

Newsletter

May 2009



DEVON & SOMERSET
LAW SOCIETY

www.dasls.com

DATE FOR YOUR DIARY



DASLS Joint Function

Friday 5th June 2009

6.00 - 8.00pm

Exeter Guildhall

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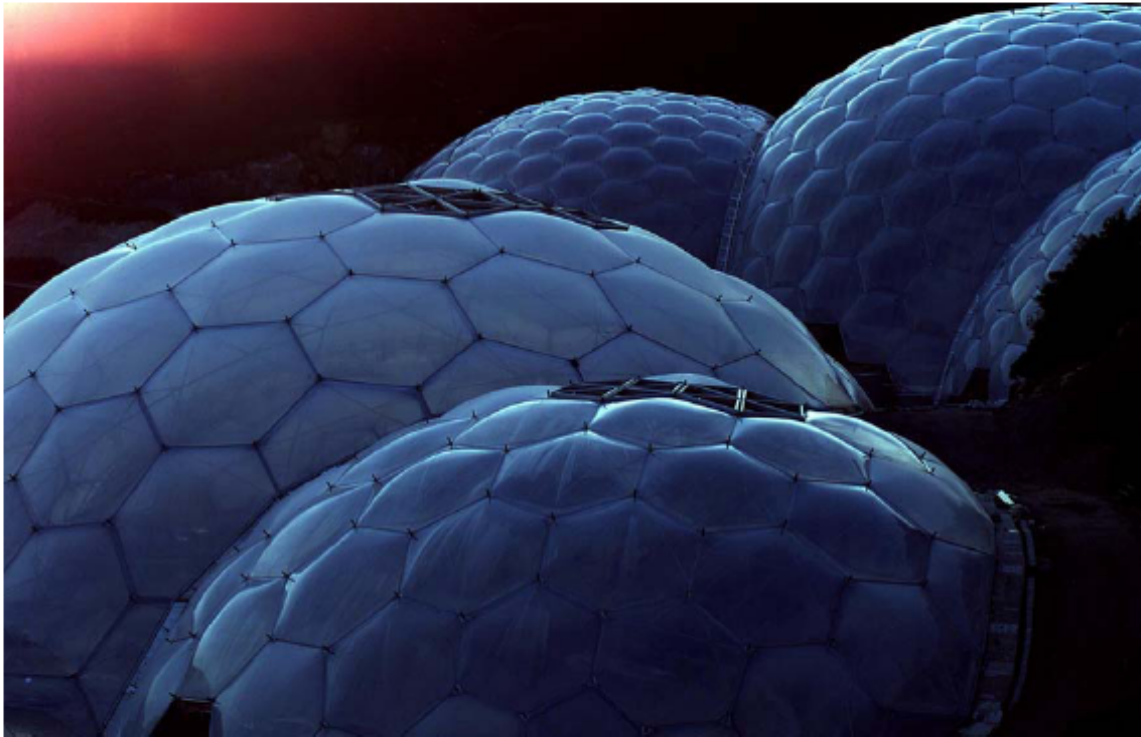
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President's Diary

By James Cross, President

I am delighted and very proud to be your President for this year 2009/2010. I follow a long line of distinguished lawyers who have presided over the Society and I am conscious of the very high standards they set. I do hope I can follow in their footsteps and serve you well this year.



In 2002, I moved to the newly merged Kitsons and Hutchings and Plum, now Kitson Hutchings, where I am now a Joint Managing Partner.

The legal landscape has changed much in my 19 years but the one thing that has remained constant throughout has been our Society. We have in excess of 1100 members, a healthy bank balance, four permanent staff, and activities ranging from lobbying and representation, education, a recruitment agency, mediation services, social activities, complaints conciliation, international networking, practice management, and committees which sit on a regular basis dealing with contentious and non contentious matters.

In each newsletter the President is allowed to write a diary so, as this is my first, I thought that I should tell you a little bit about myself - starting with my return to Devon in 1987 having interrupted my travels around the world to return to celebrate my brother's wedding. In need of funds to embark upon further travels, I applied for and got a position as a Housing Officer with the South Hams District Council in Totnes and it was there that I was introduced to and became very interested in law.

Post Graduate Law and Law Society Finals followed, and in 1990, I started my Articles with Boyce Hatton Solicitors in Torquay, learning from the very charismatic and dynamic senior partner Tony Boyce. It was with Boyce Hatton Solicitors that I was introduced to the then Devon and Exeter Law Society, attending my first annual dinner at the Great Hall at Exeter University in 1991.

In 1992, I joined Crosse & Crosse Solicitors in Exeter where I remained for 10 years. My association with DASLS continued, joining the then Litigation and Costs Sub-Committee which I later chaired and joining the Main Committee under the then President, Robin Challans in 2001.



One of the strengths of our society is our excellent team of hard working, and in two cases longstanding, employees, assisted by our Honorary Secretary, Mr Tony Spiers MBE, and our Honorary Treasurer, Mr Richard Adams, who have held office since 1994 and 1998 respectively.

But most of all, what, in my view, makes our Society successful is you and your contributions, be it for short periods of time or over many years. Contribution from all of you as members over the years has helped our Society go from strength to strength.

My objective for this Presidential year is to encourage your involvement and particularly to promote you as solicitors in Devon and Somerset. To highlight the quality, expertise and work you all do across our two counties. If I can do that then I will be very pleased.

My Presidential year has started with a flurry. The AGM on 21st April at the Exeter Golf and Country Club included a talk, followed by a question and answer session with Penny Owston, who is a Board member of the SRA. Penny was asked for her thoughts on balancing the SRA's stated role of protecting the public by ensuring that solicitors meet high standards within a stifled and over-regulated profession. This was a difficult subject which Penny tackled head on but not before telling us that she

had been articulated in Tiverton and she was able to tell us a few stories from her "Devon Experience".

April 23rd saw my attendance, on your behalf at this year's Association of Chartered Certificate Accountants, South West Members' network lunch in Plymouth and also my attendance representing the Society on 28th April at the Chartered Institute of Taxation Dinner at Sandy Park.

