late.

The new (March) rule does address the perceived "evils" of referral fees and will be, we are assured, enforced. What is the difference between paying a fee for a referral and corporate or other hospitality? It is difficult and the debate goes on.

The practising certificate fee is to increase from £790 to £830. The full contribution to the Compensation Fund is reduced from £824 to £700.

There is to be a change in the structure of this constituency: West Country and Gwent. Following representations from the Bristol Law Society, there is to be a dedicated Council seat for Bristol; leaving four rather than five council Members to represent Cornwall, Plymouth, Devon and Exeter, Somerset, Gloucestershire and Wiltshire, Bath and Monmouthshire. We are Pat Lush, Helen Davies, Geoffrey Sandercock and myself.

Geoffrey is The Society's Treasurer and a Member of the Main Board. Helen has just been elected to the Main Board. I have been re-elected to the Representation Board. We will continue to do our best for you.

Sir David Clementi will be publishing the results of his review of the regulation of legal services in, I believe, December; and making recommendations to the Government. This is likely to have profound implications for the future of the legal profession. The Law Society took an active and positive approach to the review and, in a comparatively short time scale, submitted a balanced and reasoned response.

The first Council Meeting of the new year is in Bristol on September 22 and 23. I'm not convinced that there is a need for the Council to

meet out of London. I doubt whether it will be any cheaper. We then have the Annual Conference in Birmingham on October 15th and 16th preceded by The Presidents and Secretaries Conference on October 14th. I find the latter to be very valuable.

I hope you have all enjoyed a relaxing holiday and are fortified for the year ahead: Clementi, Referral Fees, Fee Sharing, Complaints (which I have not mentioned) and The Legal Services Complaints Commissioner (She now has power to fine the Society if not satisfied with the handling of complaints).

Finally do please attend my Surgery on September 28th at 5.00 pm at Bevan Ashford, Tiverton. No one came to the first! Do please feel free to do so: or if not a phone call or letter.

FROM EXETER COURT

Tony Hamond
Court Manager

The new court building will be open for business on **Monday 15th November**

New Address
Exeter Crown & County Court
Southernhay Gardens
EXETER EX1 1UH

Telephone numbers will be published as soon as possible. The court are waiting confirmation of new numbers from BT.

The court and offices will be **closed** on Thursday 11th & Friday 12th November. **Exeter will not be able to deal with the issue of any process and will not hear any urgent matters. Any urgent business must be directed to a neighbouring court.** Normal telephone lines will be used to deal with any urgent enquiries.

From Monday 1st November to Wednesday 10th November there will only be limited court sittings (it is anticipated one Crown Court & one District Judge on most days during that period).

Consultation Rooms

There are a total of 15 consultation rooms. On the Ground Floor there are 7 rooms for general use together with interview rooms for the Crown Prosecution and Probation Service. On the Second floor there are 8 consultation rooms for general use and a room for the Welfare Officer.

This represents a vast improvement compared to The Castle!

Portable Appliance Testing (PAT)

Any portable electrical equipment that court users wish to bring in to the new building must be PAT Tested and must display an up to-date certification (usually a sticker on the plug) or be under one year old. If you intend to use a laptop you will be asked to prove that your equipment complies. If it has not been PAT tested or is not under one year old you will not be allowed to use the equipment. It is worthwhile checking that your equipment complies now.

Building Tours

You are invited to attend a tour of the new building on either :

Tuesday 2 November at 1600
Wednesday 3 November at 1600
Or Thursday 4 November at 1600

Places will need to be booked in advance. If you would like to attend please contact Toni Garden on 01392 210655 or by email:

Exeterctyom@courtservice.gsi.gov.uk

Information & Contacts

Court Manager
TONY HAMMOND
exeter.cmb.cm@courtservice.gsi.gov.uk

Customer Service Officer
MRS N HILL
exeter.cmb.am@courtservice.gsi.gov.uk

All Enquiries
☎ 01392 210655

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TRAINED COMPUTER-ACCOUNTS STAFF

Barry Hilton
Honorary Life President of The Institute of Legal Cashiers and Administrators

There is a notion in the minds of some partners that once a computer has been installed, all the previous problems of the practice will have been

solved. The reality is somewhat different. Whatever existed before will continue to exist, albeit the processes (and mistakes) will simply run faster than before! That is, unless there is a recognition that a sophisticated piece of modern technology requires an equally sophisticated approach to draw the best out of it.

