

# Newsletter



DEVON & EXETER  
LAW SOCIETY

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

**WOULD YOU LIKE TO  
RE-WRITE HISTORY?.....**

**DELS BICENTENARY  
1808–2008 SEE PAGE 2  
FOR MORE INFORMATION**



**September 2006**

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## PRESIDENT'S DIARY

By Chris Hart  
*President*



After the activity of first few months of the Presidential year it has to be said that July and August have seen a much quieter time in the diary.

That said, the President's diary is certainly filling up again for the next couple of months and I am looking forward to representing the Society at a number of meetings, dinners and other functions during the coming weeks.

Together with a good number of practitioners from Devon, I attended a meeting on 30<sup>th</sup> August in Bristol with the Parliamentary Under-Secretary of State at the Department of Constitutional Affairs, Vera Baird QC. MP. The purpose of the meeting was to discuss the Carter Legal Aid Review and the joint consultation paper prepared by the DCA and the LSC.

The meeting was attended by nearly 200 practitioners from the Westcountry, primarily criminal and public law (children) solicitors. Some excellent points were made by our colleagues and in a number of areas we were assured that note would be taken of the comments made.

The criminal practitioners present expressed very clear misgivings about the proposed new arrangements, and in my view not a great deal of comfort was given by the Minister. So far as the family practitioners were concerned, the Minister tried to diffuse the anger by indicating that she accepted that the DCA had got the previously-published figures wrong, but she asked that the situation should not be judged until the new proposals are published.

Two points arise here – firstly it is frankly incredible that such mistakes can be made within the calculations given the detail of the Review and the number of Government Departments and others involved in the process.

Secondly, we must beware the forthcoming closure of the consultation period in mid-October. We have no idea when the new figures will be made available, and it is quite possible that they will be published only just before the end of the consultation period, or even after the consultation period has closed. The Minister gave no idea as to the

timetable, save to advise that the consultation period would not be extended. These changes will affect many practices within our area and may have far-reaching consequences. It is essential that our voice is heard. Our Litigation and Costs Sub-Committee will be considering the consultation paper and will be replying to it on behalf of the Society. However, I must urge all of you who have views on these issues to submit your own responses to the consultation. Only if the DCA receive a loud and clear message from practitioners do we stand any prospect of effecting improvements to the proposals.

Finally, a couple of happier matters to mention by way of conclusion. Following the comments within the last Newsletter about trainees becoming "Associates" of the Society, may I draw your attention to the nomination form elsewhere in this Newsletter. Also, please don't forget to send in nominations for the Young Solicitor of the Year Award.

### FROM THE EDITOR

Tony Spiers MBE  
*Honorary Secretary*



This is the first "Editorial" I have written for DELS Newsletter.

It happened this way.

The application for an Investor In People (IIP) award involves reviewing the personnel policy of the applicant organisation.

For many years we had undertaken appraisals with Monique and Tony. This year, as a result of the IIP procedure, they, in turn, appraised your honorary treasurer and secretary about the way we perform our duties. In IIP speak this is a 360 degrees appraisal process! One of the suggestions to emerge from that process was that the-- so long silent in this publication-- editor should put finger to keyboard and speak to our members through this medium, which I now do.

On the day on which I am writing this we have learned that we are being recommended for IIP recognition. We believe we are the first Law Society in the country to have this award.

The application involved a lot of work for Monique Bertoni and Tony Steiner. We, who have been closely involved with the activities of DELS, **knew** they were efficient anyway,

but the award of IIP status recognises that and provides independent verification of just how good they are. Congratulations Monique and Tony and our newest recruit Lydia too.

So what is DELS doing presently for the solicitors of Devon and Exeter?

We provide cost effective courses for our members in most disciplines of the law so that you can easily meet your CPD needs within the County and without the cost or expenditure of time in travelling to London or Bristol.

We offer a personal, local and knowledgeable recruitment service for all levels of solicitors, legal executives and para-legals at half the price charged by the big agencies.