On May 15th I will be in Bristol to attend on your behalf an Open Meeting on the Legal Regulation Review chaired by Lord Hunt of Wirral.

From 21st to 23rd May I will be representing the Society at the Federation of European Bars meeting in Bruges and will report back to you in the July newsletter on the meeting.

29th May will see me represent the Society at the Dorset Law Society annual dinner.

On 5th June there is a joint function with the Judiciary, Bar and DEMS at Guildhall in Exeter and on 7th June, I will be at the Legal Sunday Service at Exeter Cathedral.

My chosen charity for this year is the Devon Community Foundation which covers not only Devon, but Somerset as well and I am hoping to announce in the July newsletter, details of a walk in aid of the Devon Community Foundation.

My thanks go to Alec McNeill for his work as President in 2008/2009 through the bi-centenary year which saw Alec not only go off to Columbia to show solidarity with lawyers and their efforts to uphold human rights in South America, but also open the Federation of European Bars International Conference in Torbay in October 2008 and a very successful conference for local Law Societies held on 31st March this year.

I am also pleased to have alongside me this year, Rebecca Parkman as Vice President, and David Turner as Junior Vice President.

It promises to be a very busy year and I will keep you updated through this diary.

District Judges' Corner

News from the Family Courts

By District Judge Paul Waterworth

Changes continue to affect those who practice in the family courts. At the end of last year the Lord Chancellor announced his intention to introduce arrangements "...to open all family courts to the media from April 2009..". These changes came into force on 27th April 2009 and are governed by The Family Proceedings (Amendment) (No. 2) Rules 2009 (2009 No. 857 (L.8)). Two Practice Directions are expected to be issued by the President of the Family Division but at the time of writing these have only been seen in draft.

The extent to which the family courts have been "opened up" (or, indeed, should be) is debatable. The new Rules provide who may be present at "proceedings held in private". For the first time in the High Court and County Court, this will include "duly accredited representatives of news gathering and reporting organisations and any other person whom the court permits to be present....". It is important to remember that family proceedings do not only relate to those concerning children: they include divorce and financial hearings, family injunctions, etc. except where the purpose of the hearing is "...judicially assisted conciliation or negotiation" e.g. financial dispute resolution hearings or s.8 Children Act first appointments.

The court has power to exclude any person at any stage of the proceedings if this is necessary in the interests of any child concerned in the proceedings, for the safety and protection of any party or a witness, or for the orderly conduct of the proceedings. Representations as to the exclusion of persons from the proceedings may be made by a party, a witness, a child's guardian or a child if of sufficient age and understanding.

What may be reported outside the court is still largely covered by the existing law. In particular, there is no access to documents referred to in the proceedings (and no right to obtain copies) and nothing may be "communicated to the public at large... of any information relating to the proceedings...". The stated purpose is to allow the media in particular to observe and report upon the "process" rather than the content of the proceedings themselves,

which may perhaps disappoint certain sections of the media. It is hoped that by allowing independent informed examination of the process, the rather more sensational stories of "horrors" emanating from the family courts will abate.

It remains to be seen the extent to which there will be any media interest in the proceedings to which this new "transparency" applies. To the extent that there is, it may well be that the focus will be on the role and performance of expert witnesses, lawyers and judges. The great responsibility which has always been shouldered by those who practice in the family courts can now be the subject of public scrutiny.

Cafcass/ Mediation at Exeter County Court

By District Judge Jill Wainwright

From the 6th April 2009 on Cafcass mornings in Exeter, both at the County Court and the Family Proceedings Court, there will be an accredited family mediator present with the Cafcass. So, for those cases which might be appropriate, the parties will be referred to the duty mediator for a preliminary meeting at court. It is hoped that this consistent approach across the family courts in Exeter will promote a greater use of mediation to facilitate a better and more meaningful settlement rate of private law children cases.

This is for an initial trial period of 6 months. The mediators are not being separately funded, but have the agreement of the LSC that the first appointment can be treated as a preliminary assessment meeting where appropriate. They have been drawn from all the known accredited family mediation organisations in Exeter, each organisation having an equal slot on the rota. For the purposes of equality of provision there is a consistent charging policy from each for onward work done.

The judge will have conducted a preliminary review of the files to ascertain which are suitable or not for the scheme on the day.

The principles of the mediators' involvement are:

1. It is a free service for the parties as where

appropriate they will be covered by legal public funding, and where not the work will be pro bono for the time being

2. The process of mediation itself is confidential and their role at court will be to let the judge know whether the case is suitable for mediation. They are under a duty to refer risk issues to Cafcass only (not solicitors) as they would be involved in any event. If any risks arose they will stop mediating. They will provide to the couple an agreement to sign before the mediation process commences.

3. They cannot give reasons to the court or the other party why one or both parties does not wish to proceed with mediation. They will simply say we are or are not proceeding.

4. Any proposals in mediation are without prejudice and do not become a legally binding agreement until made so between the participants or their legal advisors after mediation has concluded.

5. If mediation breaks down, the discussions that have taken place in mediation are privileged and therefore neither party can refer to those discussions in subsequent court proceedings

6. If mediation proceeds and leads to joint proposals, the mediator will prepare a Memorandum of Understanding and send a copy to the parties and their legal representatives. If mediation breaks down, the mediator will write to the parties and their legal advisors to confirm this fact but without providing details of the reasons why. It will be the responsibility of the parties or their legal advisors to inform the court of the situation and what further directions or orders that are sought.

7. The mediator cannot be called to give evidence about any matter that has taken place in the assessment or mediation.

We welcome all and any comments on the way in which this scheme works. Please address any regarding the County Court to District Judge Wainwright, and any for the Family Proceedings Court to the legal advisers there. We hope that this new initiative will lead to benefits to children and parents, and to an earlier intervention of mediation that would otherwise be the case.

Law Society LPC Roadshow

Wednesday 24th June 2009: 4.30 - 6.30pm
University of Plymouth
(Room 117, Rolle Building)

As explained in the article on pages 8-9, a number of LPC providers, to include the University of Plymouth, will be authorised by the SRA to run the new style LPC from 2009. The Law Society is keen to ensure that practitioners are aware of what this change will mean to them in terms of their own plans for recruitment and training. To this end the Law Society will be holding a roadshow to present the new style course to practitioners and to answer any queries that may arise.

