

THE WRIT



JOURNAL OF THE LAW SOCIETY OF NORTHERN IRELAND

International Client Counselling Competition

This year the international finals of the Louis M Browne Client Counselling competition were hosted by Stetson University School of Law. The Institute team of Steven Keown and Ciaran Maguire, having won the regional Law Society of Northern Ireland final, headed out to Stetson at the beginning of April. Stetson is located in Florida so as well as packing some books, they also packed shorts and swimming trunks - at least Steven did - Ciaran does not believe in exposing his knees to the fresh air. I was fortunate enough to accompany the team as coach.

Each year the International Competition Committee chooses a topic for the competition. This year's topic was environmental law. Twelve teams competed - Australia, New Zealand, South Africa, Jamaica, Cayman Islands, England, Scotland, Republic of Ireland, Hong Kong, USA, Canada and Northern Ireland.

On the first day each team had to interview two clients - each very different personalities with quite different environmental law problems. Actors played the part of the clients. They were fully briefed with background material and were asked to behave in a totally consistent manner for all teams. At the end of this first day six teams moved forward to the semi-finals. We were pleased to find that Steven and Ciaran were still in the competition at that stage. Their provisional plans to party that night were shelved.

The next and final day of the competition dawned hot and sunny - nothing new there - we were, after all, in Florida.

The first problem of the next day involved a dubious character who was engaged in the business of illegally importing an endangered species. Since he was not the most forthright of clients, this only became apparent after some very astute questioning on the part of our team. At the end of this round, and much to our delight, the Northern Ireland team moved into the final round against the team from Scotland. The final round took place in the courtroom of the Law School in front of an audience comprised of the other teams, coaches and supporters. As if this were not daunting enough, the whole interview is video taped for posterity. Our team elected to go first, Scotland second.

For this round, a judge, who is a keen amateur actor, played the part of the client. I have no idea how good a judge he is but he can certainly act! He was the client from Hell! Steve and Ciaran, nonetheless, held their nerve and were the consummate professionals. Sadly for us, the Scottish team also put in an excellent

performance and emerged as the winners.

As readers may remember the Institute team won this competition last year when it was hosted by New Zealand. Paddy McGrath, one half of the winning team, was able to come to Florida. Sadly, Anita Hanna, his teammate, was not able to attend - something to do with a forthcoming wedding, I think. Paddy was delighted to come to Florida and was very grateful to the Competition Committee for agreeing to sponsor his trip. It was

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Professor Teply (left) presenting the certificate to the Northern Ireland team, runners up in the 2002 Louis M Brown International Client Counselling Competition, Ciaran Maguire (centre) and Steven Keown (right).

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Ciaran Maguire and Steven Keown arrive in Florida.

also extremely understanding of his office, Damian Murray and Co, to let him go at very short notice. It was great to have Paddy along and he was a great source of help and advice for the team. He was also a fund of information in relation to the standard and proximity of various beach bars.

His ability to glean important information in a very short space of time is quite remarkable.

At the closing banquet Paddy presented the plaque to the new winners from Glasgow - Strathclyde Graduate School of Law - Kathleen Carlin and Edward McAvinchey.

As ever, a great deal was learnt over the days of the competition. New friendships were forged and contacts from all over the world were established. It is a tremendous opportunity for students to participate in this experience. Thanks are due to the Law Society, Belfast Solicitors' Association, Queen's University and other sponsors for making it possible for the team to attend. Thanks are also due to Steven's firm - Bogue and McNulty and to Ciaran's firm - Mclvor Farrell for their financial contribution, for allowing the team the time to participate in the competition, and for their general support and encouragement. I can assure all of these generous sponsors that they have good cause to be proud of the team and their excellent performance. It was a real triumph to get into the final against such stiff competition. Steven and Ciaran were also great ambassadors for Northern Ireland and the Institute. It was hard to go to a competition as defending titleholders but they ensured that, whatever the result, we would come back proud of them.

Anne Fenton, Director, Institute of Professional Legal Studies

Yes, we have no bananas

Readers will have noted the recent suggestions in the media that we may be about to see supermarkets, banks, building societies and other institutions offering a range of legal services to the public. There have been headlines in the national press such as 'Order your Solicitor at the Check-Out' (The Times), and 'Pile 'em High, Sue 'em Cheap' (The Independent). All of this stems from consideration by the Law Society of England and Wales of a change in its regulations governing solicitors employed by commercial organisations.

It is ironic that these changes are under consideration at the very time when the Enron saga and the 'NOVA' case have highlighted dramatically the overwhelming importance of preserving the core values of the profession, in particular independence, the avoidance of conflict of interest and confidentiality.

Part of the problem with this debate is that it tends to be unbalanced. With some notable exceptions, much of the coverage to date misses the issues of principle involved. One of the more perceptive journalistic voices has been that of Michael Prowse in an article in the Financial Times written over a year ago, which has now proved prophetic. I make no apology for quoting it at some length:

"The 'Rule of Law' is a pre-requisite for markets and competitions. Yet this doesn't mean we should treat the legal personnel necessary to underwrite the capitalist system in exactly the same way as the commercial ventures that seek profits within its framework of rules. The historical treatment of the law as 'different' may embody more wisdom than we now appreciate.

Suppose, for instance, that an unfortunate chain of events leads to your being tried for a murder you know that you have not committed. Is the barrister who represents you in Court, and who perhaps determines whether you retain your liberty, engaged in the same kind of activity as



the seller of bananas? More prosaically, when an elderly widow seeks legal advice on her will, should she conceive of herself as engaging in a trade with a company whose motivation is profit maximisation?

My answer to both questions would be, No Law can no more be conceived as an ordinary consumer good than can medicine. And part of the reason for this is that good lawyers should be trying to do more than merely satisfy customers' desires in the most profitable way they can devise. Like doctors, their task in part is to question the desires of their clients and to point them in the directions that objectively meet their needs, while also upholding the impartial standards of the law itself.

The professions are different, in short, because they serve our needs, not just as consumers but also as citizens." (Michael Prowse, Financial Times, 17th March 2001)

In the year which has passed since those words were written, much has happened to confirm that Prowse's fears were justified. The Enron saga has given rise to renewed debate about the dangers of conflict of interest. And in the 'NOVA' decision, (the initials stand for Nederlandse Orde van Advocaten) the European Court of Justice has recognised that there are important values which not only transcend unbridled competition, but which justify and require protection in the public interest.

Briefly, the NOVA case concerned two members of the Dutch Bar who wished to practice as lawyers in partnership with two of the Big Five accountancy firms (one of them was Arthur Andersen). The Dutch Bar declared that the proposed partnerships were contrary to their regulations. The European Court of Justice held that the regulation in question was valid, as the Dutch Bar "could reasonably have considered that the regulation, despite effects restrictive of competition that are inherent in it, is necessary for the proper practice of the legal profession as organised in the member state concerned."

