

# Bulletin



**Welcome! Irashaimasu! Welkom!  
Bem-vindo! Bienvenue! Bienvenidos!  
Willkommen! Hos geldiniz! Witajcie!**  
to our International guests from around the world!  
Including: Japan, Africa, Portugal, France,  
Spain, Germany, Turkey, Poland

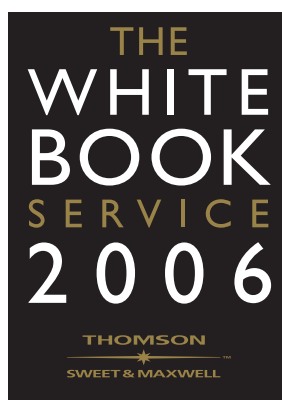
**Have your say on the Assisted Dying Bill**

**Join your Council!**

# THE COMPANY YOU KEEP SAYS A LOT ABOUT YOU

ISN'T IT TIME TO JOIN THE **TENS OF THOUSANDS OF JUDGES, BARRISTERS  
AND SOLICITORS** WHO USE THE WHITE BOOK SERVICE EVERY DAY?

Relied upon today by more judges, barristers and solicitors than any other court book in the country, The White Book is the UK's number one selling civil procedure service. Much more than just a book, The White Book is a comprehensive annual subscription service supported by regular updates that alert you to amendments to the CPR and Practice Directions as they happen. Now complete with *Rapidforms*, the user friendly Court Service forms in editable PDF format, there is no easier way to practise civil procedure.



Order now with our 30-day Satisfaction Guarantee. Call

**020 7449 1111**

and choose the service option that best suits your needs.

# PRESIDENT

## RICHARD FOLLIS

# The Times They Are A-Changin'

A history of Birmingham Law Society was compiled by a past President to mark the 150th anniversary of its foundation. This records that the Society was founded on 3rd January 1818 at a meeting held at the Royal Hotel in Temple Row at which 19 members were enrolled. The Society's first rules speak of "Attorneys and Solicitors resident in Birmingham or within 10 miles thereof". The Law List of the day showed 54 practitioners in what was then demarcated as Birmingham serving a population of some 100,000. Yardley for example was not regarded as being in Birmingham. There was no local bar. The Society's first female member was not to be admitted until 1923. Common form conditions of sale were discussed and drafted at various times for 30 years from 1838 onwards but the practical difficulties of satisfying both vendors and purchasers was thought too great and it was concluded that no adequate advantage would be gained by the attempt. It took until 1871 to agree a form of words (which ultimately were settled by conveyancing Counsel). A proposal for Saturday afternoon holidays in law offices was defeated in 1853 and 21 years later a suggestion to observe bank holidays was abandoned.

How things have changed! Today there are 3131 Solicitors in Birmingham alone with practicing certificates compared to a population of just fewer than 1,000,000. The boundaries have changed of course as too has the work of the Solicitor. In 1818 there were no summary criminal courts. Neither the Assize nor Quarter Session sat in Birmingham. To find an itinerant King's Judge you would have to go to Coventry, Droitwich, Bromsgrove or Wolverhampton. The capital penalty still applied for shoplifting. There was no County Court. Joint stock companies were still 44 years away. 12 common law Judges sat on the bench and the Law List helpfully listed stage coach companies to help lawyers get to London where their cases would be heard in

Westminster Hall or Lincolns Inn. Five Ways was a toll-gate and Heath Street was still heath rather than street. Even the national Law Society did not come along in anything like its present form until 1825.

Within 1 month of being founded the Society resolved to establish a library. Progress did not meet the needs of the profession because in 1831 a group resolved to start a law library by subscription quite separate from the Society. £10 each enabled books to be purchased and the first floor of a Mr Preston's house in Waterloo Street was taken for £80 pa which included "fire and attendance". The Society was thus convinced of the need for a library which it took over the following year. This was housed at various sites over the years until in 1934 the old Temperance Hall in Temple Street was opened by the Lord Chancellor as a fully furnished purpose built library with 18,000 volumes. The outlay was £23,244 raised from reserves and loans from members. In 1956 the Society acquired the freehold in those premises for £12,000 which have remained the home of the Society and its library ever since.

Today the city of 1000 trades has become the city where professional services account for over 108,000 jobs. Law firms practice nationally and internationally. Birmingham is replacing traditional manufacturing industries and their respective exports with professional services an increasing proportion of which is being exported resulting in valuable overseas earnings.

Birmingham grew during the Industrial revolution not because it sat, like most major cities, on a river but because it was a crossroads where conditions favoured enterprise, initiative and innovation. The same conditions hold true today. Nowadays though the legal community comprises and draws strength from not only from the city centre and 10 miles around but



countless lawyers practicing in the surrounding towns and cities. The current membership of the Society reflects that with members coming from Shrewsbury and Telford in the north to Leamington in the south; Hereford in the west to Rugby in the east. During my year as President I have been fortunate to have been able to support a number of international initiatives ranging from greeting a delegation of Chinese State prosecutors to looking at the feasibility of establishing a network of local and overseas lawyers to serve the increasing number of UK purchasers of foreign property. I am particularly proud to be able to welcome to Birmingham delegates to our 2nd International Legal Symposium. The event was established, with support from AWM and the local profession, back in 2004. The programme this year represents the product of countless hours of work by a steering committee of local lawyers, ably led by Christopher Hughes of Wragge & Co LLP, to all of whom we are greatly indebted. It will provide first class training as well as valuable networking opportunities.

I wish our guests an enjoyable as well as rewarding visit to Birmingham. You will find a vibrant legal community ready and able to do business throughout an ever changing world. You should also find Birmingham to be a modern literal and virtual crossroads, ideally placed to transact business in as well as through to the wider Midlands and indeed the rest of the UK.

**Richard Follis**  
President

# CONTENTS

## IN THIS ISSUE

### Bulletin

**Editorial copy to:**

Birmingham Law Society,  
8 Temple Street, Birmingham B2 5BT  
Tel: 0121 643 9116  
Fax: 0121 633 3507  
DX 13100 Birmingham

**Editor:**

Judy Bonegal c/o  
emma@birminghamlawsociety.co.uk

**Advertising Sales:**

Suzie Mitchell, Grace Ralfe,  
Diane Stinton & Alison Whitehead  
sales@pw-media.co.uk

**Designed and produced by:**

PW Media & Publishing Ltd

**Production and Advertising Design:**

Wesley Munslow  
wes@pw-media.co.uk

**Printed By GS Print, Bromsgrove.**

All rights reserved, reproduction in whole or part without written permission from the publisher is not permitted.

The views of the contributors are not necessarily those of the Editor of the Birmingham Law Society.

Produced by

Publishing Services

PW Media and Publishing LTD



2nd Floor, 2-4 St Nicholas Street, Worcester WR1 1UW  
tel: 01905 723008 fax: 01905 612039

### Feature

7

Join our council

### Members News

10-11

Ruby Celebrations  
New trainees strengthening City firm  
New Members

### Feature

12

Wake up to Assisted Dying Bill

### LifeStyle

13

Mr Underhill's – the perfect place to dine

### Legal News

14-15

International Symposium: Hot Topics  
SPS outperforming the market  
X-Factor vs Pop Idol

### Training

18

More courses added

### Recruitment

19

New Year, New Job

## EDITORS LETTER

Birmingham Law Society is delighted to be hosting the second International Legal Symposium this month and through this column and on behalf of the Society I would like to welcome all delegates attending particularly those from overseas.

We hope that you enjoy both the actual conference and also your stay in our city. You will find much to do and see here and will find the hospitality of “Brummies” second to none.

The first international symposium held two years ago was a great success and we feel sure that this one will be even better. I look forward to meeting as many of you as possible during your stay.

**Judy Bonegal,  
Editor**



# New Work and Families Bill Could Leave Employers Holding the Baby

The publication of the Government's Work and Families Bill on 18 October heralded the further extension of "family friendly" policies and has been welcomed by employees across the UK. However, many businesses have been left wondering whether the proposed changes will be a help or a hindrance.

As Andrew Davidson, employment expert at law firm Bevan Brittan, explains, some of the proposed changes will be welcomed by employers: "The clarification that employers can have "reasonable contact" with employees on maternity leave is a positive change. If the Government were to provide some guidance on what constitutes "reasonable" that would be even more welcome.

"Similarly, extending the notice required from one to two months for employees who want to return early from maternity leave is another welcome change."

The proposal which is likely to cause most difficulties for employers is the introduction of up to six months unpaid paternity leave. While this new right will not cost employers directly, it is likely to cause difficulties in the workplace.

Andrew continues: "Employers will have to find temporary cover for staff on paternity leave with all the disruption that causes. Although it is estimated that only between 9,000 to 16,000 fathers will take up their entitlement, it remains to be seen how popular this leave will prove.

"In addition, there is a concern that by providing an increase in unpaid leave, there may be pressure on employers to provide paid paternity leave as an additional benefit."

One other substantial proposal, particularly for smaller employers, is the introduction of the right for carers to request flexible working. The right to request flexible working has been limited to parents with children aged under six to date. Employers should note that the new right will only be to request flexible working and not to be allowed to work flexibly itself, but a failure to follow the prescribed procedure for considering the request could give rise to claims.