The University of Plymouth would also like to take this opportunity of thanking local practitioners who have provided valuable support over the recent years; in particular those who have employed our students and who have supported our mentoring scheme. We hope that we may continue to work closely with local firms to ensure that our course delivers what is required for practice in the south-west.

This event will give practitioners an opportunity of discussing the future development of the LPC and to meet some of our teaching and management team. It may be of interest and concern to practitioners who currently offer training contracts and/ or have plans to do so in the near future, and we hope to see as many practitioners and/ or representatives of HR as are able to attend.

Registration for the event will commence at 4.00pm with tea and refreshments, and the session itself will take place between 4.30pm and 6.30pm. We ask that those wishing to attend email LPC administrator, Penny Howard to book their place. (Penny.Howard@plymouth.ac.uk)

Background information on the new style LPC can be found at: www.sra.org.uk/students/lpc/lpc-update.page

For more information on this event contact Maggie Hemsworth of the University of Plymouth
(maggie.hemsworth@plymouth.ac.uk)
or Matthew Still of the Law Society
(matthew.still@lawsociety.org.uk)

The New Employment Act 2008 and Mediation

By Liz Kendall, Mediation Sub-Committee

Mediation in the workplace is happening now, and DASLS is playing a key part...

Those employment specialists amongst our Members will be aware of the Employment Act 2008 which, having gained royal assent in November last year, came into force on 6th April 2009.

It is envisaged that the new Employment Act will bring into play a much easier and less restrictive system for the resolution of employment disputes and grievances, to the benefit of both employee and employer. Gone are the Statutory Dispute Resolution Procedures (SDRPs) and the risks of automatic procedural unfair dismissal. The SDRPs have been replaced by a Code of Practice from ACAS based on strong guidelines as opposed to the binding SDRPs.

The original SDRPs were designed to encourage both employers and employees to resolve disputes informally without recourse to a Tribunal. The new adaptable Code reiterates this position.

On those occasions where a matter does proceed to an Employment Tribunal however, the Tribunal will decide cases on what is 'fair and reasonable' and those parties who unreasonably fail to comply with any provision of the Code will run the risk of the Tribunal using its discretionary powers to adjust awards by up to 25%.

There will be a transitional period for which the previous grievance procedure will continue to apply for those actions which occurred before 6th April 2009. Likewise the old dismissal or disciplinary procedure will need to be used if certain steps have been undertaken prior to that date. Consideration should be given to The Employment Act 2008 (Commencement No 1 Transitional Provisions and Savings Order 2008) for clarity over which procedure should apply.

The Government has worked closely with the Workplace Mediation community to highlight and encourage the use of mediation. The 1st April this year saw the introduction of the Civil Mediation Council Registered Workplace Mediation Organisation Pilot Scheme. DASLS firmly advocates early intervention of disputes across the board, believing employment issues to be no different. DASLS has therefore registered their Accredited Mediators onto the CMC's new Pilot Scheme as Workplace Mediation Providers and it is hoped that this will open up a new area of referrals for them from both ACAS and directly from firms across the country.

The use of an external Mediator is a highly effective and flexible method of assisting the parties to achieve a settlement which is acceptable to both parties.

With the new Employment Act encouraging a willingness to resolve disputes and grievances early on, an attempt to mediate is clearly an act of 'reasonableness' and so there is less likelihood of an adverse award for acting 'unreasonably' on those occasions where a matter proceeds to a Tribunal.

We should all be aware of the new Employment Act 2008 for it concerns not only those of us who practice employment law, but to each and every one of us as employees and employers.

If you would like to instruct a DASLS Accredited Mediator to assist in resolution of workplace issues, please contact Rebecca Hill on 01392 411585 or e-mail rebecca@dasls.com.

lkendall@ticcs.co.uk

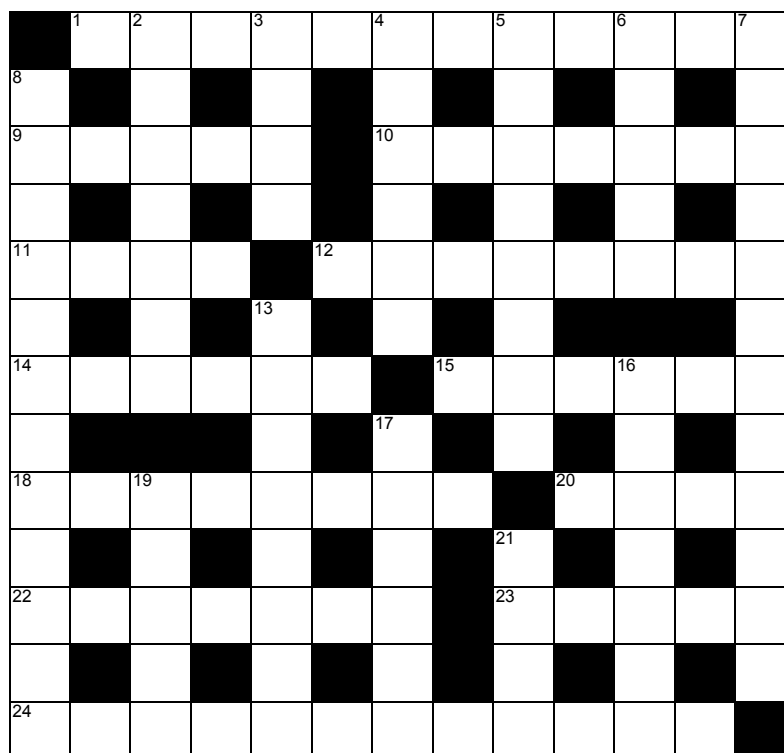


Associate Membership for Trainee Solicitors

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

Associate membership is free and forms can be found at www.dasls.com

Crossword Corner



Across

1. Austria in state of change - discussion (12)
9. State by means of main diagram (5)
10. Melancholy is praised, strangely (7)
11. Cure foot, I hear (4)
12. Hamlet, or the opposite of Hamlet (8)
14. Wriggling, sloppy sea creatures (6)
15. Secure disorganised release (6)
18. African river-man (8)
20. A group of countries that sounds like Lego? (4)
22. Poetic style favoured by Mr Simpson (7)
23. Greek writer struck a pose (5)
24. Gunners, say (8,4)