In the course of its judgement the Court said:

"Account must be taken of its [the Bar's] objectives, which are here connected with the need to make rules relating to organisation, qualifications, professional ethics, supervision and liability, in order to ensure that the ultimate consumers of legal services and the sound administration of justice are provided with the necessary guarantees in relation to integrity and experience...The current approach of the Netherlands...is that the essential rules adopted for that purpose are, in particular, the duty to act for clients in complete independence and in their sole interests, the duty, mentioned above, to avoid all risk of conflict of interest, and the duty to observe strict professional secrecy...The Bar of the Netherlands was entitled to consider that members of the Bar might no longer be in a position to advise and represent their clients independently and in the observance of strict professional secrecy, if they belonged to an organisation which is also responsible for producing an account of the financial results of the transactions in respect of which their services were called upon and for certifying those accounts."

It seems clear that the reasoning and significance of the NOVA judgement are not limited either to particular circumstances in the Netherlands nor to the debate on the particular form of structure known as a multi-disciplinary partnership. Contrary to much of the spin from the proponents of reform, the ECJ clearly regarded issues of structure and control to be important, recognised that effective regulation was necessary to guarantee and protect consumers' interests by securing the core values, and considered that

cosmetic arrangements (Chinese walls) do not work for this purpose. It would seem that the tide of opinion may be turning against the assumptions that these changes are inevitable. It seems clear also that scepticism is growing as recognition grows that any reform needs to proceed by reference to considerations other than just commercial expediency.

The issue is captured neatly in the resolution adopted in 2000 by the American Bar Association House of Delegates, declaring that:- "the sharing of legal fees with non-lawyers and the ownership and control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession."

Similarly in its March 2002 issue "Commercial Lawyer" reported that - "In-house lawyers and corporate finance directors still distrust MDPs. Five years ago 88% told Commercial Lawyer that they preferred independent law firms. Today that figure has gone up to 92%...The 1998 survey revealed an optimistic minority among our respondents. They expressed a hope that MDPs would offer advantages to

them. ...The current survey contained no such comments. On the contrary, there was disillusion. "One-stop shopping is a marketing ploy", said one. Another commented bitterly: "It makes good sense to have two views of relevant matters. You pay for both either way!"

Where does this leave the debate in England? At the English Law Society's recent Council debate some elements of the reform package were rejected (notably proposals to diminish regulatory control over fees - sharing and referral arrangements, which proposals had serious implications for the guaranteed independence of the solicitor). It was ultimately agreed that the sort of deregulation originally proposed could happen only if some way could be found of ensuring that "third party clients of an employed solicitor should benefit from the same level of protection as that available to clients of a solicitor in private practice." Most of us feel that this will be an almost impossible task, but we shall see.

Alan Hewitt, President

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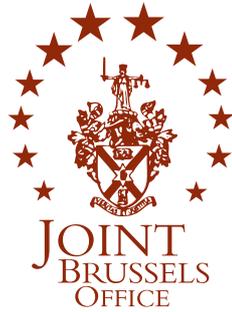
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NEWS FROM THE BRUSSELS OFFICE

Proposed directive on working conditions for temporary workers

The European Commission published a draft Directive on 20th March 2002 on working conditions for temporary workers. At present, available data suggests that the temporary agency sector accounts for 1.4% of total employment in the EU, and 2.1% in the UK with 90% of assignments being for less than six months.

The main principle is one of non-discrimination in working conditions between temporary workers and comparable workers. At the same time it is mindful of the flexibility afforded to employers relying on such workers. The proposal aims to provide equal pay and conditions for temporary workers who have worked at the same undertaking for over six weeks, as permanent workers at a comparative level. Possible exceptions to this are

- For objective reasons
- Where a collective agreement exists stipulating the rights of temporary workers and providing them with an adequate level of protection
- Where the temporary worker has an open-ended or permanent contract with the agency and is paid even on days when not assigned, and
- Where no comparable workers or collective agreement exist, in relation to the temporary worker or to the user undertaking.

The proposal will now proceed to the European Parliament and Council for agreement by co-decision. They must agree on terms for it to come into force.

Copies of the proposal can be obtained from the library.

Law Reform Advisory Committee for Northern Ireland

The Law Reform Advisory Committee for Northern Ireland has published its Twelfth Annual Report, covering the period from 1st January 2001 to 31st December 2001. Copies are available from the Secretary, Clare Irvine, Lancashire House, 5 Linenhall Street, Belfast, BT2 8AA. Telephone: 028 90 542900, e-mail: clare.irvine@dfpni.gov.uk

Notice of Judicial Appointment

Please note that the Lord Chancellor has appointed Mr Francis Justin Farrelly as HM Coroner for the District of Fermanagh and Omagh. Mr Farrelly's appointment is of immediate effect and this appointment is substantive. The temporary arrangements that have been in operation in the District relating to Mr Kincade and Mr Thompson are now no longer in force.

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WEB WATCH

The web is a fabulous source of information. Many compare it to an on-line encyclopedia. But they are wrong to do so. For nothing peddled by the sales staff of any encyclopedia was ever free and searchable quicker than the time it normally took to send their salesmen packing.

With over two billion web pages now indexed by search engines such as Google, it is often possible to get straight to the information you are looking for. However, sometimes we know that information will be published on the web at some stage in the future but that it is not yet available. For example, a new

statutory instrument on the HMSO web site. Checking every day on the off chance that it is finally in the cyberlibrary can be a laborious and time consuming process.

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Solicitor 'Helplines'

The use of telephone advice lines as a means of attracting clients to a solicitor's practice is growing.

'Helplines' are a legitimate way to attract business. There are no ethical difficulties with that, provided the solicitors concerned comply with the provisions of the Solicitors' (Advertising, Public Relations and Marketing) Practice Regulations 1997.

However, when using a 'Helpline' as a means of attracting the public, solicitors should remember that they are still subject to the Society's regulatory framework, and in particular are required to act in the best interests of the client; to avoid conflicts of interest; and not to do anything which may impair a solicitor's ability to give best advice or damage his independence; or the

client's own right to choose a solicitor of his choice. In this regard, solicitors need to be aware of keeping meaningful written attendances.

There is potential for liability even in the giving of 'informal' advice, and irrespective of whether it is given by a qualified solicitor or unqualified staff member.

If the object of the 'Helpline' is only to give free initial advice, care should be taken to exclude any implication that the solicitor has accepted a retainer. In all circumstances, proper procedures must be employed to minimise allegations of civil liability, and to avoid the risks of giving advice without full instructions.

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May

Whiplash Injuries

At Law Society House Friday 24th May
from 12.30pm to 2.00pm
By Mr Adair
1 hour CPD

June

Occupational Stress Claims

At Law Society House Thursday 20th June
from 12.30pm to 2.00pm
By Mr David Ringland QC
1 hour CPD

The cost of each lecture will be £10.00 for members of BSA and NIYSA and £20.00 for non-members.

A light lunch is available from 12.30pm onwards, included in this price.

Booking Form

Name _____ Firm _____
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 Lecture(s) _____
 Enclosure _____
 Suggestions for further lectures _____

Booking forms and cheques should be sent to BSA c/o Karen Henebry of Cleaver Fulton & Rankin, 50 Bedford Street, Belfast

BSA Practice Management and Client Care Seminar

At the Wellington Park Hotel on Saturday 28th September 2002.