## Summary of the Main Proposals

- Maternity leave extended to 12 months but the difference in contractual rights between the first and the second six months of leave and the differences on the right to return remain
- Maternity pay extended to nine months from April 2007 and to twelve months in due course
- Employers to be allowed "reasonable contact" with employees during maternity leave
- Notice of early return by employees on maternity leave to be increased to two months
- "Keep in Touch days" so that employees on maternity leave can come to work during maternity leave without losing maternity pay
- Six months additional unpaid paternity leave for fathers and paternity pay at the flat rate if the mother returns to work before taking her full entitlement to Statutory Maternity Pay/ Maternity Allowance
- Right to request flexible working extended to adult "carers"

Andrew concludes: "While some of the changes are to be welcomed, employers will also be faced with a new set of obligations and challenges. We advise businesses to take note of the changes and be prepared to implement them where necessary."

## If you don't like it, help change it

The Law Society is changing - now is your opportunity to have a say in the future of your professional body

- What do you want from the Law Society?
- How can it help you to practise more successfully?

We want to build a new, reinvigorated Law Society that works harder for you. Tell us what you want. Your input can make a real difference.

Complete the questionnaire at [www.haveyoursaylawsociety.org.uk](http://www.haveyoursaylawsociety.org.uk) or ring 0845 603 1786 for a copy

It's your Law Society, so make sure you have your say.



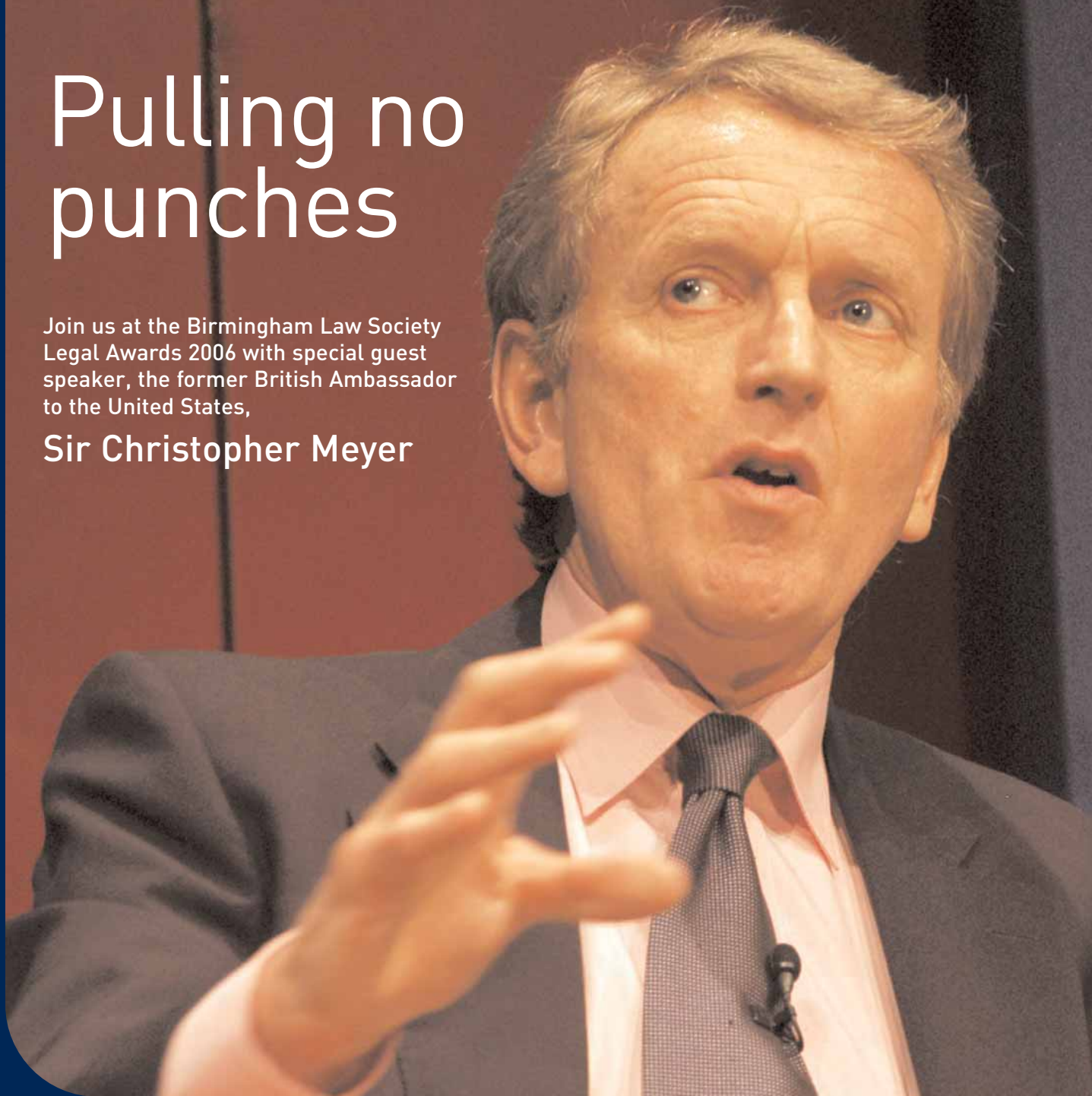
It's your Law Society

**Have  
YOUR  
say**

# Pulling no punches

Join us at the Birmingham Law Society Legal Awards 2006 with special guest speaker, the former British Ambassador to the United States,

**Sir Christopher Meyer**



Currently chairman of the Press Complaints Commission (PCC), Sir Christopher will be speaking at next year's awards ceremony, which is due to be held on 6<sup>th</sup> April, at the International Convention Centre.

legal  
awards **2006**  
BIRMINGHAM LAW SOCIETY

**We anticipate a sell-out – book early to avoid disappointment**

Tables for 10 persons cost £750.00 + VAT and individual tickets cost £75.00 + VAT

To book your table or to reserve a ticket please contact Chantelle Jones on tel: 0121 633 6909, email: [chantelle@birminghamlawsociety.co.uk](mailto:chantelle@birminghamlawsociety.co.uk) or visit [www.birminghamlawsociety.co.uk](http://www.birminghamlawsociety.co.uk)

# As a member of Birmingham Law Society have you thought about applying for a place on our Council?

- Birmingham Law Society represents over 2,500 solicitors in almost 300 practices in Birmingham and the greater West Midlands area
  - It has 9 specialist committees represented by its own Council members, as well as co-opted members who contribute views from across the profession and associated organisations.
  - **Specialist committees include:**  
Civil Litigation ~ Criminal Law ~ Employment Law ~ Family Law ~ Company Law ~ Non Contentious Business ~ Education & Training ~ International ~ Library
  - As a forward thinking, progressive Society we are the largest outside London.
- Our activities include:**
- Recruitment Solutions which places solicitor candidates in suitable positions. Since autumn 2004 we also have a support staff division, seeking to work with secretarial and other office staff candidates, to place them in legal practices.
  - training and professional development seminars for legal and support staff
  - lobbying at local and national government level
  - seeking to assist practices and their clients with reconciling queries and complaints

- a lending Law Library for corporate members
- Successfully launched in 2002, a Birmingham Legal Awards dinner and presentation ceremony to celebrate the wealth of legal talent amongst our members. For 2006, the dinner will be held on Thursday 6 April at the ICC.
- Our website [www.birminghamlawsociety.co.uk](http://www.birminghamlawsociety.co.uk) is fully operation. January 2004 saw the launch of our own referral service, providing us with the ability to refer members of the public to our member firms, by category of work.
- During 2004 we started work on compiling our own database of our members, linked to the firm's referral system. This will be ongoing during 2006.

**Our Council comprises:**

- 24 ordinary members, 10 maximum nominated members representing smaller local law societies within the West Midlands area, as well as specialist groups such as the Sole Practitioners' Group, as well as a number of ex-Officio members (including 6 Officers, national Law Society Council members and Past Presidents).
- A number of places on Council become vacant each year.

Nominations, proposed and seconded by other members, have to be received by the Society by Friday 10 March 2006 at the latest. Our Annual General Meeting for 2006 will be held on Tuesday 26 April in the Law Library of the Society at which, if appropriate, the voting process will take place.