Down

2. A 3, 5 or 7 in snooker – weird one, that! (7)
3. Meat served as starter in very expensive anniversary lunch (4)
4. Animal had overdose in bill (6)
5. Sailor piloted boat, allegedly, and went down a rock face! (8)
6. This picture could be spitting! (5)
7. Flee through a tight tunnel, say? (6,6)
8. and 21. Sceptically, how chips are eaten (4,1,5,2,4)
13. Bear rips apart meat (8)
16. Select a discordant instrument (7)
17. Reportedly, establish the Spanish package (6)
19. Dish made from resin and sweat (5)
21. See 8 down.

Competition!

For your chance to win a bottle of champagne, simply complete this month's crossword and send it to Charlotte Lythgoe at DASLS, along with your name and address. The winner will be drawn from all correct entries received by Friday 26th June. The DASLS address can be found on the front cover.

The solution will be published in July's newsletter

What's Eating You?

By Mary Jackson, LawCare

As a relative newcomer to LawCare (I joined in October 2008) I am often struck by the number of callers to our helpline who tell me they have not eaten, or have only had a cup of coffee, all day. I am also often aware that such callers' voices show signs of tiredness, irritability, inability to think speedily or clearly etc. It is amazing how, in the high-pressure world of work, eating falls by the wayside or simply becomes too much of a chore.

As you read this, stop and think. What did you have to eat and drink yesterday, today and last weekend? Does it say something about you, the friends you have, the partner you live with, the work that you do? The Romans were right when they said "Mens sana mens corpora" i.e. a healthy mind is a healthy body. The converse is that an unhealthy body equals an unhealthy mind. It does make sense, doesn't it?

Food is essential as, at its most basic level, it provides the building blocks of energy for our continued well-being and for cell rebuilding and renewal to take place. However, more than that, it provides the fuel we need to perform our daily tasks, both personal and work related. Healthy eating is a necessity, not an opt-in / opt-out opportunity.

"Superfoods"

One approach to diet (as opposed to dieting) is to focus on so-called superfoods. There is no definitive list of these and as of 1 July 2007, the marketing of products as "superfoods" has been banned unless accompanied by a specific medical report, supported by credible scientific research. However, it does seem that brightly coloured foods are nutritious and beneficial to health and wellbeing. Flavenoids, responsible for the dark colour of dark fruits such as blueberries, and other phytochemicals such as betacarotene, are known for their antioxidant properties, which is why brightly coloured fruit and vegetables are considered especially beneficial. So think blueberries, red peppers, yellow peppers, green broccoli, nuts, seeds and beans. Try to ensure you include a few every day. A bag of almonds can sit in your desk to be grabbed when



energy levels fall. Berries may be added to your morning cereal or yoghurt. Two squares of black, unprocessed chocolate (sadly, Dairy Milk just won't do) supply valuable anti-oxidants.

When the snack attack hits, be prepared.

Avoiding the white foods

White is just not so good for you. White rice, pasta, bread and even potatoes are carbohydrates and can make you feel overfull, bloated and lethargic. Try to substitute brown rice (nuttier and a more interesting texture), wholewheat pasta (it is a lot less like cardboard than it used to be), wholemeal bread the more seeded the better, and leave the skin on potatoes, thereby increasing fibre and reducing your risk of bowel cancer. Bulky foods take far longer to make their way through the stomach, so fill you up for far longer. They are also more slowly absorbed, so stop the sudden drops in sugar levels.

Snack Attacks

Patrick Holford, Founder of the Institute of Optimum Nutrition, writes a whole chapter in his book *How to Quit without Feeling Shit* on balancing your blood sugar to gain energy and reduce cravings. He advocates a low glycaemic (low GI) diet, providing your body with low GI foods that release their natural sugar content very slowly, making you feel more satisfied. He talks about the symptoms of people coming off an addictive substance, such as fatigue, irritability, dizziness, insomnia, aggression, anxiety, sweating, etc. as being very similar to classic stress symptoms, and makes recommendations for balancing blood sugar:

- Eat low GI foods (whole grains, vegetables, beans, lentils or simpler carbohydrates such as fruit)
- Eat protein with carbohydrate e.g. add seeds or nuts to your cereal, top your wholemeal toast with eggs, baked beans or nut butter
- Graze, don't gorge – eat little and often.

As office cultures lend themselves to snack attacks and eating at the desk, he suggests

the following as healthy snack options:

- Instead of crisps have oatcakes, pumpkin seeds, roasted snack mix or plain popcorn
- Instead of biscuits have sweet oatcake biscuits or fruit and nut bars
- Instead of chocolate (sorry, the Kit-Kat has to go) have fresh fruit (apples, pears, peaches, plums, berries, cherries)
- Instead of sugar have Xylitol - ask in your local health food shop
- Instead of sweetened drinks drink water, herbal, fruit teas, diluted fruit juice

He also warns us off caffeine, as it is a powerful stimulant and highly disruptive to blood sugar balance; remember caffeine is not just in coffee, it can be in lots of fizzy energy drinks, chocolate bars and, of course, even in tea. If you have to have one cup of coffee a day make sure it is a good one, freshly brewed, and be good the rest of the time. And if you do have the occasional plate of chips or bar of chocolate, see it as a treat.

After all, health is the only true wealth.

If you need to talk about problems which are interfering with or have the potential to interfere with your work performance and/or your family life please ring LawCare's free and confidential helpline: **0800 279 6888**

(Lines are open Monday to Friday 9am to 7:30pm or Weekends/Public Holidays 10am to 4pm— 365 days of the year)

Alternatively visit our website www.lawcare.org.uk for more information.

