

# The State of the Profession

*The new President of the Law Society of Northern Ireland, Mr John Neill, delivered his inaugural speech, reproduced below, at the Society's Annual Dinner held on 6 December.*

"By tradition, on this occasion, the new President, in responding to the Toast to the Society gives his view on the current state of health of the profession and informs members about current concerns.

As someone who for most of his working life has been half buried under papers with property and probate matters, I relish the challenge, as your President, of expanding my horizons by chairing meetings, representing you at numerous functions at home and elsewhere, entertaining distinguished guests and working with government on current matters and in countless other ways.

What an asset we have in addressing all of these tasks, in having as our Chief Executive, John Bailie, backed up by our hardworking and skilled professional and clerical staff in the Law Society, and I would like to pay tribute to your Council members and the seventy or so co-opted members of our Committees and thank them in advance for all the work they will be doing, and to say how much I welcome the election of Alan Hewitt as Junior Vice-President.

And in our jurisdiction, what a fascinating time it now is to be in the centre of public and professional life, as we solicitors most surely are. We, in all branches of the legal profession have every right to be proud of our role in this community throughout the time of the troubles. In the absence of any significant local political system, we have had a particularly important role in the upholding of due process and the rule of law and at the same time in perpetuating our peoples' great tradition of decency. We have been trustees of the justice industry. We now have a local political system, albeit still very fragile, and we

are forging new links and relationships with the new order. We solicitors now have a unique opportunity to help shape the new institutions in the twenty first century.

And what is the current state of health of our profession? The profile is much younger than it was, with many more women. Careers are shorter and more stressful. We have to work very hard and run our offices efficiently in order to earn a reasonable living. Most of us suffer from the media image of the fat cat lawyer, whereas the truth is that there are far too many thin cat lawyers struggling to make ends meet. Too many firms are under funded. The basic reason is that we are not charging properly.

But the future can only be good for a highly trained body of professionals who put the clients' interests first and foremost, lay emphasis on the absence of conflict of interest, have the ability to be objective, continue to pay attention to detail in an era of slipping standards elsewhere, know their clients, and have an effective regulatory system in place, backed up by a Professional Indemnity Master Policy and Compensation Fund.

There is no escape from the need for regulation. By regulating firmly we are seen to be looking after the interests of the public and in so doing cover the interest of the profession as well. If we don't self-regulate effectively, government will take it over and we risk becoming just another commercial interest group. I would like to acknowledge, with appreciation, the manner in which our

inspecting staff are received in your offices.

Tonight we celebrate our profession and we should think with gratitude, not only of solicitors in public and private practice but also our office staffs, all the local associations and special interest groups with their officers, law teachers, the staff of court offices and of the Legal Aid Department.

What are we in the Law Society seeking to do for the profession? I don't propose to go into detail but rather highlight certain current areas of activity and concern. I would, however, commend to you the use of our available services.

We have an excellent Library, becoming ever more computerised, and the Law Club at Law Society House. Greater use could be made of the Law Society Financial Services Company, not only to help your clients but also to help you with your finances, particularly your pension planning. We now have an interest in and direct access to a joint Law Societies office in Brussels. I would encourage more of you to support your Conference which next year will be non-residential with the main event held at the Odyssey Centre, in the new W5 Science centre, with the banquet at the



*New Law Society President, Mr John Neill.*

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magnificent offices of Belfast Harbour Commissioners. The Hilton Hotel will be the Conference centre.

At any opportunity in the Society we seek to advance the cause of the solicitor regarding rights of audience in higher courts and judicial appointments. This year's successful Advanced Advocacy course is scheduled to be repeated next year, and we plan to organise a course in support of ADR early in the new year.

The Council has adopted the recommendations of the Equality Working Party and we will shortly publicise details to the profession. Please support the work of the Remuneration Committee, which will be sending out questionnaires to firms; we simply must obtain reliable information from you. Among other benefits, the survey, if successful, should enable us to provide useful management information for the profession.