**We seek diversity of representation from amongst the profession**

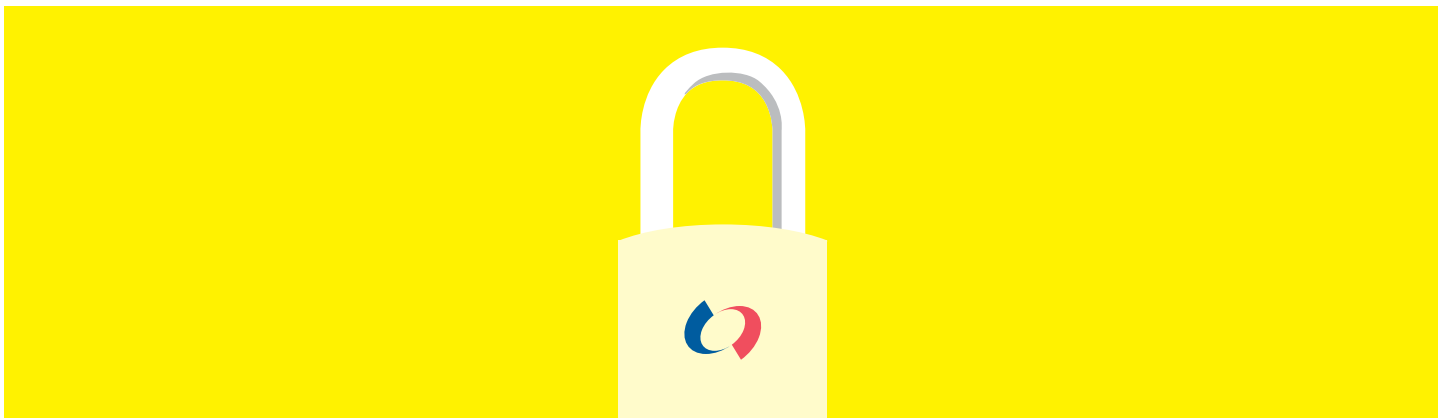
**INTERESTED?**  
Please contact **Audrey Price, General Manager, on 0121 633 6900 for further details and a nomination form**  
E-mail [audrey@birminghamlawsociety.co.uk](mailto:audrey@birminghamlawsociety.co.uk)



**FIRST NOTICE**

**Birmingham Law Society – ANNUAL GENERAL MEETING**  
To take place on Tuesday 25 April 2006, 5.00 pm in the Law Library, Birmingham Law Society

All members welcome



## SYSTEM SECURITY MADE SIMPLE

Network protection is a key issue for any professional services business where client details and legal material may be kept or managed on the system. For Legal Experts Simpson & Co., system security was a key component of our total infrastructure solution. We set up strict authorised access levels, a virus protection regime and backup disaster recovery protocols. We also provide proactive maintenance to ensure security levels are maintained. "This had the potential to be a nightmare," says John Leyshon, Partner. "But Icomm worked with us to ensure a smooth deployment."



FOR A **FREE** SECURITY AUDIT  
CALL ICOMM: 0121 248 7931  
[www.icommtechnologies.co.uk](http://www.icommtechnologies.co.uk)

# Creating the leaders of the future

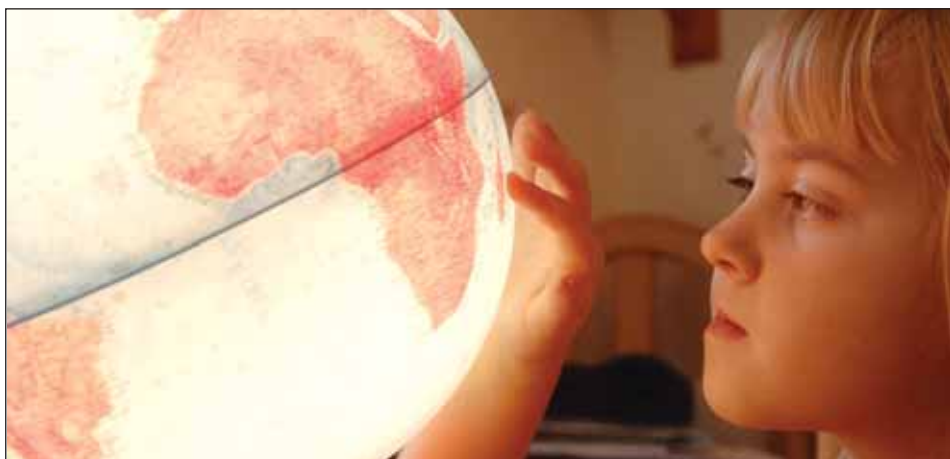
Robert Muckle’s lawyers are trained not only to understand business issues, but are also encouraged to get involved in the wider community – so they are using Common Purpose - a unique style of leadership training. Some of the other law firms who have taken part in Common Purpose programmes include Pinsent Masons, DLA, Clifford Chance and Mills & Reeve.

The ultimate aim of Common Purpose is to improve the way society works by bringing together leaders from private, public and voluntary sectors to share knowledge in order to gain a better understanding of the issues affecting the businesses and community in which they work.

The Tyneside lawyers use the Common Purpose Navigator programme as part of their training and career development of aspiring associates.

The next Navigator programme is running in Birmingham next year from 27-31 March. It is a five-day residential course aimed at up and coming leaders from across the West Midlands. It helps participants think about society in broader terms and focuses on some of the big issues that face the region – covering everything from transport and crime to diversity and skills shortages.

One of the unique selling points is the cross-sector make-up of the group – which means you aren’t networking with people you already know. The other is the input from senior business leaders from across the region. Common Purpose has been running programmes in the West Midlands since 1990 and has the support of many leading figures and companies across the region.



Each day has a different theme relating to the major challenges facing businesses, and business leaders, today – focusing on leadership, power, risk, change and vision. All the activities within the week are based in reality – from the external challenges presented to the group – to the visits to the prison – and the talks from senior business figures. Another benefit is that all sessions take place under Chatham House Rules so participants have the opportunity to engage in open and honest debate with speakers, in a way that is unlikely to happen under normal circumstances.

Since 1989 more than 60,000 people have been involved in Common Purpose and over 16,500 leaders – from across the UK – have completed one of our programmes. The programmes aim to create better leaders – which can only benefit the

organisations they work for – and stronger networks and communities.

But don’t take our word for it – David Williams, Senior Partner, Edwards Geldard Solicitors says: “The quality of advice which I can now give my company’s clients is definitely enhanced due to the contacts and information I gained through Common Purpose. We continue to put our senior people on Common Purpose because of the positive benefits to our company.”

**For more information, visit [www.commonpurpose.org.uk](http://www.commonpurpose.org.uk) or contact: Louise Teboul or Katie Jarand of Birmingham Common Purpose on Birmingham@commonpurpose.org.uk or tel 0121 625 3269.**

## Informal networks and lovable fools

One of the areas looked at when completing a recent long term project on knowledge sharing in a law firm was the use of informal networks as a means of knowledge sharing within organisations.

As part of my research I asked people within the organisation whether they knew the best person to look for if they needed help on a particular legal problem or project that they were working on. Not too unsurprisingly people knew who was the expert on a particular aspect of the law and also they placed an economic value on that information and avoided using knowledge from people that was not considered to be of benefit.

However recent research in the US & Europe has also highlighted that work partners aren’t only tapped for the knowledge that they can bring but also for their likeability.

From a study covering 10000 working relationships across 5 organisations researchers have discovered four archetypes for teams

1. The competent jerk – they know a lot but are unpleasant
2. The lovable fool – who doesn’t know much but is a delight to work with
3. The lovable star – who is a delight to work with and knows a lot
4. The incompetent jerk well they are easy to categorise and desperately avoided

Of course we know that every person would like to work with no 3. However the research highlighted that people would rather work with the lovable fool above the competent jerk. Probably you know people within your firm that if you created a matrix as below you could populate it fairly easily

		Likability	
		Low	High
Competence	High	<b>Competent Jerk</b> Mostly avoided	<b>Lovable Star</b> Desperately wanted
	Low	<b>Incompetent Jerk</b> Desperately avoided	<b>Lovable Fool</b> Mildly wanted

However the lovable fool does play an important part in a team. This is because they are liked by a large amount of people they can act as bridge builders for the team and bring in other diverse groups that might not normally interact with one another. So although their performance skills may not be as high as numbers 1 and 3 they tend to make up for it in their bridge building skills.

Of course that leaves the competent jerk. People may not want to work with them in a team and of course people may improve through coaching or being held to account for their behaviour. (It is amazing that many of these people don’t see their poor behaviour for the effects that it has on people). However a lot of these people do tend to work better in isolated settings or by careful re-positioning.

I’m not saying that when you are creating teams you should not have a little bit of grit in it. It avoids the dangers of group think where a group of similar people all work together will give you a limited range of perspectives and people may not be willing to criticise people that they know and like. However a diverse group provides an array of perspectives, which can lead to a better way to accomplishing the task and thus providing added value for you and your client.

**Andrew Trickett of Mazarin provides managerial training to professional service firms and can be contacted at [andrewtrickett@mac.com](mailto:andrewtrickett@mac.com) or on 0121 706 5520**



# Regulation Report

## IPS Limits Triple

The maximum compensation payable to clients for inadequate professional service ("IPS") has just increased threefold from £5000 to £15000. This new financial limit will apply to all complaints after 1 January 2006 irrespective of the date of receipt of the complaint.

The rationale for this increase is a political one in common with all recent and anticipated changes to the regulation of the profession. In a press release Department for Constitutional Affairs Minister Bridget Prentice stated:-

*"This is good news for consumers. Currently anyone who has a serious complaint against a solicitor has to go to court if they seek compensation of more than £5,000. After one poor experience with the legal profession, these consumers then have to hire another solicitor and undergo what can be a lengthy and expensive process.*

*We want a fair deal for the consumer. By raising the ceiling to £15,000, this means that many more consumers will be able to gain adequate redress, without having to pursue the case further in court."*

Yet again the Government waves its magic wand and improves life for the consumer - if only it were so simple.

The magic only applies in certain limited circumstances. Compensation for IPS is based on the impact of poor service on the client specifically for distress and inconvenience and can also include direct financial loss if supported by evidence. For example

poor service during divorce proceedings may attract because of the higher stress level more compensation for the client than during a conveyancing transaction. It is important to note that professional negligence claims for whatever amount without any allegations of poor service will continue to be dealt with under the existing system i.e independent legal advice and resort to legal proceedings so no change there for the consumer.

The Indicative Awards Guidance on the Law Society website divides compensation awards into three categories -modest under £250; significant £250 to £500 and serious £500 to £5000. The Consumer Complaints Service ("CCS") is in the process of updating these guidelines and issuing technical guidance but it is not anticipated that the average award will triple.