Resources

How to Quit without feeling Shit by Patrick Holford, David Miller & James Brady publ. Piatkus 2008

www.thesite.org/healthandwellbeing/fitnessanddiet/food/goodmoodfood

www.bbc.co.uk/food/food_matters/superfoods.shtml

The New Style Legal Practice Course

By Maggie Hemsworth, LPC Director, University of Plymouth

The new style Legal Practice Course will be unveiled by the majority of LPC providers in September 2009 and all providers from 2010. If you want to recruit trainees over the next few years you will need to think about the ways in which the changes will impact on your recruitment plans.

So What's New?

We are told that entry to the Bar is getting tougher, but is entry to the LPC getting any easier? The answer to this, like so much in life, is not simple, but both 'Yes' and 'No'. It is getting easier in the sense that students will be able to complete their LPC studies over a longer period of time (five years in place of the current three year period) should that suit their personal circumstances. The programme of study may be attempted in a number of stages over a five year period: it will be possible to take a break part way through one's studies and /or to undertake certain subjects and assessments over an extended period of time, perhaps in tandem with work, whether in legal practice or not.

However, it is certainly not getting any easier in terms of rigour and challenge and students will need, as now, a minimum of a 2.2 degree in addition to commitment to the course and determination to succeed. The LPC has set high standards for some time and with the continued close monitoring of the provision of LPCs across England and Wales by the Solicitors Regulation Authority (SRA) no one expects it to get any easier in terms of rigour. As the business of being a lawyer gets no easier, so the entry hurdles in terms of ability and aptitude are not being relaxed. As now, students will be permitted a maximum of three attempts at each assessment. Failure on third attempt will



mean that the entire programme must be recommenced if the student intends to proceed.

The key approach to the new style LPC is concerned with flexibility. This flexibility is made manifest broadly in three aspects of the programme of study: structure, course content, and delivery. The SRA also wishes to encourage innovation; in its own words:

The SRA recognises that students have different preferences and priorities about the way in which they study; also that providers can respond to and lead innovations in teaching and learning. The SRA aims to achieve a balance between ensuring, on the one hand, that all diligent students following a validated course have an opportunity to achieve and demonstrate the learning outcomes and, on the other, that innovation resulting in good quality courses and opportunities for a diverse cohort of students is not stifled.

Structural Flexibility

The LPC will, from September 2009, divide into two sections: Stage 1 and Stage 2, and in approximate study time in the ratio 80:20. We will also move to a position of allocating what is called 'notional study hours' to each stage and to the discrete aspects within each stage. The total number of notional study hours is set at 1,400 (1,100 as to Stage 1 and 300 as to Stage 2).

This is more than the average student will have experienced in a typical undergraduate law degree for each year of study but similar to what one can expect on most CPE/GDL programmes of study. These figures equate in simple terms to an average working week (class contact time and in private study combined of 40 hours). Students will be able to elect to study the entire programme, as now, over one year; in fact the typical programme of Stage 1 and Stage 2 combined is likely to span a 10 month period.

Thus, the typical LPC will remain an intensive programme of study throughout which students will need to adopt a

disciplined approach to their studies; it will be hard to combine the full-time course with part-time work whether or not concerned with the practice of law. To do that, students will need to enrol on one of the part-time courses that will remain as available as an alternative model. These part-time programmes are likely, as now, to span a two-year period.

It will also be possible for an LPC provider to seek authorisation and validation to run a course that combines the undergraduate or academic stage of training with the LPC in an integrated or combined Exempting law degree. There are yet more options.

Driven by the objective of increasing flexibility and widening access to the profession, the SRA will now permit students to opt for Stage 1 and to disengage from study at the conclusion of that Stage with the intention of resuming their studies in Stage 2 at a later time, and perhaps over an extended period of time. The basic requirement is that the entire programme of study for Stages 1 and 2 are completed within a five year period. Students may also decide to undertake Stage 1 at one LPC provider but to undertake Stage 2 at one or more other provider(s) and so it will be possible, if not common, for students to study with up to four different LPC providers. However, it will not be possible to undertake Stage 1 in this piecemeal fashion, that is, with more than a single provider. The structural changes permit flexibility as to when and where one undertakes the LPC. These changes may be attractive to those students who are self-funding and who may need, for that reason or because of other personal circumstances, to undertake the LPC over an extended period of time. Many of these will be looking for para-legal or related work when not undertaking their LPC studies.

Flexibility in Content

The main subjects forming the programme of study remain largely unchanged. The SRA, through one or more working parties, has done some work on streamlining the learning outcomes for much of the content and to assist with the transition to work-based learning. Stage 1 continues to represent the essentials of most practitioners' work and

thus forms the basic requirement for all trainees; the outcomes effectively set the parameters for all providers in terms of minimum requirements. This Stage of study consists of a wide range of subject areas spanning the three key areas of work or 'Core' and associated aspects of practice. The 'Core' consists of the main areas of practice work: Business Law and Practice (to include Business Accounts and key aspects of Insolvency Law), Litigation, and Property Law and Practice. To these are added study of the rules of professional conduct and regulation, solicitors' accounts rules, taxation, wills and administration of estates, and the five key skills of advocacy, drafting, interviewing and advising, practical legal research, and writing. The LPC remains thus a healthy, if demanding, mix of knowledge of the substance of English law and the ability to apply this to assist clients. Students will develop or acquire a number of skills.

The SRA continues to set learning outcomes for each aspect of Stage 1 to which providers may expand and add specifics to meet their regional and other particular desired outcomes. In this way the SRA learning outcomes set what is known as the 'irreducible minimum' so that less than this is not possible. Flexibility in course content terms is seen in the ability of LPC providers to tailor the particulars of their programme to their particular market, and furthermore the ability to form collaborative ventures such that the delivery and assessment is provided by more than one organisation working in tandem. Most providers will be working to ensure that their own outcomes meet the needs of their regional markets. The focus for the University of Plymouth thus will be on the demands and needs of firms with practice to the west of Bristol.