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- 9.30-10.30 Risk Management and how to avoid the Pitfalls.
By Mr Tom McGrath of Marsh (UK) Ltd.
- 10.30-11.15 Complaint Handling Procedures
By Mr Gary Millar
- 11.15-11.30 Coffee
- 11.30-12.30 Cost Effective Practice Management
By Jeremy Harbinson of Harbinson Mulholland

Attendance at this seminar will qualify for 3 hours CPD. Members £50; non-members £75. See flyer with this edition for further details.

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"BSA GOLF OUTING"

Belfast Solicitors' Association Annual Golf Outing - Thursday 16th May 2002 at Malone Golf Club.

TAKE NOTICE that on Thursday 16th May 2002 at 1.30 p.m., or as soon thereafter as sport may commence, the Belfast Solicitors' Association will be moved to hold its Annual Golf Outing at Malone Golf Club, Upper Malone, Belfast.

The cost per person is £45.00 (£35.00 green fee, £8.00 meal and £2.00 subscription - Malone Golf Club members and persons not wishing to take the meal should adjust their payment accordingly). All members of the Association and their visitors will be welcome and you are invited to complete the Form and return it as soon as possible. The prizes will be for the main competition for members with official handicaps, together with second and third prizes; a visitor's prize and runner-up; and a special competition for non-handicapped members. The special competition is for the best gross score for the first eleven holes and all other competitions will be scored using the Stableford Points System on full handicap allocation (subject to a maximum handicap of 24).



"BSA GOLF OUTING"

Thursday 16th May 2002



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- Train the Law Society in the development and implementation of a continuing legal education (CLE) programme focusing, in particular, on human rights, judicial independence, advocacy skills and professional ethics, alternative dispute resolution and access to justice.
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- Provide the Law Society staff with the necessary skills to ensure that the organisation can meet the needs of the profession.
- Help develop, publish and distribute in digital format a comprehensive library of human rights source material.
- Help establish a website for lawyers to provide a vehicle for the publication and distribution of domestic law, the development of jurisprudence, and access to comparative and international human rights material.

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News from The Institute of Professional Legal Studies

As readers may be aware the number of trainee places at the Institute has increased. We have now have 25 bar trainees and 95 solicitor trainees. In order to accommodate the increased intake and to improve teaching facilities generally, the University has invested in a very substantial programme of building work at No 10, Lennoxvale.

Contractors moved on site in February of this year and work is scheduled for completion by September 2002. At that stage the Institute will have a new, fully equipped, lecture theatre with seating for 150 people; an IT teaching suite; three additional tutorial rooms and a new trainee common room.

As can be seen from the photograph, the former Attorney-General, the Rt

Hon Lord Williams of Mostyn QC, took time during a recent visit to survey the devastation that existed at that time. During his visit Lord Williams spent an interesting afternoon meeting staff, sitting in on a mock trial and subsequently quizzing a number of the trainees of the procedure involved. His expertise as a former tutor with the National Institute of Trial Advocacy, USA, quickly became apparent to both staff and trainees.

The Attorney was sufficiently impressed with his visit to suggest that he would like to return and, if possible, participate actively as a trainer in the Advocacy course.

It is to be hoped that on any return visit Lord Williams can inspect, and indeed benefit from, vastly improved premises at No 10.

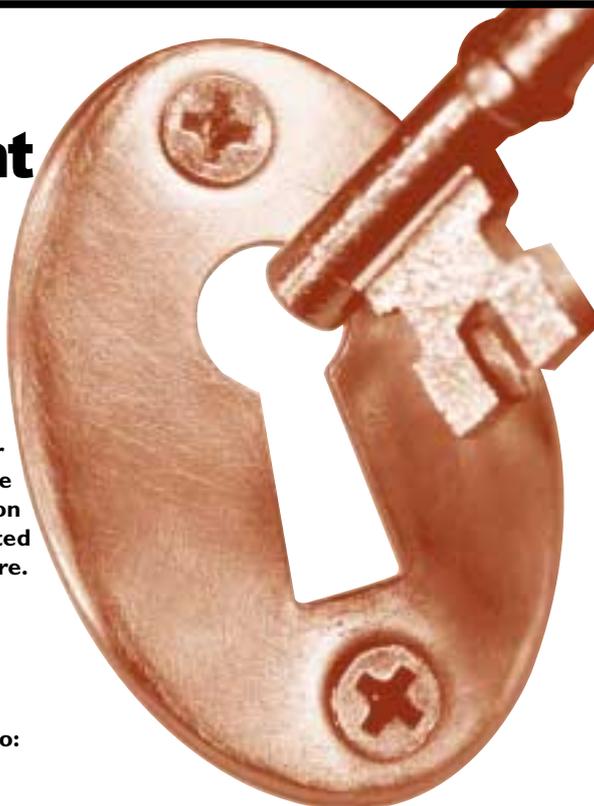


Former Attorney-General, the Rt Hon Lord Williams of Mostyn QC, with Anne Fenton, Director, Institute Professional Legal Studies at No.10 Lennoxvale.

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Northern Ireland Office

Re: Sections 33 to 37 of the Criminal Justice and Police Act 2001: Travel Restrictions on Drug Trafficking Offenders

The following circular has been received from the Criminal Law Branch, Criminal Justice Policy Division, Northern Ireland Office:-

Summary

1. The purpose of this circular is to draw your attention to:-

- the provisions of sections 33 to 37 of the Criminal Justice and Police Act 2001 and completion of their coming into force on 1 April 2002. Among other things, the provisions enable the courts - as part of their sentencing - to impose travel restriction orders on certain drug trafficking offenders and to confiscate the passports of those who are British nationals for the period of the travel ban;
- the enclosed copy of the Travel Restriction Order (Prescribed Removal Powers) Order 2002 (S.I. 2002/313), which lists those statutory powers to order or direct the removal of a person from the United Kingdom which *supersede* the provisions of a travel restriction order; and
- guidance for the criminal justice agencies, the Belfast Passport Office and the enforcing/prosecuting authorities as to the implementation of the above provisions. The guidance is provided at Appendix A (legislative) and Appendix B (procedural).

(Note - In the guidance, references to 'enforcing authorities' and, within the context of court proceedings, 'prosecuting authorities' refer in Northern Ireland to the police and the Department of the Director of Public Prosecutions in Northern Ireland.)

Further Guidance

2. The Scottish Executive will issue similar guidance to relevant authorities in Scotland, and the Home Office has issued guidance to the relevant authorities in England and Wales.

Legal Status of the Circular

3. We hope that the non-statutory guidance in this circular will help to secure procedural uniformity among the relevant criminal justice agencies, while recognising that only the courts can give a binding interpretation on a point of law.

Internet Information

4. The Criminal Justice and Police Act 2001 and the Travel Restriction Order (Prescribed Removal Powers) Order 2002 can be found on:-

www.legislation.hmso.gov.uk/acts.htm and www.hmso.gov.uk/stat.htm respectively.

5. A copy of this circular can be found on www.nio.gov.uk

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CAN YOU HELP?

The Children Order Advisory Committee ("COAC") are seeking Solicitor nominees from the Law Society to serve on a number of Sub-Committees.

The COAC advises the Lord Chancellor and the Secretary of State on the progress of Children Order cases through the court system with a view to identifying special difficulties and reducing avoidable delay. It also promotes, through Family Court Business Committees, commonality of administrative practice and procedure in the Family Proceedings Court and County Courts and advises on the impact of Children Order work of other family initiatives.