In practice, the CCS deals with the majority of complaints of poor service on an informal basis by telephone and reaches agreement between the parties on a conciliated basis. If the complaint is not conciliated a detailed report is prepared by a caseworker at the CCS and a Law Society Adjudicator will then make an appropriate award of compensation. Under the new system, the CCS will be able to consider claims for compensation exceeding £5000.

How straightforward will this be in reality? Solicitors should deal with all complaints in accordance with Practice Rule 15 (costs information and client care) and not just advise the client that they have referred it to insurers.

Complaints handling partners must liaise with their insurers from an early stage. They may be required

under their indemnity policy to notify the complaint to insurers even if they resolve it themselves. They may also be required to notify insurers of payment of an IPS award.

Many solicitors have an excess on their indemnity insurance policy well below £15,000. An excess of £5000 for a small practice is not uncommon. Such practices will be looking to their insurers to pay the compensation. It is important to note that insurers will compensate for direct financial loss but unlike the CCS will not consider costs reduction or compensation for distress and inconvenience, which will have to be met by solicitors personally.

The involvement of insurers in IPS complaints where they are not involved at present may cause delay in the IPS procedure. Unless insurers take a broad brush proportionate approach and conciliate the complaint at an early stage one can foresee some time consuming arguments from defendant insurer solicitors on mitigation and causation. This may also result in increased indemnity insurance premiums for some firms depending on their claims record.

To end on a positive note, the good news is that the majority of awards for IPS are under £500 so hopefully the profession will not be troubled regularly by this increased limit.



**Jayne Willetts**  
Solicitor Advocate and Partner  
with Hammonds, Birmingham

## Professional Skills Course (PSC)

Professional  
Development  
Qualifying course

# The PSC that takes you further

Choosing the right training provider for your PSC is an important decision. At The College of Law, we've designed a PSC that will expand your knowledge, as well as your confidence.

Here's a selection of upcoming electives in Birmingham:

Bail & Mitigation - 7 March

Civil Litigation Drafting Skills - 4 April

Mediation (Alternative Dispute Resolution) - 13 March

Employment Practice - 4 April

Family Law Advocacy - Domestic Violence - 28 March

Drafting Commercial Leases - 4 May

### Contacting us

For a full listing of core modules and electives in Birmingham and further information about the PSC, talk to the Professional Development Client Services Team on 01483 460384 quoting reference **LSP0206** or e-mail [psc@lawcol.co.uk](mailto:psc@lawcol.co.uk). Alternatively, visit [www.college-of-law.co.uk](http://www.college-of-law.co.uk) to check course availability and to book on-line.

*A Lifetime of Quality Learning*

**The College of Law**   
of England and Wales

# MEMBERS

## MERGERS • APPOINTMENTS • AWARDS



### Ruby celebrations for Midlands solicitor

Thursfields celebrated a jewel within their midst last month as solicitor, Anita Underwood reaches her ruby anniversary of 40 years with the firm.

As a result of many years hard work and dedication Anita's role has developed tremendously during her 40 years working for leading Midlands based solicitors, making her one of the longest serving members of staff.

At the end of 1965 Anita left her previous role with law firm, McNaught and Simpson, to undertake the role as legal secretary at Thursfields.

In 1981 Anita studied for and passed her legal executive fellowship qualification with a distinction, whilst working full-time and caring for her two children.

After spending 24 years at the Kidderminster office, in 1989 Anita was transferred to the firm's Stourport base where she remains to date. And in 1991, Anita again demonstrated her commitment to both the field of law and Thursfields, by passing her solicitors finals - first time, whilst still maintaining full-time hours and devotion to her family.

She specialises in property and probate matters maintaining a large client base and advising on numerous property cases including a recent successful defence against the supermarket giant Sainsbury's.

Anita said, "I am very excited to have reached 40 years with Thursfields, the firm are excellent to work for and I am one of the very lucky people who enjoys getting up for work each day.

"The staff and partners I have worked with over the years have made the job all the more pleasurable, Thursfields has a very supportive and vibrant working environment.

Nick O'Hara, partner at Thursfields said, "Anita is a very committed and determined member of my team and she has a fantastic rapport with clients - she is an extremely valued solicitor and a real credit to our firm."

Bill Heaselgrave, senior partner at Thursfields said, "We are very proud to celebrate Anita's 40 year anniversary with the firm, her work and reputation speaks for itself and we hope to celebrate her golden anniversary with us in the not too distant future."

### Talbots Invest in Future Expertise

Local solicitors firm, Talbots, which has been enjoying rapid and successful expansion of late, has now demonstrated its commitment to the provision of quality legal services well into the future by taking on a trainee solicitor.

Lisa Pickering has recently joined the firm and is already making a mark having gained experience with another legal practice beforehand and therefore being able to work effectively for clients from the start.

Lisa is dedicated to work involving family, matrimonial and children issues.

Senior Partner, Martyn Morgan, says "Lisa is already proving to be a very capable lawyer and we are delighted to have been able to recruit such talent to the firm.

"It is not just her that is learning" he continues. "Lisa has had the benefit of recent intensive legal training and this means that, sometimes, she is able to keep us abreast of recent legal developments, thereby saving the need for us to spend a long time on detailed research. Our clients benefit from this too in that saved time equals saved expense."



### Robin Simon LLP

Law Firm Robin Simon LLP have recruited Paul Chaplin, a lawyer with over 20 years experience in professional indemnity with Pinsent Masons. Paul joined on 3 January, further strengthening the specialist team in the Waterloo Street office of the niche insurance practice, acting on behalf of national and international clients.



Paul Chaplin and Robin Simon team

### BTTJ Birmingham

Brindley Twist Tafft & James Solicitors held a Christmas drinks reception at Blue Mango with special guests 'Ali G' and 'Pavarotti'!

#### BRINDLEY TWIST TAFT & JAMES BLUE MANGO CHRISTMAS RECEPTION



Picture David Wilkins

Penny Barnes, Poonam Mangal, 'Ali G' (Ray Wade) and Russell Homer

## Shakespeares Movers & Shakers



Tim Lawrence has been appointed as a Partner at Birmingham-based law firm Shakespeares as a specialist in asset finance litigation.

Tim will be responsible for business development and for work with new and existing clients. He aims to deliver effective results across the full spectrum of asset finance, assisting finance companies with recovery of vehicles, equipment, unpaid rentals and damages arising from the breach of all types of finance agreement.

Commenting on his appointment, Tim added: "Shakespeares has an excellent reputation earned by striving to deliver a high quality service to an impressive number of business clients. It certainly has a strong presence in the financial services sector both locally and nationally and I look forward to developing and strengthening this



The Family Law team has been strengthened at Shakespeares with the recent appointment of Sian Kenkre as Assistant Solicitor to the department.

She will be responsible for advising and representing on all aspects of Family Law including divorce, children matters and the settlement of financial matters on relationship or marriage break down.

Qualifying in 2003 with Higgs & Sons, Sian spent 12 months of her training contract in the family department.

Commenting on her appointment she said: "I'm committed to family law and delighted to have the opportunity to work with Zahra to build upon my own experience and to expand and enhance the reputation of the Shakespeares family team both locally and nationally."

Zahra Pabani, Head of Family Law at Shakespeares and Chair of Resolution added: "Sian is proactive by nature and has a keen understanding of how to satisfy the specific legal and emotional needs of matrimonial clients. She has shown a high regard for the confidentiality and sensitivity required by clients in this area of law and she will be a true asset to the team and the firm."



Pictured: (l-r) New trainees Matt Dudley, Richard Griffiths and Tara Fishwick with senior partner, Ian Shovlin

### Calibre of New Trainees Demonstrates Higgs & Sons Continuing Growth

Higgs & Sons, has continued to strengthen its ranks by taking on three new trainee solicitors.

Matt Dudley, Richard Griffiths both 22 and Tara Fishwick 23, have all recently joined the firm.

Matt Dudley joins Higgs & Sons following a law degree at Birmingham University and legal practice course at the city's College of Law. Matt said of his move: "Higgs & Sons is so well respected throughout the West Midlands, I am really looking forward to completing my training and progressing my career here."

Sport also features high on the agenda for second trainee Richard Griffiths who, before joining Higgs coached youngsters at Wolverhampton Wanderers. Richard completed his law degree at Birmingham University and his LPC at the city's College of Law.

Warwick University graduate Tara Fishwick also completed her legal practice course at the College of Law, Birmingham. Tara is looking forward to gaining experience across the full range of work offered by Higgs. Before joining the firm, Tara travelled extensively, visiting Japan, Peru and Chile as well as spending a year studying in Holland.