Stage 2 contains the vocational electives. LPC providers are charged with the duty of devising specific learning outcomes for each of their intended subjects offered to students. Focus on the regional market will be particularly relevant for Stage 2. It will be possible to offer one or more Stage 2 electives to part-time students such as those already working within a practice and who wish to develop their expertise in particular areas. Stage 2 subjects on offer will be relevant to those wishing to re-train or to

return to practice after a career break, even if these students do not need to attain an LPC qualification.

In this sense Stage 2 will have an important potential role in terms of continuing professional development. Most providers will be offering a range of subject areas and for the University of Plymouth the current proposals are to offer a broad range of subjects relevant to the South West with a view to expansion and/ or amendment to ensure the range offered meets market need. Providers such as the University of Plymouth will be anxious to engage local practitioners in the design and review of course stages.

Flexibility in Delivery

There will also be a greater degree of flexibility in terms of course delivery, that is, in the teaching methods and approaches taken. The SRA has set a minimum amount of contact time, equating to 10% of the total study time; and has also set a minimum for the Core, Stage 1 subjects, of 60% of the Stage 1 study time. So there may be more variation across providers in terms of the amount of time spent in class with a specialist tutor and differences in the amount of time dedicated to each aspect of the Stage 1 subjects. There may also be greater variation between providers than before in terms of the number of students in each class.

For the University of Plymouth one of the key themes for teaching and learning is to break down the barriers to learning by the distances travelled by our students to the campus, and the time and money spent in doing so. However, we have charted over the years the strong correlation that exists for our students between attendance in classes as delivered by a specialist tutor and success on the LPC.

We also take the view that small group work proves to be the most successful, if more costly, method of delivery for much of the course. Viewing all these factors together the proposals for the University of Plymouth are designed to meet the needs of each particular subject. We propose that large group sessions, of a maximum of 80

students, will be retained where we consider it necessary and desirable to assist students to learn. Where actual class contact time in a traditional lecture setting is not necessary and desirable the delivery will be by way of podcasts accessible through the intranet. This will enable students to learn wherever and whenever they wish; it will enable students to repeat material as many times as they need and will avoid the problems for those students who for reasons of ill health or other personal circumstance are unable to travel to the campus. This will reduce the number of days of physical presence required on campus to 2-3 per week in place of the current 3-4 days.

We will retain a significant amount of actual class contact time predominantly through small working units of groups of up to 14 students. This provides a different staff:student ratio than is commonly experienced at HE and reflects the demands of a professional programme of study. We are likely to teach in smaller groups than most of the larger LPC providers; our class contact time overall will be appreciably higher than the SRA minimum and higher than some other providers.

Differences in the method of delivery between providers are likely to become apparent by 2009/2010 and this may be one of the issues prospective students should consider carefully before making a choice of provider. It is likely that some providers will offer distance-learning packages with a reduced contact time and increased use of IT as a teaching and learning tool, again perhaps at a reduced price.

Since this article was written the SRA has confirmed that the University of Plymouth is authorised and validated to run the new style LPC from September 2009

To give practitioners a chance to find out more about the new style Legal Practice Course and the impact it will have on practices, the Law Society are hosting a roadshow at the University of Plymouth on 24th June 2009.
More information about this event can be found on page 5.

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

This is your last chance to make a nomination
for the 2009 Cook's and Hatchard's Law Prize ...

THE COOK'S AND HATCHARD'S LAW PRIZE

Members are invited to nominate candidates who meet the criteria set below and who have completed their training contracts in the twelve months from 1 June 2008 to 31 May 2009, for consideration by the Trustees at their next meeting in June 2009.

Please return your nominations
to the DASLS office by
Friday 29 May 2009.

Extract from the Central Register of
Charities maintained by the Charity
Commission for England and Wales

OBJECTS

In the award of a cash prize to be called "The Cook's and Hatchard's prize" to or to be divided between the trainee solicitor or trainee solicitors who has or have completed his, her or their training contracts or (in the unfettered judgement of the trustees) a substantial part thereof in the county of Somerset (as hereinbefore defined) and who (without regard for age) has or have (in the unfettered judgement of the trustees) obtained honours in the academic stage of and / or has or have otherwise shown merit throughout his, her or their period in training. provided that if in any year no candidate is qualified for the prize of that year, the income which would otherwise have been applicable for that prize may to such extent as the trustees think fit be applied in augmentation of the income applicable for the prize or prizes of one or more years next following.

AREA OF OPERATION

Bath and North East Somerset; North Somerset; Somerset.



Interview of the Month:

James Cross, President

Why did you join Devon and Somerset Law Society?

I joined because that is what happened at the firm I was Articled to, namely Boyce Hatton in Torquay, where every new Articled Clerk and Solicitor was automatically put forward for membership of the Society.

What is your dream job?

I am quite happy doing what I am doing but if I was not a lawyer and Managing Partner, then I would have liked to have worked in radio on a current affairs programme. I would love to have been the new John Humphreys on Radio 4 interviewing politicians and putting them through their paces.

What was the most embarrassing moment during your professional career?

There are too many to mention, but on one occasion when I was mitigating many years ago, on behalf of a young man before the Magistrates Court in Exeter, I referred to the Defendant's father who had attended to give that young man some support and who had made the trip to the court despite having a broken leg. I was able to tell the court that my young client had the full support of his family and that was demonstrated by the attendance of his father who, for their information, was the man in the public gallery with his hand on his crutch. The silence that followed was deafening.

Which sort of work gives you the most job satisfaction?

I get a lot of satisfaction from various aspects of the job I do, not least in relation to satisfied clients and really feeling that you have done a very good job and assisted them in achieving their objective. I also value helping staff to advance their careers, and something that gives me a great deal of satisfaction still is winning cases.

What do you do in your spare time?

I do not have a great deal of spare time, but I do enjoy sport including surfing, and running. I enter some 10k races during any year and I play squash. I also read newspapers and books.

What are you reading at the moment?

I am reading a very interesting book called "The Book Thief" by Markus Zusak which I thoroughly recommend.

What is the most recent film you have seen?

Apart from watching a DVD with my youngest daughter of "Angus, Thongs and Perfect Snogging", the last film I went to see at the cinema was with my eldest children when we watched "Defiance" with Daniel Craig.