We have a role in complaints handling and were awarded £4000 last year by the Law Society in an open competition to encourage societies to improve customer complaints handling at local level. With this money we have redesigned our promotional literature and are in contact with our MPs, CABs and libraries, getting the message across to the public that the Society will facilitate the resolution of consumer complaints quickly and without charge. Many member firms mention this service provided by DELS in their Client Care Letters. Most of the matters referred to us are resolved quickly and without them reaching the Law Society's Consumer Complaints Service.

We have a new and up to the minute web site that is visited by around 700 people a month which promotes DELS and its member solicitors. It is designed to attract solicitors who wish to come to Devon as well as for public use.

And we are keen to do more!

DELS is your Society and we want to hear of any way in which we can assist you in your practice, wherever in Devon that may be. We have looked hard at the services we provide and extended them consistently over the last 10 years. But we are not complacent and we want you to tell us if there is anything we are not doing that would improve your profitability, quality of life or the service you offer to clients.

Like the appraisal that led to my writing this, we are always trying new ways of doing things at DELS. Write to me at Renslade House or email me at [secretary@devonlawsociety.org.uk](mailto:secretary@devonlawsociety.org.uk) to let us know **your** ideas and thoughts: we value your membership and invite your input into the future of your Society.

## **DELS BICENTENARY** **1808-2008:**



Did you know that Exeter Law Association first met on 1 November 1808? In attendance were three esquires, namely James White, Warwick Hele Tonkin and James Wake who were, of course, barristers; the rest were attorneys or solicitors.

The Society has set up a Bicentenary Working Group. As part of the 2008 celebrations we are looking to produce a booklet relating the history of the Devon & Exeter Law Society. We need your help.

It would be very useful if someone (perhaps a trainee or a partner nearing retirement) could look through the Society's records from 1808 until 1950 (currently held at the Devon Record Office) and make a list of meeting places of the Society and a list of chairmen and other officers and committee members, which would show who were the leading members in the history of the Society so that we could build a history of the Society round them.

Or perhaps you could be the author we are seeking? Can anyone offer any suggestions for an author or point in the direction of anyone who can?

You might also be able to help by providing DELS with memorabilia. Have you lively and interesting stories, obituaries etc. in your own firm's archives which could be included in DELS Bicentennial booklet?

Interested? Please contact Monique Bertoni at DELS office on 01392 411585.

## **FIXED FEE SCHEME** **FOR COUNSEL**

Members are reminded of this scheme whereby Barristers will give an opinion on a topic for a fixed fee of £50.00 + VAT.



The Chambers that are participating are:

Walnut House -Tel. 01392 279751  
Southernhay Chambers -Tel. 01392 255777  
Rougemont Chambers -Tel. 01392 208484  
Colleton Chambers -Tel. 01392 274898  
One Garden Court SW -Tel. 01392 209032

## **TERMS AND CONDITIONS**

### **1.The fixed fee**

The fixed fee is £50.00 plus VAT.

Payment of the fee must be made by the Solicitor within fourteen days of receipt of Counsel's fee note. In the event of non payment or late payment, Counsel may refer the matter to the Committee of DELS to take up with the Solicitor.

### **2.Entitlement**

A Solicitor wishing to take advantage of the scheme is entitled to receive from Counsel up to 30 minutes initial advice either in person at Chambers or over the telephone.

Solicitors are not entitled to written confirmation from Counsel of the advice given.

If Counsel is unable to advise within the half hour limit then either Counsel can refuse the instructions or negotiate an additional fee. The "cab rank" rule does not apply.

### **3.Procedure**

At the first instance Solicitors should contact the Clerk of participating Chambers and clearly state that this is a DELS Fixed Fee Scheme matter. They should then supply the following information :-

- (i) Name of preferred Counsel
- (ii) Names and addresses of all the parties
- (iii) The general area of Law involved
- (iv) The precise legal issue upon which advice is required

### **4. Conflicts**

It is the responsibility of Counsel to ensure that no conflict of interest arises. For this reason it is essential that Solicitors accurately identify the parties involved.