## New Members

New Members who have joined the Society following the Council Meeting held on 25 January 2006

Firm	Solicitor	Date of Admission
Martineau Johnson	Jinder Jhuti	01 May 2002
Davisons	Andrew David Mason	03 Sep 1968
Davisons	Inderjeet Deu	15 Sep 2004
Davisons	Roxene Bailey-Bradshaw	01 Sep 2004
Davies & Partners	Simon Hocking	15 Sep 2005
Beachcroft Wansbroughs	Caroline Alison Ling	01 November 2004
Beachcroft Wansbroughs	Francisca Downes	15 August 2005
Beachcroft Wansbroughs	Melissa Ann Munday	01 Nov 2004
Beachcroft Wansbroughs	Tracey Butcher	01 Oct 1992
Beachcroft Wansbroughs	Malea Grace McFarlane	15 August 2005
Beachcroft Wansbroughs	Ayesha Khaliq	15 March 2004
Shakespeares	Irfan Sadiq	01 April 2004
Sydney Mitchell	Lorraine Rosemary Smallwood	01 Dec 1992
Thursfields	Janet Patricia Humphries	15 Dec 1982
Iverson-Holmes Solicitors	Jane Anne Phillips	15 Nov 1989
Wragge & Co LLP	Lindsay Caroline Yuill	15 Sep 2004
Mills & Reeve	Anna Louise Cowley	15 Sep 2005
Roskell Davies & Co	James Roskell	15 March 2005
Shakespeares	Sian Elizabeth Kenkre	15 Sep 2003
Keely's Solicitors	Trevor John Wright	15 May 1981

## BIRMINGHAM LAW SOCIETY COUNCIL CO-OPTED

Birmingham Law Society is pleased to announce that the following solicitors have been co-opted to Council:

Sarah Trendell-Smyth, Beachcroft Wansbroughs  
Amrik Kandola, Eversheds  
Andrew Lancaster, Anthony Collins Solicitors

David Reynolds, a partner at Higgs & Sons, who for many years sat on Council representing Dudley & District Law Society retired last October. The new Dudley & District Law Society representative is Ian Shovlin, Senior Partner of Higgs & Sons, who was welcomed to his first meeting of the Council at the end of January 2006.



# Wake up to Assisted Dying Bill, Urges Birmingham Law Society

The legal profession is failing to engage in the current debate on patient-assisted suicide.

Birmingham Law Society, which represents the largest legal community outside London, claims that solicitors are “sleepwalking” their way to “awesome new responsibilities”, which could see them tasked with signing away the lives of terminally ill patients.

The Assisted Dying for the Terminally Ill Bill recently received its first reading in the House of Lords.

The Bill’s intention is “to enable a competent adult who is suffering unbearably as a result of a terminal illness to receive medical assistance to die at his own considered and persistent request.”

Under the proposals, two doctors must agree a patient is terminally ill with less than six months to live; the patient must sign two declarations that they wish to die, one of which must be witnessed by a solicitor who is satisfied that the patient “is of sound mind and has made the declaration voluntarily”.

According to Jon Lloyd, a council member at Birmingham Law Society and chairman of the Birmingham branch of Solicitors for the Elderly, the proposals are controversial and place the legal profession right at the heart of the moral debate over a person’s right to die.

Despite the pivotal role a solicitor will be expected to play in the process, the legal profession has not been consulted. In contrast, the medical profession has made its opinions clear.

The British Medical Association has adopted a position of “neutrality” on the issue, stating the legal status of assisted suicide is “primarily a matter for society and Parliament.” The Royal College of Nursing and Royal College of General Practitioners, on the other hand, are both opposed to a change in the law.

Mr Lloyd expects the legal profession to be equally divided.

He said: “The arguments for change are based on an individual’s right to self determination, faced with a prognosis of pain and/or loss of faculties.

“Those against the proposals express concern about the vulnerability to pressure, however subtle, of, in particular, elderly people; the rapid advances in the availability of palliative care to control pain and the dangers of the ‘slippery slope’ once the principle of sanctity of life is compromised.

“But whichever side of the moral fence you lie, quite whether you are prepared to sign what amounts to a death warrant is another question.”

Mr Lloyd is also concerned about how the process will work. Charging is a particular concern.

“Charging for such a ‘service’ could prove distasteful to many members of the profession.

“As an indication, solicitors are already required to satisfy themselves as to a client’s mental capacity to create a will or Power of Attorney. The charges

for this could vary anywhere between nothing and £1,500 depending on how much time is involved in a particular case. But how do you compare this with witnessing a Declaration that a client wishes to end their life?” he added.

Anecdotal evidence has emerged from Oregon in the USA – the only place other than Holland where assisted dying is an option – regarding the emergence of an ‘industry’ dedicated to witnessing patient’s dying wishes.

To test opinion within its own membership, Birmingham Law Society has issued a postal and e-mail questionnaire. Responses are requested by 17 February, 2006.

Once collated, the findings will be sent to the Government. The Bill, a Private Members’ Bill, has a long way to go – it must be debated and passed by both Houses of Parliament - so Birmingham Law Society urges other solicitors to make their voices heard.

Mr Lloyd said: “Although the profession has not been proactively consulted, there is now a short window to make our concerns known to the legislators. We hope that Birmingham Law Society’s survey will act as a wake-up call to the profession. Otherwise, we could potentially be sleepwalking our way to some truly awesome new responsibilities”

A leading independent day school  
for girls and boys 2½–11 years

Call in and see us

**Hallfield School**  
Educating Tomorrow's Leaders

**Hallfield School**

48 Church Road, Edgbaston, Birmingham B15 3SJ  
Telephone: 0121 454 1496 [www.hallfieldschool.co.uk](http://www.hallfieldschool.co.uk)



# LIFESTYLE

EAT • DRINK • PLAY

## Mr Underhill's

Dinham Weir, Ludlow, Shropshire, SY8 1EH

Telephone: 01584 874431 [www.mr-underhills.co.uk](http://www.mr-underhills.co.uk)

2006 marks Chris and Judy Bradley's 25th anniversary as Mr Underhill's and they are promising to make it the best ever. This will be a remarkable achievement as Mr Underhill's already has one Michelin star and is the only starred restaurant in Ludlow that also offers accommodation. Although I have never stayed the accommodation looks lovely, it has all recently been refurbished and is set in one of the prettiest parts of Ludlow.

We managed to get a cancellation table for two on a Saturday night, as always the restaurant was full but we put our names on the waiting list and prayed. Judy called on the Wednesday to say she might have a cancellation but would confirm it on Friday. After exciting the palette it would have been so cruel if would have been the Thai in Ludlow instead!

Dinner at Mr Underhill's consists of a 7 course-tasting menu for the princely sum of £40 - £46 – the menu always changes to reflect the season and they can cater for special diets with notice.

On the evening we dined we started with a beautiful smooth Almond veloute with crispy chorizo, followed by a rich and perfect combination of Foie gras custard with sweetcorn cream and sesame glaze. This was followed by my favourite course of a Pave of Brill with coriander and ginger this was a marvel of food combinations that left my palette crying for more. The next course was Breast of Perigord duck with leaf parsley, savoy cabbage farci with duck confit. Cooked to perfection with a substantial parcel of vegetables that would complete most peoples 5 fruit and vegetables a day in one sitting. To clear the palette a lovely popcorn sponge with caramel parfait was served, wonderfully light and fresh. For the final course I selected cheese and a lovely mixture of English and local cheese served with homemade breads came on a platter, perfectly ripe and presented. My dining partner selected a dessert of apple and ginger crumble, brave choice I thought after such a lovely meal, but this was no nursery food – a sophisticated, melt in the mouth topping covered just cooked pieces of fruit. Finally we were served with coffee and petits fours – a plate full of homemade chocolates and cafeteria coffee. They looked too many to eat but as we lingered over our coffee they just melted away!!

Service throughout was extremely good, attentive without being too bothersome or stuffy.

It is Chris and Judy's philosophy to have a good selection of half bottles to allow you fine wines to match the menu. This a lovely touch when only two are dining particularly if one is driving, to accompany our meal we selected two half bottles from Mr Underhill's comprehensive range:

Wine St Aubin 1er Cru le Chateniere – Roux – 2002 £35 for a whole bottle. This lovely Chardonnay from Burgundy is much copied by never beaten by the new world. Its' complexity matched the flavours in the first courses perfectly.

Le Benjamin de Beaugard, Pomerol 2000 £38 for a whole bottle  
Château Beaugard is one of the few Bordeaux Pomerol properties to actually have a château, a classic 18th century building that was designed by a pupil of Victor Louis. Under the management of Vincent Priou, the estate produces finely crafted and supremely elegant Clarets. This is one to revel in over the next ten years. Made with merlot grapes it should only improve over the next few years

Mr Underhill's is the perfect place for a romantic meal, to celebrate a win, to mourn the loss of a client or just because.....

For a fine selection of pearls  
**ANJA POTZE**  
FINE JEWELLERY  
4 Friar Street, Worcester t: 01905 20944 e: [shop@anjapotze.co.uk](mailto:shop@anjapotze.co.uk) [www.anjapotze.co.uk](http://www.anjapotze.co.uk)

**Cheltenham College**  
GIRLS AND BOYS 13 to 18 BOARDING/DAY

**13+ OPEN MORNING**  
**SATURDAY 18 MARCH**

*Academic Et Non Academic Scholarships available*

To attend this informal morning  
please contact us on 01242 265662  
or email [admissions@cheltcoll.gloucs.sch.uk](mailto:admissions@cheltcoll.gloucs.sch.uk)  
[www.cheltcoll.gloucs.sch.uk/cc](http://www.cheltcoll.gloucs.sch.uk/cc)

# LEGAL NEWS

## HOT TOPICS ON THE AGENDA AT INTERNATIONAL LEGAL SYMPOSIUM

Lively debate is expected when two of the legal profession's current hot topics are on the agenda at the forthcoming International Legal Symposium, which is to be held in Birmingham early in the New Year.