The COAC has 19 members and is chaired by Mr Justice Gillen, the Family Judge. It has two solicitors,

Catherine Dixon, Portadown (also on Children's Panel) and Hilary Wells (Assistant Director - Directorate of Legal Services). The other members include Judges, a Resident Magistrate, a lay Magistrates' representative, the Official Solicitor, the Social Services Inspector and the chair of NIGALA.

There are currently ten Sub-Committees, some of which have vacancies that need to be filled: -

- Mediation - vacant;
- Child Contact Centre - Karen Fox;
- Domestic Violence (Parental Contact) - vacant;
- Delay - vacant;
- Adoption - vacant;
- Drafting (Guidelines) - vacant;
- Court Welfare Services (i.e. Reports in Private Law Cases) - vacant;
- Children's Commissioner - Anne Caldwell;

- Children's Legal Representation (Private Law Cases) - Catherine Dixon;
- Best Practice - vacant.

The experience and perspective of Solicitors in this area is essential.

The work is both interesting and important.

Time commitment will be timetabled with a report to COAC when the Committee will finish or be re-constituted.

We would be delighted to hear from Solicitors who would be interested in sitting on any of the Sub-Committees where vacancies have been identified.

Please contact Peter O'Brien, Secretary, Family Law Committee at Law Society House.

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**The closing date for receipt of completed application forms is
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Success for Northern Ireland APIL Reception

Leading lights of the legal world gathered at a reception in Belfast to discuss hot issues affecting Northern Ireland.

Law Society President, Alan Hewitt and Chief Executive, John Bailie, attended the reception which was hosted by the President of the Association of Personal Injury Lawyers (APIL). They were joined by Dr Joe Hendron MLA, Rosie Mercer of the Child Accident Prevention Trust, BMA Chairman, Dr Tohini and Ruth Craig of the Institute of Professional Legal Studies.

Robert Martin, APIL's representative for Northern Ireland, said he was delighted with the turnout. "We hope the success of the reception is a good grounding for APIL's future success in Northern Ireland," he said. "We have a lively, enthusiastic membership in Northern Ireland which is concerned about issues such as civil justice reforms, legal aid reforms, costs reforms - not to mention the closure of local court houses.

"There is a lot going on and we are developing an active programme to try to tackle these concerns," he said.

APIL Chief Executive, Denise Kitchener, said the reception was an ideal opportunity to share common interests, as many issues on APIL's campaigning agenda affect Northern Ireland.

High Court, Court of Appeal and Tribunal Decisions

FAIR EMPLOYMENT TRIBUNALS

Ireland V Ministry of Defence, 5/99FET, 11th February 2002

Applicant alleged victimisation by respondent. - whether discrimination in the form of irregularities in procedure during previous harassment investigation. - applicant involved in trade union activities. - release of confidential medical information from applicant's GP.

Brannigan V Belfast City Council, 00040/98FET, 16th January 2002

Applicant alleged unlawful discrimination on grounds of religious belief. - whether respondent took reasonably practical steps to prevent sectarian harassment. - compensation awarded for injury to feelings.

McGovern V Rankin and Delucia Design Limited, 00377/98FET; 02837/98UD, 29th January 2002

Applicant alleged unlawful discrimination and unfair dismissal. - claim of unlawful discrimination dismissed. - unfair dismissal claim upheld

McKee V Causeway Health and Social Services and Sam Valley, 00502/98FET, 15th January 2002

Application dismissed following direction made by Vice President of the Tribunals and the applicant's failure to comply with previous order

Industrial Tribunals

A V B, 03880/99SD, 8th February 2002

Applicant complained of sexual harassment against her employer. - respondent ordered to pay compensation to the applicant

Cochrane V Schofield [BS Fire Alarm Systems], 1153/01, 23rd January 2002

Applicant claimed unfair dismissal after complaint about respondent's failure to pay him the National Minimum Wage. - whether dismissal for asserting a statutory right

Donnelly V Duromold Limited, 1415/01, 22nd February 2002

Unfair dismissal. - whether proper and valid grounds for dismissal. - whether employer acted reasonably

Gilmour, Smith and Doyle V Redundancy Payments Branch and SD Construction, 04827/99RP; 04828/99RP; 04829/99RP, 22nd January 2002

Whether tribunal had jurisdiction to deal with the third-named applicant's claim for redundancy payment on grounds of illegality of contact

Magennis and Corbett V Commissioners of Inland Revenue and Gary Thompson, 01770/00; 01803/00; 16th January 2002

Trade union activities. - whether tribunal had jurisdiction to hear the applicant's complaints in view of article 74 of the Employment Rights (Northern Ireland) Order 1996

O'Carroll V Norbrook Laboratories Limited, 00454/99UD, 18th February 2002

Applicant claimed constructive dismissal. - whether applicant had proved a fundamental breach of his contract

Rowntree V Northern Ireland Prison Service, 02901/00, 18th January 2002

Preliminary hearing. - whether tribunal has jurisdiction to determine Prison Governor's claim of disability discrimination

Vaseghi V Queen's University of Belfast, 00664/00, 28th January 2002

Application to review decision of previous tribunal which dismissed applicant's claims of racial discrimination and unfair constructive dismissal. - grounds on which tribunal may review a decision

Whittaker V Webworld.com Ltd T/A Northireland.net, 2087/01, 23rd January 2002

Breach of applicant's contract of employment by respondent company. - respondent company to pay sum to applicant for loss occasioned to him as a result of this breach.

Smiley V Fire Authority for Northern Ireland, 03620/99SD, 15th February 2002

Determination of complaint of unlawful sex discrimination. - whether condition imposed on applicant would have applied to male colleague in comparable position. - whether criterion applied by respondent was justifiable.

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Children Order Cases

Solicitors should be aware of resources to assist when engaging Expert Witnesses. There are a number of useful books and precedents which you can consult in the Law Society Library - such as "The Expert Witness Pack" - These should assist in considering how to draft for example letter of joint appointment of doctors.

NORTHERN IRELAND COURT SERVICE

The Family Proceedings (Amendment) Rules (Northern Ireland) 2002

The Lord Chancellor has made the above named Rules, which will come into operation on 6th May 2002.

The Rules amend the Family Proceedings Rules (Northern Ireland) 1996 ("the Principal Rules") to take account of:

- Section 66 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000. That section inserts a new Article 31B into the Matrimonial and Family Proceedings (Northern Ireland) 1989 to provide for a single unified procedure for applications for declarations of parentage, in place of the two free-standing procedures which are currently provided for in Article 32 (1)(a) of the 1989 Order and Article 28 of the Child Support (Northern Ireland) Order 1991. (Article 28 of the 1991 Order is, however, retained and modified to take account of the new procedure)
- Council Regulation (EC) No 1347/2000 of 29th May 2000 on Jurisdiction and the Recognition and Enforcement of Judgements in Matrimonial Matters and in Matters of Parental Responsibility for Children of Both Spouses.