Take the matter of the firm's finances, as an example. A computer can provide the partners with a much wider set of readily available information about the state of the firm's monetary health than was ever possible before. There are, however, a couple of snags.

Firstly, this abundance of financial information will remain locked up in computer memory banks unless the operators of said computer are trained to know how to get at. Rather like buying a high-performance car but never being taught how to get out of first gear!

Secondly, there is a risk of the computer spewing out reams of financial data and performance analysis which merely overwhelms busy partners. The uninitiated new owner of our high-performance car might be too frightened to take it out on the road because there seems far too much power to ever be controlled.

Either or both of these snags can create questions a year or two later on as to why the partners invested so much money in a computer that doesn't appear to be benefiting those investors.

A computer should help to highlight the practice's strengths and weaknesses on a regular basis so that the partners do not have to wait until the year end to know if they are in a strong or weak position financially, because this can be too late. The speed at which computers process information is amazing but, unless the operators know HOW it is handling the information it is given, mistakes can creep in without being realised.

It helps, for example, if the operator of financial programs has a knowledge of double entry bookkeeping so that they fully understand what is happening, but so many accounts staff to-day do not have this. They see, and understand the ledger, but do not know where the postings are going.

It is also important that good 'house-keeping' is maintained within the system and that all reconciliations are made. The computer supplier has not the time to continually monitor the situation

in the practice, and may rely on how often the 'help-line' is used by the firm.

In many cases the system is sold as a result of its 'all singing and dancing' month end report. But this can be mere academia and is not what is really required. As mentioned previously, if partners feel swamped by the computer's output, they are likely to just ignore it. How many solicitors have the time to work through many pages of a report looking at all aspects covered by it?

It is better, for example, for a series of small reports to be given to the managing partner on a regular basis - if possible on a single sheet of A4.

These "high-spot" reports can be made up of the following:

- Debtors Control - are the bills being paid, or are debtors increasing?
- Have fee earners met targets? - is this being achieved by an increase in the size of debtors?
- When did a matter last work? - is the matter dead? Perhaps a bill needs to be sent to the client and the file closed. How often do we find a file where nothing has happened for two or three years and it is put away un-billed?

Hopefully the investing solicitor is aware of these potential problems, and makes sure that the staff is trained. It does no good to blame the computer supplier saying, "The system does not do all that was claimed." It is a learning curve for all involved, and there are no short cuts.

REVALUATION 2005 **MAKE BUSINESS RATES YOUR BUSINESS**

The Valuation Office Agency (VOA)

The Valuation Office Agency (VOA), an Executive Agency of the Inland Revenue, is required to review the rateable value of all non-domestic properties in England and Wales every five years. Regular revaluations are important to ensure rateable values are up to date and take into account changes in the property market. Work is currently underway on the valuation of 1.75 million non-domestic properties throughout England and Wales in preparation for the next revaluation, due to take effect on 1 April 2005.

The VOA provides a separate rateable value for each non-domestic property in England and Wales. Your local authority multiplies the

rateable value by a factor (the uniform business rate) set by central government before applying any adjustment (such as small business relief or adjustment for transition) to arrive at the business rates bill.

Summary Valuations

As part of a new initiative designed to provide greater openness and increased understanding for ratepayers, the VOA is issuing summary valuations to most ratepayers in October 2004. Summary valuations will provide ratepayers with a breakdown of how their rateable value has been arrived at, based on the characteristics of the property they occupy. The VOA hopes that by having information presented in this clear and open way, ratepayers will be less likely to feel the need to appeal against their rateable value.

During October 2004, summary valuations will be posted to ratepayers who occupy shops, offices, factories and warehouses, a total of approximately 1.3 million properties. The summary valuation will be accompanied by an explanatory leaflet, and supporting information will be available on the VOA's website, www.voa.gov.uk, from 1 October 2004. Most summary valuations will also be published on the VOA's website on 1 October 2004 to allow ratepayers to compare their valuation with the valuations of similar properties in their area. This facility is designed to reassure ratepayers that assessments of rateable values are carried out in a fair and consistent way. In cases where summary valuations are not available, ratepayers will be able to see their new rateable value in the draft rating list, which will also be published on the website from 1 October 2004.