The Symposium, which takes place from February 10 - 11 2006, is the second to be hosted by Birmingham Law Society and reflects the increasing amount of overseas work being undertaken by the Midlands legal community. As part of the busy programme, delegates from Europe and beyond will have the opportunity to join in two Panel Sessions on the highly topical issues of Money Laundering, including Proceeds of Crime, and Human Rights and Terrorism.

The session on Money Laundering will be led by Alison Matthews, Money Laundering Reporting Officer with Irwin Mitchell in Birmingham. "This is undoubtedly one of the hottest topics in the UK at the moment but there's an increasing realisation that the fight against money laundering is a global one" says Alison, who is also a member of The Law Society's Money Laundering Taskforce.

"It impacts not only on lawyers but on the financial services industry. And while European legislation is pretty much in harmony on this one, other jurisdictions around the world will place different demands on the legal profession. I'm really hoping to get a feel for what lawyers from different jurisdictions think about this at the Symposium."

## Employment Contracts: It Doesn't Pay to be Idol

Whilst X Factor mastermind Simon Cowell and Pop Idol creator Simon Fuller recently settled their legal battle over claims of staff poaching and for want copying, the case has highlighted the problems many businesses face when former employees join competitors.

The £100 million legal battle was set to outline claims from Fuller including breach of contract by Pop Idol production staff who defected to X Factor, despite signing contracts that prohibited them from working for a rival TV show.

In reality though, what can employers do to protect their business against employees going to work for a competitor or even setting up on their own - and taking customers and valuable intellectual property with them? Helen Badger, employment law expert at Browne Jacobson, gives advice on how employers can limit the damage of staff defection.

Phil Shiner, Principal of Public Interest Lawyers, will be leading the session on Human Rights and Terrorism. Amongst the subjects up for discussion are the connection between the Iraq War and terrorism in the UK, the threat to the international legal order posed by the War on Terror and the standards of behaviour of British Armed Forces in Iraq. "This is undoubtedly a controversial issue which has provoked much discussion here in the UK" says Phil, "so it will be good to get the view of our overseas counterparts."

The Panel Sessions form part of a busy two-day programme of events which will include an invitation to the prestigious President's Dinner at which the guest speaker is Sir Digby Jones, Director General of the CBI. The President of The Law Society, Kevin Martin, will also be making the opening key note address at the Symposium on the morning of Friday 10th February.

The Symposium will also include workshop sessions led by specialists drawn from across all areas of legal practice across the Midlands whilst an accompanying social programme includes an evening of music at Birmingham's renowned Symphony Hall. Bookings have already been received from delegates in France, Italy and Romania and further information and booking forms are available from Audrey Price at Birmingham Law Society.

The most obvious step is to include clauses in employment contracts restricting the activities of the employee after termination of employment. If this is the case, like Simon Fuller, employers have two potential claims:

1. A claim against the employee for breach of contract, allowing the company to seek an injunction preventing the employee from going to work for this competitor

2. A claim against the employee's new employer for inducing them to breach the contract.

The latter is likely to be more lucrative as the new employer is likely to have deeper pockets than the employee, in this case Cowell has an estimated fortune of £50 million.

However, before including this protection in employment contracts, employers must consider several X Factors:

1. The general legal principle on "restraint of trade" clauses is that these are unenforceable unless they are a proportionate means of protecting a legitimate business interest.

## MAJOR IMPROVEMENT IN LEGAL ACCESS FOR DEAF AND HARD OF HEARING PEOPLE

The Legal Services Commission (LSC) has now confirmed its recent decision to cover the costs of British Sign Language Interpreters for deaf and hard of hearing people accessing legal services also covers the costs of other types of Language Service Professionals such as Lip-speakers and speech- to-text operators. A move warmly welcomed by RNID, the leading charity representing the 9 million deaf and hard of hearing people in the UK.

The LSC agreed to meet the costs of providing sign language interpreters for deaf British Sign Language (BSL) users who wish to access legal services at the end of October this year.

The LSC decision to provide funding for BSL interpreters and other Language Service Professionals, comes after intense lobbying from RNID, the Disability Rights Commission, the Law Society and the Legal Aid Practitioners Group.

Simon Robinson, Senior Legal Officer with RNID's Legal Casework Service, says: "Deaf people have found it very difficult to get legal advice to claim their rights as full citizens as interpreters had not been provided. This has raised serious human rights issues. RNID is pleased that the LSC will now fund all language service professionals to enable deaf people to access legal advice."

2. Employers should consider what specific business interest needs protecting - is it know how, customers, intellectual property?

3. Employers can then develop a proportionate means of protecting this - for example, how long does the restriction need to last, can it be narrowed down to a specific geographical location, can it be narrowed down to a certain group of customers?

4. The more limited the restriction the more likely it is to be enforceable. For instance, "a rival show" may be too broad a definition whereas "a show based on a pop talent contest format" is more specific.

5. In general terms, clauses should be restricted where possible to a limited time period (6-12 months depending on the seniority of an employee) and clauses about non-solicitation of customers should relate only to customers the employee has dealt with during last 6-12 months.

**Helen Badger is an employment law expert at Browne Jacobson. For more information, please contact 0115 676 6253 or visit [www.brownejacobson.com](http://www.brownejacobson.com)**



PETER ADKINS,  
PARTNER AT PUTSMANS

## Yell.com and Putsmans launch new Business CD

Putsmans and Yell.com have launched their new business CD at Old Trafford.

Putsmans Solicitors have been centrally involved in the production of a new interactive business CD designed to assist smaller owner managed businesses with their day to day legal and business problems.

For many years Birmingham based solicitors, through Partner Peter Adkins, have been involved with various Trade bodies helping with their legal needs. The past 4 years the practice has run a legal helpline for the Institute of Plumbing, Heating Engineers (IPHE) and the Institute of Incorporated Engineers (IIE).

Through the running of helplines it became apparent that a number of problems Putsmans were being contacted about were common to a large number of members. Peter Adkins started a problem solving initiative by providing guidance notes to help members with their day to day problems.

The project expanded from a document based system to an interactive CD. Apart from comprehensive legal documents the CD includes information from experts in a range of business sectors that have developed information on business procedures to help smaller businesses in their day to day management and development. Amongst others contributions have come from Yellow Pages, Applecore Designs and Courtprice Insurance.

Peter Adkins said: "This has been a project of ours for nearly 3 years and I am delighted to see it come to fruition. I am confident that this will be of major benefit to businesses in the SME sector. Without the help of the IPHE this would have remained another project waiting to happen and we are very grateful to them for their help".

The CD will retail at £45+VAT. If you are interested in obtaining a copy please contact Peter Adkins on 0121 237 3050.

**For further information please contact  
Peter Adkins - Putsmans  
DDI: 0121 237 3050  
Email: peter.adkins@putsmans.com**

# Age Discrimination New Rules for Retirement

There has been much talk on the new Age Regulations which, although currently in draft form, from October 2006 will make it unlawful to discriminate against employees and potential employees on grounds of their age.

The Regulations bear many similarities with other discrimination legislation but there are some exceptions not least the fact that direct and indirect age discrimination can be objectively justified.

Perhaps one of the more unique aspects of this legislation is in relation to retirement. The Regulations will allow employers to retire employees or set a retirement age at 65 or above. This is known as "planned retirement". A "planned retirement" will also take place where the employer has informed the employee of the retirement date at least 6 months before. An employer having a retirement age of 65 or under would have to objectively justify such a retirement age to avoid being found to have discriminated on grounds of age.

Although a retirement may be 'planned' this does not prevent an employee commencing a claim of unfair dismissal as the Regulations will also remove the upper age limit on unfair dismissals. However, a "planned retirement" will be a potentially fair reason for dismissal and there is a heavy burden of proof on an employee wishing to argue that dismissal was not due to retirement but for some other reasons. Where the reason for dismissal is retirement it is then for the employer to demonstrate that the dismissal is procedurally fair. This will require the employer to show that he has followed the duty to consider procedure which the Regulations provide must take place prior to retirement.

The duty to consider procedure comprises a number of steps. In essence it requires the employer to inform the employee in writing of the employee's right to request to work beyond retirement age. This must be done at least 6 months before the retirement date and no longer than 12 months before. The employee must also be informed of the intended retirement date. Failure to comply with this initial duty can result in compensation being awarded to the employee of up to 8 weeks pay.

Failure to inform the employee of the intended retirement date and the right to request to work beyond retirement age will result in the dismissal being automatically unfair. There is an exception to this and this is where the employer has informed the employee of both prior to dismissal even though this is not within the prescribed time periods. The initial consultation document proposed that provided this information was communicated to the employee two weeks before the dismissal then the dismissal would not be automatically unfair. It is not known whether this period will remain at two weeks in the final draft regulations.

Where between one year and six weeks before the retirement date the employee requests to work beyond retirement age, the employer will have to consider the request. This requires the employer to hold a meeting with the employee and provide the employee with its decision within 2 weeks. A right of appeal has to exist against the decision.

This procedure is clearly a significant change from how most employers deal with retirement. Consultation on the draft Regulations finished in October 2005 and it is expected that the draft Regulations will be put before Parliament in early 2006.

## SOLICITORS PROPERTY SHOP OUTPERFORMS THE MARKET

Solicitors Property Shop ended 2005 on a 20 per cent year-on-year increase in registrations from 2004 to 2005, despite a general market slowdown.