The aim of the Regulation is to establish a clear and coherent set of jurisdictional rules and simplify enforcement procedures in the context of proceedings for divorce, legal separation or annulment within the Member States of the European Union (bar Denmark, which has opted out); and

- Other minor matters

In particular, the Rules will:

- Insert a new rule 2.29A into the Principal Rules to prescribe the procedure where the Court is required to stay proceedings pending resolution of the jurisdictional issues;
- Insert new rules 3.24 and 3.26 to 3.38 into the Principal Rules to provide for the procedure on an application for a declaration of parentage under new Article 31B of the 1989 Order. The new rules will:
 - provide for such an application to be commenced by petition and supported by an affidavit;
 - provide for notice of the application to be given to the Attorney General (who may intervene or argue relevant questions before the Court);
 - allow for directions to be given: and
 - provide for other interested persons to be joined as parties

The opportunity has also been taken to incorporate in the Principal Rules the procedure relating to applications for declarations of legitimacy under Article 32 (1) (b) and (2) of the 1989 Order, so as to:

- Insert new rules 8.33 to 8.43 into the Principal Rules to provide for the procedure on an application under the Regulation to register or enforce relevant judgements.

The new rules provide for:

- an application to register a judgement to be made ex parte, supported by an affidavit or statement of truth;
- the maintenance of a register of judgements;
- interested parties to receive notification of the registration;
- applications to enforce to be supported by a statement or affidavit of service;
- applications for a certified copy of a judgement made in Northern Ireland to be made ex parte, supported by a witness statement or affidavit;
- amend Forms M5 (notice of proceedings) and M6 (acknowledgement of service) in Appendix 1 to the Principal Rules to ensure that the parties are aware of the Regulation and of the need for the court to establish jurisdiction to entertain proceedings; and
- amend Appendix 2 to the Principal Rules (contents of petition) to ensure that requests for pension sharing or attachment orders are specifically pleaded.



By Brian E Doherty

A Model Victory

Naomi Campbell won her case for breach of confidentiality against Mirror Group Newspapers. It was held that there was a breach of the 1998 Data Protection Act and an entitlement to protection from wrongful publication of confidential details of private life under Article 8 of the European Convention on Human Rights. Nevertheless, a modest £3,500 was the extent of the Court's award, given the findings of lack of frankness in the model's evidence.

Lose the Battle, Win the War

Although Omega Air (owned by the two Irish businessmen, McEvaddy Brothers) lost its challenge to the European Commission's proposed legislation which would have grounded the older aircraft which the McEvaddy's use on grounds of noise, the Commission has now decided not to proceed with the legislation, potentially saving the brothers' business more than 35 million Euro, the cost of re-engineering the older jets they lease, to comply with the proposed legislation.

Major Boost for Lawyers Independence

A landmark decision of the European Court of Justice has held that the ban on multi-disciplinary partnerships between lawyers and accountants by the Dutch Bar was justified. Because of the different requirements of the two professions, albeit anti-competitive, the ECJ referred to the importance on public interest grounds of the legal profession guaranteeing complete independence and not risking conflicts of interest.

Abortion Referendum Complaint

The Green Party MEP has complained to the Counsel of Europe that the introduction into the Irish Constitution of wording proposed in the recent Referendum would have required Government to police medical records and breached personal data legislation of Article 8 of the European Convention on Human Rights.

In the event the referendum was not carried by the Irish population.

Withholding of Fair Employment Information

The European Court of Human Rights has awarded £12,500 to a former employee who lost his restaurant job in circumstances where the security forces had issued a certificate blocking information on the reason for his dismissal on grounds of national security. It held that the UK's approach lacked due process and was in breach of Article 6 of the European Convention on Human Rights.

The Court nevertheless acknowledged that the State had a right to take security considerations into account in relation to those employed in public buildings.

Future of Europe Debate Hots Up

The convention on the Future of Europe has opened its proceedings in Brussels. It brings together parliamentarians from 27 existing and proposed member states. In this it is a departure from the established inter-governmental method of preparing new EU treaties. It will consider how best to take forward the Laeken declaration by Heads of Government last December recommending that EU

Government needs to be brought closer to its citizens, in particular to the young. The debate will discuss such issues as addressing in a new European Constitution the twin legal requirements in the Treaty regarding for example, the single market and the development of subsidiarity.

Omega Air Fails in Challenge

The challenge to the European Commission by Omega Air in Dublin to Planners refusal to grant permission to build a second passenger terminal at Dublin Airport was in breach of EU Competition Law, has failed. The Commission adverted to the aeronautical safety general planning and environmental impact reasons in its findings.

Enterprise Bill Published

The publication of the new Enterprise Bill promises that Competition Law in the UK, in addition to having recently been reformed by the introduction of the 1998 Competition Act, introducing community competition principles at a national level, will add extra teeth to the law by criminalizing cartels, providing for third party claims, judging mergers on a competition based test and extending market investigation powers for the Office of Fair Trading.

Frivolous or Vexatious Employment Claims Warning

The Court of Appeal has warned that Tribunals do not have to take into account the claimant's ability to pay when deciding whether they should be held liable for employer's costs if an employment claim is deemed frivolous.



NORTHERN IRELAND
YOUNG SOLICITORS ASSOCIATION



Bank of Ireland

NIYSA & Bank of Ireland present a lunchtime lecture on:

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Wednesday 15th May 2002 at 12.30pm until 2.00pm

Refreshments will be served from 12.30pm.

Cost £5.00

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BOOKING FORM

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Address _____

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Number of persons attending _____

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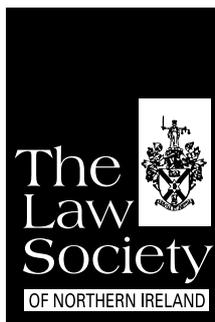
Ramada Hotel, Shaw's Bridge, Belfast

Drinks reception 7.30pm

Cheques and table plans of 10 to Catherine Calvert, SD Crawford & Co Tel: 028 9059 5300 (No reservation confirmed until cheque received) Rooms are also available at the Ramada at £59.95 per room (including breakfast and based on two people sharing).

The NIYSA will be holding a ballot at the Ball with proceeds going to the Solicitors' Benevolent Fund.

If any solicitor's firm would like to donate a prize could they please contact Catherine Calvert.



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Name of Delegate(s)

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Fax No:

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Booking forms to be returned to: Suzanne Bryson, Deputy Secretary, Law Society House, 98 Victoria Street Belfast, BT1 3JZ, DX 422NR BELFAST 1

Tel: 028 9023 1614 Fax: 028 9023 2606 Email: info@lawsoc-ni.org

Risk Management

ADVICE



Improve the way you delegate

Delegation is an essential process, but it is often poorly handled and can result in claims. Do you recognise any of the following situations?

'Apologies. The file was passed to me for some guidance on a costs issue. What do I know about costs? Having no idea where to start, this has been festering on the corner of my desk for some time.'

'One of the guys in my team is always prepared to help other people out. Unfortunately, his colleagues take advantage and dump their problem files on him - often at the last minute. He is completely overloaded.'

'I got back from lunch and found a file on my desk with a note asking me what I thought. After a quick glance, I wasn't sure which aspect I was being asked to advise on. I put it to one side, meaning to go back for clarification. Then I forgot all about it.'

'The file was passed to a trainee for some research. Unfortunately, he went sick the next day and was off for about a month. I forgot all about it until the client stormed in demanding an explanation.'