What is your favourite food?

That is a difficult question as I do enjoy a great variety of foods, but right at this moment a cottage pie sounds good.

What is your favourite restaurant?

My wife is the best cook I know, so no restaurant could beat her cooking.

Where is your favourite holiday destination?

North Cornwall is a particular favourite one, the surfing beaches of Constantine Bay, Booby's Bay and Treyarnon take some beating.

What is your favourite pet?

I think I have got to be loyal to my family cat, Jasmine, so most definitely a moggy.

News from the School of Law and University of Exeter

By Julia Paci, Business and Outreach Co-ordinator, School of Law, University of Exeter

The Law School at Exeter is constantly evolving: developing new study modules, new postgraduate courses and new initiatives for community engagement and career progression. A few months ago I wrote about some of the new study programmes and activities that were taking place this academic year. Here's an update on what's been happening.

Study Abroad

We have selected the first six students who will go into their second year of study on the LLB with International Study programme and spend a third year abroad at either the University of Wollongong, Australia, University of Carleton, Canada or University of Connecticut, USA. Here, Aimee Davies, one of those lucky students explains how it happened:

"After receiving an email congratulating me on my results from my first year, I was told that because of my results, I was eligible to apply to transfer onto the Law with International Study course and spend an extra year studying abroad. This in itself felt like a sense of achievement, and the decision to apply was already made. The thought of being a student for an extra year thrilled me!

The application procedure was quite lengthy. It involved firstly an application form and personal statement, from which I was short-listed for an interview with Dr Greta Bosch and Professor Anne Barlow. Then followed a painful wait over the Christmas holidays to find out if I was successful.

Ottawa was the most practical choice from the placements available. I want to immerse myself completely in university life whilst I am away, and for this, Carleton University appeared perfect. With a vast interest in sport, as well as accommodation on campus, Carleton University was very attractive, despite the cold weather!

I am mostly looking forward to meeting new people and experiencing a culture in a part of the world I have never visited. In addition to this, the diverse choice of modules appeal to my studious side; I want to develop both academically and personally, and this year abroad is the perfect opportunity to do so."

Next year, at postgraduate level, we introduce two new courses, the LLM in International Business Law and Management and the LLM in European Law and Management. If you are interested in viewing the full range of postgraduate courses on offer see <http://law.exeter.ac.uk/postgraduate/index.shtml>

Pro Bono work

Our recent success with the Debt Literacy Project has seen fourteen students deliver workshops and presentation in the five main state secondary schools in Exeter on financial capability. We very much hope that we can continue this project next year and work with Exeter's Citizen's Advice Bureau on developing the materials we use.



Pictured above is Jamie Robson delivering a workshop at Isca College of Media Arts, Exeter. Jamie was asked to take part in a live interview about the project with a student from Isca College for BBC Radio Devon.

Research

Another significant objective is advancing and increasing research activities. In the Research Assessment Exercise 2008, 75% of our research was judged to be of international quality with 10% considered world-leading. Professor Anne Barlow, Acting Head of Law, said: "The strategy of the Law School reflects this commitment to excellence in research. Our research profile includes the doctrinal, socio-legal, historical, theoretical and empirical, and our strategy aims further to strengthen this diversity of approaches and our clusters of excellence. We are advertising a number of appointments at professorial and associate professor level, and increasing our community of postgraduate research students through new graduate teaching assistantships."

Networks

We hope that in spite of the difficult times we face in the current work and financial climates that our relationships with local law firms will continue to thrive. We have some exciting plans ahead to launch a new scheme which will take forward the work of Friends of Exeter Law School. The network this will provide should make it easier for individuals and law firms feel they have a close link to the Law School and become more involved in the work that we do. Please keep looking at our website to check for details: <http://law.exeter.ac.uk/friends/index.shtml>

Remembering

Finally, the John Usher Memorial Fund has been officially launched. As a tribute to this remarkable man, the University of Exeter, with the full support of John's family has launched a fund to remember him. John was a leader in European Law and a great believer in the European project. He also strongly encouraged a comparative approach to legal study. Recognising this, the fund will be used to provide opportunities for law students who share these values. With your help, we can provide scholarships and bursaries for exceptional students who are experiencing financial hardship in areas that John particularly supported while he was Head of the Law School.

Areas we hope to support include:

- A hardship fund for undergraduates studying LLB with International Study;
- A European Law dissertation prize for a student who produces an exceptional piece of written work; and
- Travel bursaries for postgraduate students attending Law conferences overseas.

We welcome contributions large and small from all those who wish to be associated with this Fund and its objectives. All contributors will be recognised with our deepest thanks in our Donor Report.

If you have any questions concerning the Fund, please contact Suzie Bannerman on 01392 269011 or by email at s.n.bannerman@exeter.ac.uk

01392 263372
J.C.Paci@exeter.ac.uk

Heard it on the Grapevine: Wines of Alsace

By Andrew Ford, Quay West Wines

Alsace makes German wine in the French style. This is dictated by climate, soil and choice of grape variety.

Alsace wines are not governed by the French viticulture laws, not least because the region was for a long time part of Germany, and has only been an undisputed part of France since 1945. There are just three designations of origin, (Appellation d'Origine Contrôlée), each of which applies to the whole region; one for the grape variety wines, one for the *grand crus* (superior wines), and finally one for the Cremant d'Alsace (sparkling wines). The grape variety structure also differs from that of other French wine-growing areas, being closer to that of the wine regions on the other side of the Rhine, in Germany.

When the middle part of an earlier mountain range began to sink some 50 million years ago, the parts that survived were the Vosges on the western side, and the Black Forest on the eastern side and are the reason for the success of these eastern facing vineyards. The Rhine now flows through the middle, but the vineyards extend further west, along the lower slopes of the Vosges. The mountains provide warm, protected climatic conditions ideal for viticulture. The geological formation of the rift valley means that sand, pebbles, marl, loess, limestone, clay, slate, granite, and even volcanic rock can form the subsoil, and the character of the wines differ greatly according to the type of soil in which the grapes are grown.