Throughout 2005, the property market in England experienced something of a slowdown in terms of sales volume. This was particularly marked through the first two quarters of the year when sales volume across England was down by 30.8 per cent.

The market recovered somewhat in the third quarter of the year, perhaps stimulated by the Bank of England's decision in August to cut interest rates to 4.5 per cent (from 4.75 per cent). Although the Royal Institution of Chartered Surveyors (RICS) reported an increase in buyer interest in the third quarter of 2005, sales volume in England over this period still fell compared with 2004, although by the lower level of 15 per cent.

Ron Smith, chief executive SPS, said: "Sales figures from SPS suggest that the company outperformed the market as a whole in each operating region through the first three quarters of 2005. In the Midlands, for example, where SPS recorded an

increase in sales of 22 per cent through three quarters, the Land Registry reported a reduction in sales volume of 25 per cent."

SPS South, with property Shops in Leicester, Bromsgrove, Wolverhampton, Stoke-on-Trent, Worcester and Birmingham, among others, saw growth of 62.6 per cent, Maggie Husband, regional manager SPS South, said: "January has been very busy so far and we have six new member firms launching in the next few months. This is boosted by the fact that we are the fastest-growing independent estate agency in Leicestershire."

The average number of properties marketed through SPS at any given time in 2005 was up by 67 per cent up on the level observed in 2004.

Last year, total sales volume across SPS rose by 10.2 per cent from 1,192 to 1,313. In SPS South the number of residential properties sold rose by 46.2 per cent. Total sales value for SPS rose by 23.5 per cent from 2004 to 2005 and now stands at £164.3 million.

**Lorna Wharton  
ESPC (UK) Ltd**

# Carriage of Justice

**Birmingham to London up to  
£35 cheaper than Virgin**

Travel with Chiltern Railways from Birmingham Snow Hill, Moor Street, Solihull or Warwick Parkway and you can turn up and go direct to Marylebone from just £15 return. At peak times, our return fare of £65 is an incredible £35 cheaper than the equivalent Virgin Trains fare to London Euston.

Trains run twice an hour right through the day, around 9/10 of them arriving on time.



## COSTINGS

### FOR A QUALITY COSTING SERVICE - CONSULT THE EXPERTS

- Bills of costs for all cases
- Points of dispute and replies
- Fast turnround service
- Statements and summaries
- Drafts on disk or by e-mail
- Full detailed assessment service
- Collection and delivery by courier
- Free telephone advice

A well-drawn bill can pay for itself as well as saving time for fee-earners. Our precedents are used in *Butterworths Costs Service* and *Matrimonial Costs by Martin Cardinal*.  
*Members of the Association of Law Costs Draftsmen*

**Harry Birks**

LEGAL COSTING SERVICES

Tel: 0121 355 6525 DX: 714237 Sutton Coldfield

Birmingham's largest firm of law costs draftsmen

The  
**John M Hayes**  
Partnership

**When you have concerns  
about existing costing  
arrangements, you need  
a firm which:**

- ▶ Delivers a professional costing service, in house if necessary
- ▶ Will collect and return files within ten working days
- ▶ Is 'on your doorstep', experienced, supportive and responsive
- ▶ Can deliver draft bills on disk or by email, to suit you
- ▶ Gives free telephone advice
- ▶ Avoids hidden charges

The John M Hayes Partnership -  
Tel: 0121 643 0001 DX: 13207 Birmingham

The John M Hayes Partnership has nationwide locations

[www.johnmhayes.co.uk](http://www.johnmhayes.co.uk) [www.johnmhayes.co.uk](http://www.johnmhayes.co.uk) [www.johnmhayes.co.uk](http://www.johnmhayes.co.uk)

## EXPERT WITNESS

### FORMEDECON LTD

Forensic and Economic  
Services

Handwriting and  
Documents

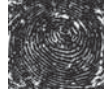


DNA Analysis  
Drink Drive Toxicology  
Vehicle Examination  
Fingerprints  
Evaluation of Loss of Income  
Glass, Paint, Soil, Foot and Toolmarks  
Road Traffic Accident Reconstruction  
Control and Restraint  
Biological Material and Trace Evidence  
Blood and Fibres  
CCTV and Video Enhancement  
Martial Arts Weaponry and Protocol  
Forensic Photography

Unit 41, Enterprise City, Spennymoor DL16 6JF  
Tel: 01388 811003 Fax: 01388 811918  
[www.formedecon.com](http://www.formedecon.com) DX 60185 FERRYHILL

## PRIVATE INVESTIGATION

### FINGERPRINT • ANALYSIS



DEVELOPMENT  
EXAMINATION  
ASSESSMENT  
REPORT  
BRIEFING  
EXPERT WITNESS

A fully independent consultancy service from an ex-Home Office advisor with over 48 years experience in all aspects of fingerprint and crime scene work, standards, legislation, and development techniques.



**Peter M. Swann, FAE, FFS, RFP**  
35 Woodlands, Horbury, Wakefield,  
West Yorkshire WF4 5HH

Telephone Wakefield 01924 264900 (Office)  
01924 276986 (Home) 01924 265700 (Fax)



## Want to stand out?

Advertising in the Birmingham Bulletin is an effective way to get your company noticed

Contact our sales team on 01905 723011

## TRANSLATIONS



**Brasshouse Translation, Interpreting  
and Accessible Information Services**

High quality translation and experienced interpreters in over 50 languages for all legal needs. Qualified court interpreters. All work covered for legal indemnity.

BTIS, Brasshouse Centre, 50 Sheepcote Street,  
Birmingham B16 8AJ  
Tel: 0121 303 1619. Fax: 0121 464 0561  
e-mail [btis@birmingham.gov.uk](mailto:btis@birmingham.gov.uk)

## BIRMINGHAM LAW SOCIETY

# CONTINUING EDUCATION PROGRAMME

Alexandra Price  
 Direct Line: 0121 633 6905  
 www.birminghamlawsociety.co.uk

## Course List for February - July 2006

MORE COURSES TO COME FOR FIRST 6 MONTHS OF 2006

Please photocopy and return this form to:

**Alex Price,**  
**Birmingham Law Society**  
 8 Temple Street,  
 Birmingham B2 5BT  
 DX 13100, Birmingham 1

Please book me on to the following courses.  
 (Please give course title and date)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

My cheque for £ ..... is enclosed.

Please add VAT to the Prices Shown

Your name:

Practice:

DX/postal address:

e-mail address:

### Birmingham Law Society 2006

Date	Time	Level	Mem	Non-Mem
15/02/06	10:00	Trips, Slips & Mishaps	Personal Injury	225 330
16/02/06	10:00	Basic Wills & Probate for Support Staff	Support Staff	80 95
16/02/06	14:00	Advanced Wills & Probate for Support Staff	Support Staff	80 95
22/02/06	14:00	The Legal Cashier's Update	Support Staff	80 95
23/02/06	14:00	Sharing Property with the Elderly	Family	125 150
24/02/06	14:00	Guaranties Warranties and Indemnities	Company/Commercial	125 150
27/02/06	14:00	VAT Update	Management	100 125
07/03/06	14:00	Paralegal 1 Practicals - How To Commence Litigation Proceedings under CPR	Civil Litigation	125 150
09/03/06	14:00	Confidence, Assertiveness & Time Management	Support Staff	125 150
14/03/06	14:00	Current Developments in Sentencing	Criminal	125 150
15/03/06	10:00	Child Abuse Compensation Claims	Family	200 250
16/03/06	10:00	Basic Civil Litigation	Support Staff	80 95
16/03/06	14:00	Advanced Civil Litigation	Support Staff	80 95
20/03/06	14:00	Money Laundering Update	Management	100 125
23/03/06	10:00	PI Update	Personal Injury	225 330
27/03/06	12:00	Criminal Law Update	Criminal	200 250
29/03/06	09:15	Practical Planning Issues for Conveyancers	Property	125 150
30/03/06	09:30	Tupe, including 2006 reforms	Employment	125 150
30/03/06	14:00	Harassment, Stress & Bullying Update	Employment	125 150
03/04/06	14:00	Shareholder Agreements/Articles of Assoc Family Businesses	Company/Commercial	125 150
04/04/06	14:00	Paralegal 2 How To Maximise PL Claims and Costs under the PreAction Protocol	Civil Litigation	125 150
05/04/06	10:00	Understanding Medical Evidence	Personal Injury	225 330
19/04/06	10:00	Procedure for PI Lawyers	Personal Injury	225 330
03/05/06	10:00	Liability in Road Traffic Accidents	Personal Injury	225 330
08/05/06	09:30	Management Course Stage 1	Management	200 250
09/05/06	09:30	Management Course Stage 2	Management	200 250
10/05/06	14:00	Paralegals 3 How To Maximise PL Claims and Costs under Court Actions (3)	Civil Litigation	125 150
17/05/06	09:30	Inquest Law	Civil Lit/PL/Criminal	200 250
22/05/06	14:00	CSA's - Making it work - Making it pay	Family	125 150
23/05/06	10:00	Everyday Advocacy Skills	Personal Injury	225 330
24/05/06	10:00	Accidents at Work	Personal Injury	225 330
02/06/06	10:00	Essential Non Lawyer Skills	PL/Management	225 330
06/06/06	14:00	How to Produce Effective Press Releases	Management	125 150
09/06/06	14:00	Practical Drafting Commercial Leases from Negotiation to Final Documentation	Company/Commercial	125 150
12/06/06	14:00	Reception Skills & Client Care	Support Staff	80 95
13/06/06	14:00	Tactics to Maximise Claims and Costs for Clients	Civil Litigation	125 150
14/06/06	AM	Professional Indemnity Insurance and Managing You Risk - NEC Conference	Civil Litigation	TBA TBA
14/06/06	PM	ASBO's & CASBO's - NEC Conference	Criminal	TBA TBA
20/06/06	14:00	Advising the Suspect at the Police Station	Criminal	125 150
21/06/06	14:00	Family Law Update	Family	125 150
22/06/06	10:00	Effective Legal Secretaries	Support Staff	125 150
22/06/06	14:00	Leading and Managing A Law Firm	Management	125 150
26/06/06	14:00	VAT on Land & Property	Property	100 125
27/06/06	14:00	Preparing and Presenting Ancillary Relief Cases with Confidence	Family	125 150
29/06/06	10:00	Basic Conveyancing	Support Staff	80 95
29/06/06	14:00	Advanced Conveyancing	Support Staff	80 95
04/07/06	14:00	Practicalities of Selling the Family Business	Company/Commercial	125 150
05/07/06	14:00	Criminal Law & Procedure	Support Staff	80 95
06/07/06	10:00	Basic Civil Litigation	Support Staff	80 95
06/07/06	14:30	Advanced Civil Litigation	Support Staff	80 95
07/07/06	10:00	Accidents at Work Essentials	Personal Injury	225 330
18/07/06	10:00	Basic Wills & Probate for Support Staff	Support Staff	80 95
18/07/06	14:00	Advanced Wills & Probate for Support Staff	Support Staff	80 95