'The details of our new e-mail policy were left with one of my partners for his views. I've just realised that that was nearly a year ago and nothing has happened in the meantime.' It makes little difference whether the delegated matter is client work or administrative - both can lead to claims. Delegation can be effective, but only if you have a

system to control what can otherwise be a haphazard process. Here are some suggestions:

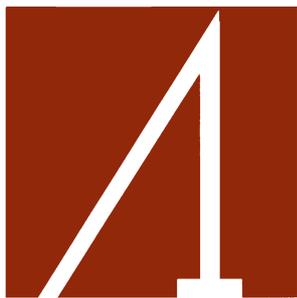
- Delegate the task, not the responsibility. Assume that a delegated file remains your responsibility unless clearly spelt out to the contrary and the recipient has accepted this;
- Put a note on all delegated files which states clearly who is delegating what to whom. The note should summarise the background and spell out what the recipient is being asked to do. Use the note to highlight any time constraints, both as to when the task should be completed and any time critical deadlines. These should be diarised by both the person writing the note and the recipient. Make it clear who will deal with any queries arising from the matter;

- Keep a central record of all delegated files. This will simplify any follow-up process. Out of sight is then not out of mind;
- Delegate files via the recipient's supervisor. If you don't, recipients are at risk of being overloaded with work. An effective supervisor should have a good idea of how well those in his team are dealing with their caseloads and their capacity to take on new work. Of course, the supervisor will also know how many other files have been delegated and whether to put a block on further delegation for the time being.

Delegation must not be an excuse to forget about a troublesome file. If it is, you'll soon be facing more than you bargained for.

oh no!! he's dropping me in it... letting me sink or swim... he's delegating!!!!





Law Centre (NI)

Young people with a disability

Important benefit changes

Who will be affected?

From April 2002, young people who would traditionally have been entitled to severe disablement allowance (SDA) are going to be awarded non-contributory incapacity benefit (IB). Many young people with long-term physical disabilities and learning disabilities will be affected by the change. How a person will be affected will depend on other benefits being claimed, for example Disability Living Allowance (DLA).

Income Support (IS) entitlement is affected by increases in other income such as IB. People may lose entitlement to Income Support and then become entitled again later, depending on their circumstances.

The changes in detail

SDA was abolished for new claimants from April 2001. Existing claimants will continue to receive SDA but if they were under 20 on 5 April 2001 they will transfer on to the long term rate of IB in April 2002.

It has also been possible since April 2001 for young people under 20 (and in some circumstances, for those in education or training, this is extended to 25) to claim IB straight away without having been in receipt of SDA.

IB is paid at three rates (2002-2003 rates), from the date of claim:

- 0-28 weeks: £53.50;
- 29-51 weeks: £63.25;
- 52 weeks onwards: £85.85.

Those aged 25 or over are always paid at the rate of £85.85.

The amount of IB paid can be more than the applicable amount for income support (IS), depending on the young person's circumstances. Therefore, in some situations, the young person will receive more money each week as a result of the change. However, because the young person is no longer getting IS, s/he does not have a 'passport benefit' which means that there is knock-on effect of a loss of other benefits and the need to make additional claims to preserve certain entitlements.

What benefits will be affected?

Young people who lose IS entitlement will lose entitlement to free school meals (where appropriate) and will no longer be able to apply for community care grants or budgeting loans from the social fund.

Automatic entitlement to:

- free prescriptions;
- free dental treatment;
- free eyesight tests and glasses; and
- other costs such as transport to hospital

is lost and the young person will need to claim for full or partial reduction of costs every six months on low income grounds. There is no partial costs reduction scheme for prescriptions, therefore, for some people it will be important to buy an annual pre-payment certificate to reduce the cost of paying for prescriptions.

There is no automatic entitlement to Housing Benefit if there is no passport benefit being paid and it will be necessary to complete a form to make a claim on low income grounds.

If the young person is living with a parent who is in receipt of Housing Benefit, once s/he reaches eighteen, a non-dependant deduction will be applied, reducing the parent's Housing Benefit by £7.40 per week for rent and £2.30 for rates.

A person in receipt of Independent Living Fund money may be expected to make a further contribution to her/his care costs in order to continue to qualify.

A person who has lost entitlement to IS while at home should become entitled to IS again on entering respite care, as the residential allowance will increase the applicable amount for IS. In order to get this increased income towards paying respite costs, the young person will need to make a claim for IS on entering respite. It is, however, expected that residential allowance will be abolished in the next year and additional money will be released to trusts to pay towards residential care costs.

What needs to be done?

Anyone who is likely to lose IS entitlement should make any community care grant application that might be necessary while still receiving IS. The young person and her/his family may need advice about completing forms for Housing Benefit and obtaining a pre-payment certificate for prescriptions and make an application for other health benefits on low income grounds if the need arises. Many young people with a disability will have a social worker who can help. It will also be important to remember to check whether a person has become entitled to IS when her/his circumstances change, eg when s/he enters respite, receives an increased rate of IB, or reaches her/his 25th birthday. A failure to advise of a change of circumstances could result in an underpayment of benefit or a recoverable overpayment.

Maura McCallion, solicitor, Law Centre (NI)

The Law Centre has produced an information briefing which details the impact on clients. Copies are available from Publications Department, Law Centre (NI), 124 Donegall Street, Belfast BT1 2GY. Alternatively, consult our website: www.lawcentreni.org.

Law Centre (NI) training courses attract CPD points for solicitors. The training programme for 2002-2003 has now been distributed to our membership. For further information contact Patricia Morgan, Assistant Director (Training and Support Services), or request a programme from our Publications Department.

Solicitors' Benevolent Association 138th Report and Accounts

Year 1st December, 2000 to 30th November, 2001

The Solicitors' Benevolent Association, founded in 1863, is the profession's voluntary charitable body. It consists of members of the profession throughout Ireland who contribute to our funds, and its aim is to assist members or former members of the Solicitors' Profession in Ireland and their spouses, dependants and families who are in need. The Association also provides advice and financial assistance on a confidential basis and functions independently of both Law Societies.

The amount paid out during the year in grants was IR£245,816. Currently there are 52 beneficiaries in receipt of regular grants and approximately one third of these are themselves supporting spouses and children.

The Directors anticipate that, particularly in view of the increasing number of families with young children being helped, there will be a need for increased assistance in the coming years. Again, in a number of cases, the Directors are conscious of the fact that grants have not been increased for some time, despite rising costs and in several instances increased needs are apparent in cases where beneficiaries are of advanced age. For these reasons, the Directors particularly welcome higher level of subscriptions, donations and legacies and the general support of the Profession.

The Rules of the Association were amended at a Special General Meeting of the Association on the 5th July 2001, in order for the Association to retain its charitable status. Copies of the new rules can be obtained from the Secretary or any of the Directors.

There are currently 15 directors, three of whom reside in Northern Ireland, and they meeting monthly in the Law Society's offices, Blackhall Place. They meet at Law Society House, Belfast, every other year. The work of the directors, who provide their services entirely on a voluntary basis, consists in the main of reviewing applications for grants and approving of new

applications. The Directors also make themselves available to those who may need personal or professional advice.