By providing ratepayers with the chance to see their rateable value before it becomes finalised in the compiled rating list next April, the VOA has an opportunity to deal with queries raised and correct any factual errors drawn to its attention by ratepayers. This should avoid ratepayers having to go to the trouble of making an appeal simply to find out more about how their rateable value was assessed or to correct errors.

www.mybusinessrates.gov.uk

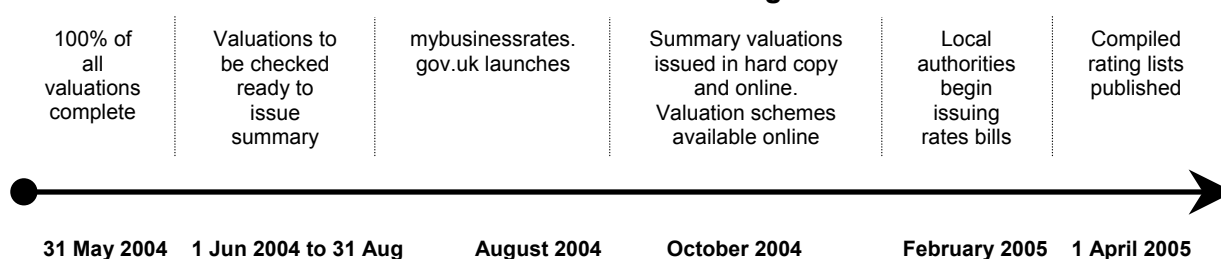
www.mybusinessrates.gov.uk is a new website which brings together information the ratepayer might want or need to know about business rates. Launching in August 2004, it is being created in a partnership between the Valuation Office Agency and the Office of the Deputy Prime Minister. Aimed primarily at the smaller, independent business ratepayer, the site will provide information on key topic areas such as how rateable values are assessed and how rates bills are calculated. It will also contain legislative information, such as advice on eligibility for rate relief, but this applies only to ratepayers in England. Ratepayers in Wales, Scotland and Northern Ireland are advised to confirm legislative details with their local authorities. www.mybusinessrates.gov.uk is the official government website; if you are not on [.gov.uk](http://www.gov.uk), you are not on the official site.

Rating Agents

Some ratepayers instruct rating consultants to advise them. Professional rating advice is available from members of the Royal Institution of Chartered Surveyors (www.rics.org.uk), the Institute of Revenues, Rating and Valuation (www.irrv.org.uk) and the Rating Surveyors' Association (www.ratingsurveyorsassociation.org). These bodies have also published on their websites a joint code of practice for rating advice.

Please take care if you decide to appoint a rating consultant as there have been fraudsters operating in this area. Make sure that you fully understand the terms of any contract before you sign it.

Revaluation 2005 at a glance



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NOTICEBOARD

EXETER MEDICAL LEGAL SOCIETY NATIONAL BIENNIAL CONFERENCE

FRIDAY 24th SEPTEMBER 2004 – Exeter University – 6 CPD Hours

TOPICS INCLUDE: The MMR Controversy – both sides, Changing Sex Ethical Issues: Sperm donation, storage of gametes, Diane Blood Issue, Doctors Duty to the Sexual Abuser + more, Conjoined Twins

FEE: £75.00 (includes lunch & refreshments) £25.00 for students

For Further details contact: Mr C Poole, Exeter Medical Legal Society Secretary, Bond Pearce Tel: (01392) 415149

MISSING WILL – Mr G A Tilbury of Ottery St Mary

Would any Practice holding a Will for George Arthur John Tilbury of Highclere, Ridgeway, Ottery St. Mary, Devon, who died on 24th August 2003, please contact Every's of the Old Manse, Ottery St. Mary, Devon, EX11 1AA – DX 48752 Ottery St. Mary (Ref: SM).

TOM PENNY NEW ADDRESS

From 1st November 2004 Tom G Penny will be at: Linacre House, Gables Road, Willand, EX15 2PL

ATTENTION LEGAL AUTHORS

Members who would be interested in producing copy on legal developments for a commercial provider of in-house and client Newsletters should contact Tony at DELS office.

GERMAN ACADEMIC EXCHANGE SERVICE

The German Academic Exchange Service (DAAD) offer a variety of funding programmes for academics and students at Irish & UK universities to study and conduct research in Germany.

For further information visit the website at <http://london.daad.de>

DATE FOR YOUR DIARY

DELS ANNUAL DINNER.

**Friday 11th February 2005,
the Palace Hotel, Torquay.**

Further details to follow.