## **NEWS FROM DELS** **SUB-COMMITTEES**

### **Litigation & Costs Liaison**

#### **Case Progression Trial Readiness Forms**

After a lot of liaison, a unified trial readiness form has been agreed for use at all of the Crown Courts in Devon and Cornwall. Copies have been put up in the Exeter Magistrates' Court Solicitors Room.

If any member would like a copy please contact DELS office on 01392 411585 or you can request a copy by email via [mail@devonlawsociety.org.uk](mailto:mail@devonlawsociety.org.uk)

## **SOLICITORS BENEVOLENT** **ASSOCIATION** **CHRISTMAS CARDS 2006**

# SBA

There are many ways that you can support your Charity and one of them is to buy the SBA Christmas cards which can be viewed on our website: [www.sba.org.uk](http://www.sba.org.uk). Leaflets and sample cards are available from the SBA office, telephone 020 8675 6440. We continue to receive a 9p royalty for every card sold from the CCA Group who print and despatch the cards at no cost to ourselves. All monies made go towards helping needy solicitors and their dependents.

In 2005 over 400 beneficiaries were helped and over £1.5 million was spent on direct grants and interest-free loans. Some of the awards made last year included:

- Assistance to a solicitor left totally paralysed and unable to speak after a brain-stem stroke.
- Help with living expenses for a young single mother unable to work full-time as her child was born with serious disabilities requiring ongoing medical treatment.
- Provision of a stair-lift for an existing beneficiary left immobile following hip surgery
- Funding modifications to the layout of the homes and gardens for three former solicitors with MS to enhance wheelchair access.

It would also greatly assist us if you would let us know about any potential beneficiary who may be in need of assistance and either unaware of our existence or unwilling to ask for help.

Martin de Bertodano  
Chairman  
SBA  
1 Jaggard Way  
Wandsworth Common  
London, SW12 8SG

Email: [sec@sba.org.uk](mailto:sec@sba.org.uk)  
[www.sba.org.uk](http://www.sba.org.uk)

Tel: 020 8675 6440  
Fax: 020 8675 6441

# **PRESS RELEASE**

## ***Regulate Will Writers says Devon & Exeter Law Society- 29 August 2006***

Fears that the public could be hit by unscrupulous will writing companies have been expressed by the Devon & Exeter Law Society (DELS).

DELS is calling for the Draft Legal Services Bill, which was introduced to Parliament in May, 2006, to include regulation of will writing for a fee. Chris Hart, President of DELS explains: "The legal profession has been calling for some time to ensure that the people who write wills for a fee should be regulated." "We back the government's proposals to help consumers choose the right legal adviser, but much more needs to be done to highlight the risks of unregulated advisers." "Fliers are regularly pushed through people's doors and there are many websites and advertisements saying that for a small sum, they will draw up a will in the comfort of your own home." "Writing a will is one of the most important decisions that someone

will take and in order to avoid unnecessary distress to your family, it is essential that good, sound advice is received by a solicitor who is regulated and insured."

DELS is citing the recent experiment by one of its members, a Mrs. X when she arranged for a representative from a will writing company to visit her at home. Chris Hart continues: "Our colleague was horrified to be shown an example of somebody else's will. This was a terrible breach of confidentiality as she saw the names and address of the client." "She was offered no inheritance tax advice and no general will advice, but was assured that the person who drafted the will was a qualified solicitor." "She also wanted a "Memorandum of Wishes" about the care of her dog on her death, but she got a Memorandum about furniture and belongings." The consultant insisted on being paid in advance, but 4 weeks lapsed before she received anything.

Solicitors are regulated by the Law Society of England Wales and are also required to have professional indemnity insurance.

Maxine Barnes is a Member of DELS and is on the committee which deals with these issues. The principal at the South Molton firm, Furse Sanders & Company, she

says: "Some of these consultants have undergone a short training course. Solicitors train for up to six years and have to continue their professional training, in order to make sure they are up-to-date with the law."

"Our colleague's experience shows the risks the public take when they use unqualified and unregulated advisers instead of a solicitor."