The Directors are grateful to both Law Societies for their support and, in particular, wish to express thanks to Ward McEllin, Past President of the Law Society of Ireland, John Neill, Past President of the Law Society of Northern Ireland, Ken Murphy, Director General, John Bailie, Chief Executive and all the personnel of both Societies.

I wish to express particular appreciation to all those who contributed to the Association when applying for their practising certificates, to those who made individual contributions and to the following:

The Law Society of Ireland
Law Society of Northern Ireland
Dublin Solicitors' Bar Association
Belfast Solicitors' Association
Faculty of Notaries Public in Ireland
Limavady Solicitor's Association
Tipperary and Offaly Bar Association
May Bar Association
Southern Law Association

County Galway Solicitors' Bar Association
West Cork Bar Association
Kerry Law Society
Butterworths

To cover the ever greater demands on the Association, additional subscriptions are more than welcome as, of course, are legacies.

Subscriptions and donations will be received by any of the Directors or by the Secretary, from whom all information may be obtained at 73 Park Avenue, Dublin 4 and I would urge all members of the Association, when making their own wills, to leave a legacy to the Association. You will find the appropriate wording of a bequest at Page 26 of the Law Directory.

I would like to thank all the Directors and the Association's Secretary, Geraldine Pearse, for their valued hard work, dedication and assistance during the year.

Thomas A Menton, Chairman

The Solicitors' Benevolent Association DIRECTORS AND OTHER INFORMATION

Directors

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John Sexton (Deputy Chairman)
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Desmond Doris, Belfast
Felicity M Foley, Cork
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Dublin 1

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Dublin 7

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Law Society House
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Belfast BT1 3JZ

Accountants

Deloitte & Touche
Chartered Accountants
Deloitte & Touche House
Earlsfort Terrace
Dublin 2

THE SOLICITORS' BENEVOLENT ASSOCIATION
Receipts and Payments Account
For the Year Ended 30 November 2001

	2001 IR£	2000 IR£
RECEIPTS		
Subscriptions	189,595	187,454
Donations	29,975	19,664
Investment Income	35,116	34,799
Bank interest	2,980	2,640
	-----	-----
	257,666	244,557
	-----	-----
PAYMENTS		
Grants	(245,816)	(215,170)
Bank charges	(1,537)	(1,322)
Administration expenses	(17,006)	(15,839)
Deficit on movements in investments	-	(528)
	-----	-----
	(264,359)	(232,859)
	-----	-----
(DEFICIT)/SURPLUS FOR THE YEAR BEFORE SPECIAL EVENTS	(6,693)	11,968
Lawyers Diaries & Christmas Cards	(369)	16,910
Irish Conveyancing Precedents Publication	4,678	-
	-----	-----
(DEFICIT)/SURPLUS FOR THE YEAR BEFORE LEGACIES	(2,384)	28,608
Legacies	165,016	111,418
	-----	-----
SURPLUS FOR THE YEAR	162,632	140,026
	-----	-----

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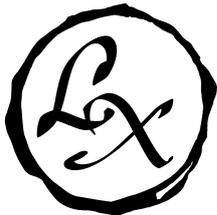
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 - ◆ How long will it take?
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About The Ridley Partnership

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- ◆ We have developed unique programmes for implementing the Lexcel standard
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The Ridley Partnership, The Coach House, Barningham Park, Richmond, North Yorkshire, DL11 7DW
Tel 01833 621130 Fax 01833 621150 www.theridleypartnership.co.uk

Continuing Professional Development - Your Questions Answered

The Solicitors (Continuing Professional Development) Regulations 2001 came into effect on 6 January 2002. They apply to all practising solicitors admitted to the roll during or subsequent to the practice year commencing 6 January 1992.

All solicitors to whom these regulations apply should have received a record card which must be completed and returned to the Law Society at the end of this practice year. If you are a solicitor to whom the Regulations apply and have not received a personal record card, please contact the Law Society.

Those in receipt of this record card will know that it is accompanied by copy of the regulations and guidelines for compliance.

Since the record cards were issued a number of queries have been received and all queries will be dealt with on an individual basis. In the meantime the following questions and answers may assist you in your interpretation of the guidelines and regulations.

Q. Do I have to submit documentary evidence of courses attended when returning my completed record card?

A. No. However, you should ensure there is a record of your attendance available if required for monitoring purposes. We understand that some CPD providers intend to maintain records of attendance at seminars etc so as to provide independent confirmation as required. Bear in mind that the onus will be on you to satisfy the Law Society regarding your attendance.

Q. How will I satisfy the Law Society regarding my compliance with the private study requirement?

A. You should keep written records of any time spent by you in private study for submission to the Society if required.

Q. If I undertake more than the required amount of CPD in one practice year, can I carry over the surplus and count that towards my requirement for the following year?

A. No. Solicitors to whom the regulations apply are required to undertake 15 hours CPD in each practice year.

Q. Do the regulations apply to me. I am a solicitor admitted to the roll during or subsequent to the practice year commencing 6 January 1992, I hold a practicing certificate but I am not in private practice?

A. Yes.

Q. In the above circumstances must I comply with the requirement to devote three hours of group study to client care and practice

management?

A. Yes. However some flexibility will be exercised in applying this requirement outside the context of private practice to ensure that training undertaken is meaningful and useful to the individual solicitor.

Practice management and client care will be interpreted broadly. Practice management may include, for example, personal development, time and stress management, training on objective setting and performance appraisal. Client care may include any study which addresses the efficient provision of professional services.

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Association of Women Solicitors

"The Future for Women Lawyers"

Saturday 26th May 2002

Are you dynamic, ambitious and proud to be a woman lawyer with a future? Are you keen to expand your career choices, develop your practice, balance home and work or just enjoy your life to the full? On behalf of the Woman Lawyers' Forum, Professional Conferences are delighted to present a major conference which will provide inspiration and guidance to all those women for whom the answer to any of these questions is a firm 'Yes!'

'The Future for Women Lawyers' is the seventh woman lawyer forum and has been carefully structured so that the issues for today's successful lawyer are discussed by some of our most successful women lawyers and role models.

The tone for the day is set by addresses from Cherie Booth QC and Barbara Roche MP, Minister for Women. There follows a series of talks on The Changing

Workplace Culture, Taking Control of your Future, and New Ways to Work, from a most impressive list of speakers, headed by Professor Sir Colin Campbell, Janet Gaymer, Rt Hon Harriet Harman QC MP, Dianna Kempe QC JP, and Denise Kingsmill CBE, and including several other pre-eminent members of their respective professions.

Lunch will provide further opportunities to listen and learn from women with proven track records of success, with addresses from Nadine Kazerounian, author of 'Stepping Up - Women's Career Development' and Sarah Jackson, Joint Chief Executive of Parents at Work; and to round off what promises to be an intensive, stimulating and possibly even life-changing day, a champagne reception will be held which will offer delegates the chance to network, relax or simply to recover.

Whether you are a student or a judge (or anywhere in between), here is your opportunity to take inspiration from those women, to learn how to turn the

traditional obstacles to your career development to positive advantage, and to network with many other woman lawyers equally committed to fulfilling their true potential.

'The Future for Women Lawyers' is being held on Saturday 25th May 2002 at The Grosvenor House Hotel, London. The conference provides 5 hours CPD and includes lunch and refreshments at a cost to delegates of only £125+VAT.