Nearly all still Alsace wines are single-varietal wines, and the most notable seven grape varieties are Riesling, Gewurztraminer,



Muscat, Pinot Gris, Sylvaner, Pinot Blanc, and Pinot Noir, (the sole red variety). Pinot Gris was once known exclusively as Tokay d'Alsace, although it is not related to its Hungarian namesake. The term Tokay is now used only to designate Pinot Gris wines.

Alsace has a long tradition of producing very sweet wines, made from ripe and very ripe grapes. However, growers have only been producing them on a large scale for a few decades. Compared to the world-famous German styles e.g. Beerenauslese and Trocken-Beerenauslese wines, the sweet wines of the Alsace usually have rather less residual sugar, and therefore more alcohol. In this respect they have a greater resemblance to their counterparts from Sauternes.

Should you require any information regarding any particular wine we would be happy to discuss this and please do not hesitate to contact us.

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

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

Telephone: 01392 - 841833

Fax: 01392 - 841996

e-mail: sales@quaywestwines.co.uk

Would you be interested in receiving your newsletter via e-mail?

DASLS have established a 'e-newsletter' format to complement our existing print version.

If you would like to be included on the mailing list for the e-newsletter then please email mail@dasls.com with "e-newsletter" as the subject of your message.

*** The e-newsletter will not replace the print version but will just offer an alternative form of accessing and reading the newsletter. ***

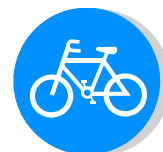
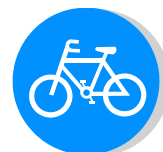
Get Green and Get Fit ... Cycle to Work!

Did you know that under the Government's green travel plan employers can implement a tax exempt loan scheme for their employees to purchase bicycles for commuting? There are a number of organisations that operate the scheme which can be found online using a simple Google search for 'Cycle to Work Scheme'. Further information can be found on the Department of Transport's website at

www.dft.gov.uk/pgr/sustainable/cycling/cycletoworkschemeimplementat5732?page=1#a1000

Firms in Somerset may also be interested in an offer of free cycle stands from

www.lifecycleuk.org.uk/cycle-parking/



DASLS Golf Day

This will take place at Taunton Vale Golf Club on 8 October. There will be team and individual stableford.

The cost will be £27 per player (including coffee and a bacon bap before, and a 2 course meal after the round). Please contact Adam Bradford (adambradford@bhr-law.co.uk) if you are interested in taking part.



Why should you choose DASLS seminars?

We offer a local, cost-effective way for practitioners to gain CPD hours and to keep up to date with current developments in the law. We are responsive to requests for seminars on particular subject matters. Meetings are held with solicitors throughout the year to discuss potential topics and all suggestions are considered. We endeavour to secure high-quality speakers for our seminars, and we welcome suggestions of specialists we can invite.

You can now sign up for the monthly training e-bulletin containing details of all our courses and links to online flyers. Simply e-mail charlotte@dasls.com to subscribe.



Don't forget ...

All DASLS members receive a discount when booking courses.

Mediation Advocacy Training

Thursday 4th June 2009
2.00 - 5.15pm 3 hours CPD
Dr Ann Brady

Protecting the Assets of the Elderly (Yeovil)

Monday 8th June 2009
9.45am - 1.00pm 3 hours CPD
John Thurston

Essential Tax Facts for Private Client Lawyers (Yeovil)

Monday 8th June 2009
2.00pm - 5.15pm 3 hours CPD
John Thurston

Conveyancing of Flats - The Problems and Pitfalls

Tuesday 9th June 2009
9.45am - 1.00pm 3 hours CPD
Richard Snape

Commercial Leases Update

Tuesday 9th June 2009
2.00pm - 5.15pm 3 hours CPD
Richard Snape

Pitfalls of Conveyancing an Insolvent Property

Wednesday 10th June 2009
4.00pm - 6.15pm 2 Hours CPD
Stephen Lawson

Civil Litigation for Paralegals and Support Staff

Monday 15th June 2009
9.45am - 4.30pm
Maggie Hemsworth

Conveyancing for Paralegals and Support Staff

Tuesday 16th June 2009
9.45am - 5.00pm
Alastair Teague

Planning Update for Commercial Property Lawyers

Wednesday 17th June 2009
9.45am - 1.00pm 3 hours CPD
David Forbes

Planning Update for Residential Conveyancers

Wednesday 17th June 2009
2.00 - 5.15pm 3 hours CPD
David Forbes

Effective Billing for Criminal Practitioners

Thursday 18th June 2009
9.30am - 4.45pm 6 hours CPD
Colin Beaumont

Solicitors' Accounts Rules

Tuesday 23rd June 2009
9.30am - 4.45pm 6 hours CPD
Linda Lambert

SDLT Update (Tiverton)

Wednesday 1st July 2009
10.00am - 5.00pm 5.5 hours CPD
Reg Nock

Introduction to Agricultural Law

Thursday 9th July 2009
2.00pm - 5.15pm 3 hours CPD
Geoff Whittaker

International Issues in Family Law

Thursday 9th July 2009
2.00pm - 5.15pm 3 hours CPD
Andrew Commins & Kambiz Moradifar

I'm a Lawyer ... not a Manager no one told me about!

Day One: The Partner as Business Manager and Leader

Wednesday 16th September 2009
9.30am - 4.30pm 5.5 hours CPD
Simon Young

TBA

Tuesday 22nd September 2009
9.45am - 1.00pm 3 hours CPD
Dominic Regan

TBA

Tuesday 22nd September 2009
2.00pm - 5.15pm 3 hours CPD
Dominic Regan

TBA (Tiverton)

Thursday 24th September 2009
9.45am - 1.00pm 3 hours CPD
John Thurston

TBA (Tiverton)

Thursday 24th September 2009
2.00pm - 5.15pm 3 hours CPD
John Thurston

TBA

Tuesday 29th September 2009
10.15am - 1.30pm 3 hours CPD
Peta Dollar

For full course details and prices, simply download flyers from our website:
www.dasls.com

Book via the website or phone Charlotte on 01392 411585

All courses are held in the Exeter area unless otherwise indicated