According to the Law Society, thousands of people die every year without making a will. The law sets out clear rules for what happens to your estate - property, personal possessions and cash, if you die without a will. The Law Society of England and Wales publishes a range of customer guides including one on making a will -

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

Or telephone 020 7242 1222

## **Have you got a Bright Spark!!!**



**Then don't forget .....to  
nominate your Young Solicitor Of the  
Year.....**

**Benefits of winning this prestigious award**

- A great marketing tool, for your firm
- Publicised by DELS, through press releases, Website & Newsletter
- Nomination is easy, write no more than 500 words , saying why you feel your "Bright Spark" should win



**Or Just Visit [www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk)**

**Closing Date 31.10.06**



**Thank you to Emma  
Alford of Michelmores,  
Alan Brookes of  
Hooper & Wollen and  
Tony Steiner of DELS  
Office for contributing  
your pictures of  
Devon, which you can  
view on the DELS  
website:**

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

## HEARD IT ON THE GRAPEVINE



Not only is Italy one of the most important wine producing countries in Europe today, it is also one of the continent's oldest producers. Archaeological finds have shown that the vine was first systematically cultivated in Italy by the Etruscans in the 8th century B.C. although viticulture did not arrive until the 6th century B.C. when the Greeks introduced it from their colony of Marseille. With the advent of the Roman Empire advanced skills and expertise in viticulture and wine making spread throughout Europe.

The Romans were also responsible for the development of the wine trade into a profitable economic activity and the port of Pompeii evolved into the most important wine trading city in the ancient world until its destruction as a result of the volcanic eruption of Mount Vesuvius in A.D.79. As a direct result the Romans then established regional wine centres throughout their empire.

The fall of the empire in A.D. 476 brought about a period of fundamental change in Italy and consequently wine production declined and lasted into the 19th century.

Italy has had to contend with a number of dents to its reputation over the years from faked wines to added methyl alcohol, and there were even a few fraud cases during 2005!! As elsewhere a system of denominated regions of origin ( *Denominazione di Origine Controllata - DOC* ) & ( *Denominazione di Origine Controllata e Garantita - DOCG* ) was introduced to protect consumers and honest winemakers, however, consumers often find the nomenclature confusing as there are dozens of DOCG's, hundreds of DOC's each subdivided into thousands of different wine styles and grape varieties - and the list grows every year!

In 2005 there were approximately 810,000 wine producing entities producing 47,500,000 hectolitres of wine (slightly down on the previous vintage). 65% of producers have less than 1 hectare of vineyard.

The most important regions of production are Sicily, Puglia, Veneto, Emilia-Romania, Abruzzo, Lazio, Piemonte, Tuscany, Campania, Marche, Lombardy, Trentino Alto Adige.

The main grape varieties are Sangiovese, Nebbiolo, Montepulciano, Pinot Grigio, Chardonnay, Trebbiano, Lambrusco, Barbera, Merlot, Cabernet Sauvignon, Verdicchio.

## ITALIAN WINE OFFER

Devon & Exeter Law Society in association with Quay West Wines are pleased to offer Society members a superb 12 x 75cl bottle collection reflecting various styles of Italy at £59.99 delivered to your door. The case comprises 4 easy drinking different Pinot Grigio's, a dry Frascati, a Sicilian Rose, Valpolicella Classico, Sangiovese, Montepulciano, a typical Merlot, and one red and one white superior vna da tavola.

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

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

Telephone: 01392 -841833 Fax: 01392 - 841996

E-mail: [sales@quaywestwines.co.uk](mailto:sales@quaywestwines.co.uk)



## DELS DINNER DANCE

FRIDAY 9TH FEBRUARY 2007

AT THE PALACE HOTEL, TORQUAY



**Would you like to meet new people?  
Catch up with old friends?  
Learn a few things about Wine?**

Look out for

# DELS WINE TASTING

coming to a venue near you soon.....



Solicitors Support Network

For confidential help ring

0800 328 4203

FREE & CONFIDENTIAL SUPPORT FOR SOLICITORS

ARE YOU EXPERIENCING PERSONAL OR PROFESSIONAL PROBLEMS?

If so, you do not have to do so alone.  
Support groups exist to assist you.