We are entering a new era in matters relating to property law and conveyancing. When we get accustomed to it, computerisation is going to have a great beneficial impact. It behoves all of us to embrace the new spirit in the property world and to take every opportunity to abandon archaic and irrelevant notions and practices which increasingly will hold us back. For this reason we welcome the main thrust of the Property Order and Ground Rents Bill. Let us not look for ways to get round the new legislation and to perpetuate the old order. We should aim to have a modern conveyancing system for a modern society, and distance ourselves from valueless ground rents, irrelevant covenants and pyramid titles in home ownership. We are out of step with the rest of the world. As we well know, there are many other aspects in the house buying process to engage the skills of a solicitor and we do not want to be bogged down in practices which are no longer of any relevance.



*Speakers at the Society Annual Dinner included Senior Vice President John Meehan, President John Neill, Donna-Marie Muir, Junior Vice President Alan Hewitt and Chief Executive John Bailie.*

In the Queen's speech it has become clear that in England and Wales, legislation will shortly be introduced making it compulsory for vendors to provide sellers packs in house sale transactions. We take the view that most of what is sought in this practice, namely putting the onus on the vendor to prepare all necessary papers in advance in order to speed up the process, is already covered by our Home Charter Scheme, apart from the Vendor's compulsory survey about which we have reservations and we will seek to

press this argument with authority.

We try to maintain a level playing field within the profession, and respond to complaints from members that other firms are adopting practices

which attract business unfairly - not always an easy task when big business decides to appoint its own panel.

Perhaps of all the areas of reform and change which we face at this time, that of legal aid is the most serious and challenging. And in these remarks about legal aid I wish to draw attention deliberately and in a considered manner, to the parallel debate about the operation of claims handling or claims management companies. I do so because both debates take us to the heart of the issue of the public interest in proper access to justice.

To deal first with legal aid. I think it is not an exaggeration to regard the decisions announced by the Government on 19th September as together constituting a watershed. I wish to highlight two of the areas of legal aid reform which seem to me to be particularly important, whether in practical or ethical terms.

In respect of legal aid administration, the Government proposes to establish a Legal Services Commission. In so far as this will relieve the Society of an often thankless task, it is acceptable in its own

terms. Much will depend, of course, on the willingness of the Government to match its proposal with adequate financial backing to ensure that the administration of legal aid is improved. Of much greater long-term significance for the profession, however, is the proposal that the Legal Services

Commission will become, to all intents and purposes, an additional regulator of the profession. Our first and most fundamental task will be to test the proposition that this is either necessary or appropriate for us. So far as the Law Society is concerned, we have never shied away from our responsibilities, as recognised not only by our Charter but also by the Solicitors' Order, to regulate effectively in the public interest. Part of our legitimate concern about the whole context in which this debate is taking place is the failure to recognise adequately the experience and willingness of the Society to undertake effective self-regulation which is proportionate, will deliver to the public the level of service required, and at reasonable cost. There are important questions to be asked as to precisely what the Government seeks to achieve, taking at face value their assertion to be concerned about quality and value-for-money rather than dogma and costs-cutting. Similarly there are important issues to be explored to test the depth of the Government's espousal and recognition of the need in the public interest to preserve the network of solicitors' practices already providing a comprehensive legal service in the community. I do not think it is possible for us to know the answers at this stage, nor to commit to any final outcome on behalf of the Society, but we are seeking to establish a forum with the Government in which these issues can be examined properly before legislation is framed.

The second legal aid issue I wish to highlight is the debate around alternative means of funding for those types of litigation (notably personal injury) for which the Government has signalled quite clearly the removal of legal aid in its traditional form. Again this is an area where the Government seem to be open to consideration of options. The Lord Chancellor has asked his advisory Committee ("the LAAC") to investigate the possibility of a CLAF ("Contingency Legal Aid Fund") as an alternative to CFAs ("Conditional Fee Agreements"). The Advisory Committee have invited

## PAYMENT OF FEES BY WAY OF SHARES AND CLIENT COMPANIES

The Society has been receiving a number of enquiries about the ethics of taking payment by way of shares from client companies. The Professional Ethics and Guidance Committee has carried out some research into the topic, which is live with Bars and Law Societies throughout the world. It is a rapidly developing area, with a number of legal and ethical issues to consider, including the protection of the client's interest, ensuring they have independent legal and other advice; the avoidance of potential conflicts of interest; implications of partnership; and for VAT and general tax.