From previous experience, we are aware that demand for places will almost certainly outstrip supply, and we would urge potential delegates to book their places without delay. If you have any queries, please do not hesitate to contact the

Woman Lawyer Forum, PO Box 117, Radlett, Herts, WD7 7ZZ.

Telephone: 020 8441 8585.

Fax: 020 8449 2505.

Website: www.proconferences.com.

E-mail: info@proconferences.com

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To summarise the requirements, you are eligible to apply for membership if you: -

- (i) are in private practice;
- (ii) have three years post-qualification experience;
- (iii) can demonstrate relevant experience and knowledge gained by representing parents, grandparents or other parties in both public and private law proceedings under the Children Order (NI) 1995 or under the Children Act 1989 (if appropriate);
- (iv) can demonstrate attendance at courses and seminars etc. as required;
- (v) can give an undertaking in the form required;
- (vi) agree to provide references as required;
- (vii) authorise the Society to use the Pre-employment Consultancy Service (PECS) to confirm the accuracy and completeness of the information provided.

Application forms are available from the Society on request and completed forms should be returned with a fee of £125.00. When you have submitted the application you will be required to attend a 2-day training session. You will then be asked to complete a case study on a question which relates to working with children. You will also be asked to attend an interview before the Accreditation Board.

When you are accepted as member of the Children Order Panel by the Accreditation Board you will be notified in writing and your name will be added to the Society's Children Order Panel membership list. This is passed on to the Guardian Ad Litem Agency for inclusion on the Panel of Solicitors who can be instructed to act for children.

Membership of the Panel lasts for a period of two years. During that time you must attend courses and training as required. After two years you can apply for re-accreditation which involves completing a questionnaire and giving details of your experience and updated training.

If you wish to apply for membership of the Children Order Panel please contact the Society before 29th June 2002.

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Missing Law Reports

NI Law Reports

Back numbers of reports (a) 1986 and (b) 1988 are sought by the Privy Council Office. Anyone with knowledge of the whereabouts of the above should contact Mr F G Hart, Chief Clerk, Privy Council Office, Downing Street, London, SW1A 2AJ. Tel:- 020 7276 0486, Fax:- 020 7276 0460.

Contact Required

Would Christine Kimberley (Kim) Wilkinson, formerly of 41 Glenview Crescent, Belfast, or her solicitor, please contact Kevin E Hart, Senior of Hart & Company Solicitors, Gordon House, 22-24 Lombard Street, Belfast, BT1 1RB.

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Missing Wills

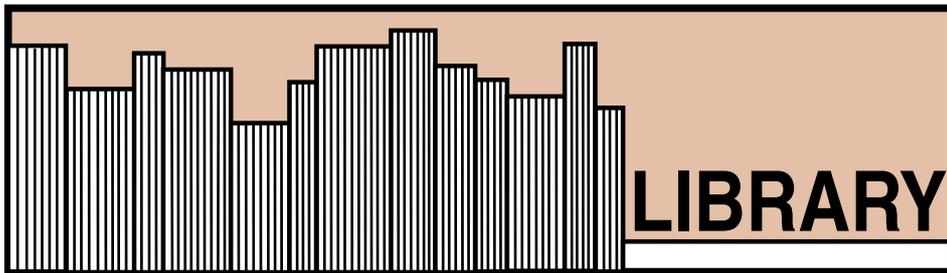
Robert Taylor Graham - Deceased
Late of 23 Prince Edward Street,
Stranmillis, Belfast

Date of Death - 19th September 2001
Would any person or solicitor having knowledge of the whereabouts of a Will for the above-named Deceased please contact McClenahan, Crossey & Co of 41 New Row, Coleraine, Co Londonderry. BT52 1AE

Edward McCartan formerly of 24
Ballydoo Road, Mayobridge. Date of
Death 9 March 2002.

Would any solicitor who is aware of a Will made by the above named deceased please contact Ciaran Rafferty Solicitor of 98 Hill Street, Newry, Co Down, BT34 1BT.
Telephone 028 3026 1102.

Samuel John Weir Deceased Late of 90
Broadway, Bangor, County Down
OB 6th APRIL 2002
Would any solicitor having possession of the original Will of the above named deceased or having any knowledge of the whereabouts of same, please contact Ms Lisa Gilmore of Messrs Wilson Nesbitt Solicitors of 33 Hamilton Road, Bangor, County Down.
Tel: 028 9147 5944 or fax 028 9146 538



RECOMMENDED READING

ELECTRONIC SIGNATURES

Electronic Signature means "data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication." (SI 2000/318 reg. 2)

Legislation

Council Directive 1999/93 on a community framework for electronic signatures. This directive is available from the Eurlex website at http://europa.eu.int/eur-lex/en/search/search_lif.html

Electronic Communications Act 2000 sec. 7
<http://hms0.gov.uk/acts/acts2000/20000007.htm>

Electronic Signatures Regulations 2002 (SI 2000 No. 318)
<http://www.hms0.gov.uk/si/si2002/20020318.htm>

Articles

Filling the evidential void. (Difficulties concerning authentication and evidential use of digital signatures and possible solutions, including suggestion that signatures could be recorded by formal oral declarations)
Smithies and Newman: 2001 ECL&P 3(10), 10-11

Electronic signatures come of age. (Scope of provisions of 2000 Act which relate to electronic signatures and Government proposals contained in DTI consultation paper on implementation of remaining parts of Directive 1999/93)
Singleton: 2001 JP 165(45), 885-886

European Union: the value of electronic signatures. (Need for recognition of electronic signatures to realise potential of e-commerce and progress towards this in EU and UK)
Catchpole: 2001 ITLR 18(Oct), 53

Still waiting for critical mass. (Requirements for legal recognition of electronic signatures established by Directive 1999/93 and whether these have been accurately transposed into domestic law by 2000 Act given discrepancy in certification authority liability)
Coyle: 2001 ECL&P 3(4), 8-9
DTI discussion document on Electronic Signatures Directive implementing Regulations
<http://www.dti.gov.uk/cii/datasecurity/electronicssignatures/signatures.shtml>

New Books in the Library

- 1) Tolley's Company meetings. Butterworths. 2001
- 2) Creighton: Prisoners and the law. 2nd ed. Butterworths. 2000
- 3) O'Halloran: Charity law in Northern Ireland. Round Hall Sweet & Maxwell. 2001
- 4) O'Mahony: Restorative cautioning; a study of police based restorative cautioning pilots in Northern Ireland. Statistics and Research Branch of NIO. 2002
- 5) Thurston: A practitioner's guide to inheritance claims. Butterworths. 2001

The Damages for Bereavement (Variation of Sum) (NI) Order 2002

The above Order came into force on 1st April 2002.
The Explanatory note reads:-
"This Order amends Article 3A(3) of the Fatal Accidents (Northern Ireland) Order 1977 by increasing the sum which may be awarded as damages for bereavement in Northern Ireland from £7,500 to £10,000."
(a) S.I.1977/1251 (N.I.18); Article 3A was inserted by section 68 of, and paragraph 4 of Schedule 6 to, the Administration of Justice Act 1982 (c.53) and amended by S.I.1990/2576 18 April 2002

**Copy deadline for May
Friday 10th May 2002**

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