## STOP PRESS

### NEW YEAR - NEW COURSE PROGRAMME

94 Courses confirmed for 2006  
 Details currently being finalised for further courses throughout the year.  
 Lots more courses for 2006 coming your way  
 Extensive Course Programme

Suggestions for courses and speakers should be forwarded to  
[alex@birminghamlawsociety.co.uk](mailto:alex@birminghamlawsociety.co.uk)

For more information on the Birmingham Law Society training days please visit [www.birminghamlawsociety.co.uk](http://www.birminghamlawsociety.co.uk) or contact Alex Price at the Birmingham Law Society on 0121 633 6905, email [alex@birminghamlawsociety.co.uk](mailto:alex@birminghamlawsociety.co.uk)



Recruitment Solutions

# New Year, New Job?

Have you returned after the Christmas break with a resolution to review your career options? If so it would be a pleasure to discuss potential opportunities with you. New Year resolutions are typically long forgotten by the third week of January though as you settle back into the old routine. This inactivity will possibly serve you well (a solid career history is the most valuable asset of any CV) however it also can make you vulnerable to headhunter approaches. They appreciate that whilst you would like to consider other opportunities you do not do anything about it. However in most cases reacting to spectacular 'too good to be true' headhunter roles is the wrong way to develop your career.

Firms are always losing good lawyers to roles presented by headhunters. Discussing this problem with partners they feel almost powerless to counter the offers. The lawyers have been so flattered and swept away by the thought that they have been specifically identified by the firm that they fail to consider whether the move is right for them now or fits with their long term career plan.

This is unsurprising and reflects the emotional reaction that candidates adopt when approached by headhunters. I see many candidates who have made a wrong move and very often it has been because they were charmed by a headhunter into believing that a firm and role was the perfect career move for them because the firm had identified and approached them. Active identification of key individuals by the client does indeed happen but in a very small minority of cases normally at the most senior levels of the market. Most headhunting however is indiscriminate and conducted because the agency does not have suitable candidates on file. It may also be that the role and/or firm is unattractive and the candidates they do have are not interested, they of course will not tell you that.

When approached you need to be wary. Please consider the following:

- The headhunter is largely unconcerned with your career plans they are focused on making a fee out of the client.
- Firms normally use headhunting as a last resort. It costs more than other recruitment methods and takes time. It may therefore be the case that they have failed to recruit a number of times, you need to find out why?
- Rather than accept headhunter spin, question how you were identified. Who recommended you and why? Ensure that the headhunter is not simply trawling through Law Society listings contacting individuals without thought or care.
- Are you ready to move on? Periods of consolidation in your career are vital but will not be possible if you react to every headhunter approach.
- Will the position develop your skills and experience? What will the firm offer you in the longer term? Again, why are other candidates not interested?

My recommendation to firms facing continued headhunter assault is first and foremost to stop the calls getting through with stricter switchboard control. If however it is too late and one of your team is planning to leave - work through the questions above with them. If they are still determined, let them go with your best wishes and if you would be keen to have them back make sure they know that.

**Kay Graham**  
 Managing Consultant  
 Recruitment Solutions from Birmingham Law Society  
 Direct Line 0121 633 6906  
 Mobile 07776 243280  
 Email [Kay@birminghamlawsociety.co.uk](mailto:Kay@birminghamlawsociety.co.uk)



**Kay Graham**  
 Managing Consultant  
 Direct Line: 0121 633 6906  
 Mobile: 07776 243280  
 Email: [Kay@birminghamlawsociety.co.uk](mailto:Kay@birminghamlawsociety.co.uk)

Please contact Kay Graham if you are a Lawyer, Legal Executive or experienced Paralegal/ Legal Assistant and you are considering your career options. Our discussion will be confidential and we aim to provide meaningful advice and guidance to support your long term career development. We recruit for firms across the midlands at all levels and can offer you a unique insight into our member firms



**Sally Jones**  
 Direct Line: 0121 633 6901  
 Mobile: 0788 4182658  
 Email: [sally@birminghamlawsociety.co.uk](mailto:sally@birminghamlawsociety.co.uk)

Contact Sally Jones to discuss your support requirements. We have a number of candidates who are keen to utilise and develop their skills within firms across the Midlands - from front of house receptionists to legal secretaries. Phone now for a friendly chat and see how we can help you and your recruitment needs.

## STOP PRESS

### COMMERCIAL LITIGATION NQ LAWYERS PERSONAL INJURY NQ LAWYER

We are currently working with a major commercial city firm seeking to identify three newly qualified /up to one year ppe lawyers to take on positions within their Commercial Litigation and PI teams. It is planned that these recruits will develop and become partners in the longer term. Their client list is impressive and the quality of work superb.

### COMMERCIAL LITIGATION 2 to 4 YEARS PQE LAWYER COMPANY COMMERCIAL 2 to 4 YEARS PQE LAWYER

Growing niche practice very quickly establishing themselves as UK leaders in specialist commercial field is keen to recruit two ambitious lawyers to handle new client work. This business has made a dramatic impact on their competition and offers exceptional opportunities to lawyers looking to work closer with their clients and take on early responsibility. They are a real alternative to the large firms but offer the same quality of work.

### FAMILY LAWYER 2 to 4 YEARS PQE

One of Birmingham's leading family teams handling both private and publicly funded matters is seeking to recruit an experienced divorce and ancillary relief specialist. This highly skilled and well-regarded team will offer excellent career development opportunities.

### CHILDCARE LAWYER

Established publicly funded specialist practice. Strong and committed childcare team with growing caseload needs additional support at senior levels. Childcare panel membership is essential.

### FAMILY LAWYER

Niche practice with commitment to handling publicly funded work seeks a Solicitor or Legal Executive to join busy team handling largely publicly funded caseload. This practice enjoys an unrivalled reputation in the market place for professional excellence.

### HEAD OF PRIVATE CLIENT - PARTNER

Major Commercial firm with successful Private Client department is looking to make a key appointment with a new Partner. Full responsibility for leading, managing and marketing the team. The ideal candidate will have eight years plus experience and a determination to excel.

### WILLS & PROBATE LAWYERS Sutton Coldfield/Bromsgrove

Strong High Street practices with established Wills & Probate teams need additional resources to support growing client demands.

## CANDIDATE UPDATE

We have a number of newly qualified lawyers together with many experienced specialists interested in making a move. We meet with all candidates and as a consequence have a clear understanding of their skills, experience, strengths and career ambitions. Understanding candidates and your recruitment needs enables us to work quickly and effectively.

Please contact Kay Graham at Recruitment Solutions if you would like further details of available fee earner candidates.  
 If you are looking to fill secretarial or other support positions please call Sally Jones



Easy like Sunday morning

Simply call us with your legal indemnity query and you'll not just get an answer over the phone. You'll also receive faxed confirmation of the quotation within 15 minutes!\* It's that easy. Put us to the test. Call us now on 01603 617617.

*fastfax*

Faxed confirmation of your telephone quotation within 15 minutes



[www.countrywidelegal.co.uk](http://www.countrywidelegal.co.uk)

01603 617617

The company that revolves around you

For advice, premium indications or an information pack, please contact:  
Countrywide Legal Indemnities, 51 Crispins, Duke Street, Norwich NR3 1PD  
Telephone 01603 617617 Fax 01603 622933 DX 5261 Norwich  
Email [enquiries@countrywidelegal.co.uk](mailto:enquiries@countrywidelegal.co.uk)

\*95% of faxes have reached you within the 15-minute deadline with the remaining 5% taking an average of 20 minutes.

All policies underwritten on behalf of Liberty Legal Indemnities at Lloyd's  
Countrywide Legal Indemnities is authorized and regulated by the Financial Services Authority.  
Firm Reference Number 311764