If you need further information, please contact the Deputy Secretary, who has gathered together documentation from other jurisdictions.

## LAND REGISTRY

Compulsory Registration of Title Order (Northern Ireland) 2000 made 23rd October 2000 coming to operation 1st February 2001.

Please note that this Order declares the remainder of County Down to be a compulsory registration area under the Land Registration (NI) Act 1970 when it commences on 1st February 2001. The type of property transaction which triggers a compulsory registration within that area is defined by entry 2 of Schedule 2 to the 1970 Act.

This includes the local government districts of Banbridge, Castlereagh, Craigavon, Down, Lisburn, Newry and Mourne. Solicitors should be aware that postal addresses do not necessarily coincide with local government districts.

## LEGAL AID DEPARTMENT- LUNCH TIME OPENING

### TO ALL PRACTITIONERS

When deciding the Legal Aid Department's priorities and objectives to be included in the Corporate Plan, the Management agreed to improve accessibility to the Department. The Department's opening hours were carefully considered and it was agreed to open the Department during the lunch period. I wish to let you know that the staff of the Department are unanimous in their support for lunch time opening.

With immediate effect the closing hours of 1.00pm to 2.15pm are permanently abolished.

At this time I would like to clarify one constraint, the Landlord of Bedford House will not permit the lifts to be used for deliveries during the times of 12.00 and 2.00pm. I therefore ask you not to deliver or collect large boxes of materials during this period.

I hope you find the extension of our business hours is of some assistance to you.

Allan Johnston, Chief Executive Officer

DIARY DATE : DIARY DATE: DIARY DATE: DIARY DATE: DIARY DATE

## LAW SOCIETY CONFERENCE 2001

The date for this year's Law Society Conference is Friday and Saturday 6 and 7th April 2001 and the venue is W5 - the new "state of the art" interactive science centre, part of Odyssey, Northern Ireland's exciting Landmark Millennium Project at Laganside, Belfast.

In addition to a conference keynote lecture on Saturday and an exhibition on IT and business services available to the legal profession, delegates and their families will have a special preview of the inspirational and stimulating whowhatwherewhenwhy W5.

**"Visitors to W5 can build bridges, robots, racing cars, use microscopes and lasers, feel how air causes lift, explore your voice and fitness and discover that science, technology and engineering is fun."**

An exciting social programme to the conference has also been arranged involving an evening at the Opera House to see a West End Play on Friday 6 April, a formal dinner with musical entertainment at the magnificent Belfast Harbour Commissioners building on Saturday evening and other events suitable for all ages throughout the weekend.

The conference hotel is the Hilton in Belfast. Delegates will be able to pick and choose which activities or events they would like to participate in and whether or not they require accommodation.

More details to follow in the New Year - in the meantime keep these dates free - **6/7 April 2001.**

**For further information contact Clair Balmer 028 7035 3217 or email [clair@cbpr.co.uk](mailto:clair@cbpr.co.uk)**

**BELFAST SOLICITORS**



**ASSOCIATION**

**BSA SUBCOMMITTEES 2001**

**CONVEYANCING**

S Millar (Chair)  
R Palmer  
F Gibson  
P Boitel Gill  
A Donnelly  
G Brown  
P Reid

**LECTURES**

P Boitel Gill (Chair)  
C McAteer  
W Cross  
S Craig  
P O'Rawe

**THE WRIT**

T C Smyth

**HIGH COURT/COUNTY COURT**

P Campbell (Hon. Treasurer)  
M Mallon  
S Andress (Hon. Secretary)  
S Millar  
O McClure  
F McElhatton  
C Ross  
T C Smyth  
G Patterson  
W Cross  
P O'Rawe

**LEGAL AID**

C McAteer (Chair)  
W Cross  
F McElhatton

**SOCIAL EVENTS**

O McClure (Chair)  
R Palmer  
G Patterson  
W Cross  
S Millar  
T C Smyth  
A Donnelly  
C Ross

**LIST OF BSA COMMITTEE MEMBERS  
DECEMBER 2000**

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64 - 66 Upper Church Lane  
BELFAST

Tel No: 028 9024 0067  
Fax No: 028 9031 5557

## New BSA Chairman Appointed



Steven J Millar was elected chairman at the AGM of the Belfast Solicitors' Association for 2000/2001

Born in Belfast, Mr Millar was educated at Grosvenor Grammar School and Queen's University Belfast.

Mr Millar is a partner in the city centre firm of Culbert & Martin, Solicitors. He has been with the firm from 1993, having previously worked in another city centre firm for five years.

Mr Millar heads the litigation department of the firm with a particular interest in commercial litigation (including debt recovery and insolvency) and personal injury litigation. In addition he deals with private client work.

Mr Millar is married to Karen and when he can find time his hobbies include hill walking, squash and water sports.

At the same meeting, Stephen Andress was elected Honorary Secretary and Peter Campbell Honorary Treasurer.

BELFAST SOLICITORS



ASSOCIATION

## High Court Costs Update

The Committee Members of the Belfast Solicitors Association have been receiving enquiries in relation to the new High Court Guide from some solicitors who are experiencing difficulty with local insurers, in securing payment of costs under the new Guide.

It is the Committee's experience that in claims being dealt with by insurance offices in England and Government departments here costs are being paid on the new Guide without dispute. Prior to publication of the New Guide, and subsequently, the Committee consulted a local cost drawer who considered the increase on the 1998 Guide to be reasonable.

The Committee would remind members that the guide is to facilitate settlement of cases and where settlement cannot be obtained on the issue of costs then, in appropriate cases, members are encouraged to tax their costs in the usual way. Whilst procedurally it may take longer to receive payments of costs, the Committee are of the view that in most cases (providing proper time records are kept) costs will be taxed at or at a higher level than the new guide.

BELFAST SOLICITORS



ASSOCIATION

## EJO PROBLEMS!

A number of our members have been experiencing difficulties with the Enforcement of Judgements Office e.g. delays in production of certificates of satisfaction even where the creditor or the creditor's solicitor has written directly to the EJO to confirm that they have no objection to a certificate issuing, delay in release of balance monies furnished to the EJO on foot of an order appointing receiver etc.

Before raising these matters formally with the Chief Enforcement Officer the Committee would be interested to know if Members are experiencing any other problems.

If you are could you please advise the Secretary

Stephen Address at Messrs. Agnew,  
Address, Higgins, Solicitors  
92 High Street,  
BT1 2DG  
DX 436NR  
BELFAST

and we will be pleased to take up these on your behalf.

## RECOMMENDED HOLIDAY LIST 2001

<b>JANUARY</b>	(New Year's Day) Monday 1st January
<b>MARCH</b>	(St Patricks Day) Monday 19th March)
<b>APRIL</b>	(Easter) Friday 13th Monday 16th Tuesday 17th
<b>MAY</b>	Monday 7th Monday 28th
<b>JULY</b>	Thursday 12th Friday 13th
<b>AUGUST</b>	Monday 27th
<b>DECEMBER</b>	(Christmas) Monday 24th Tuesday 25th Wednesday 26th
<b>JANUARY 2002</b>	(New Years Day) Tuesday 1st

BELFAST SOLICITORS



ASSOCIATION

## Republic of Ireland Agents

We are willing to act as agents in most legal matters.

Our offices are close to Courts, Government Buildings and Commercial Centre.

Fee splitting by arrangement.

**Hughes & Liddy  
Solicitors**

2 Upper Fitzwilliam Street  
Dublin 2

Tel: (00 3531) 6766763  
or (00 3531) 6789701  
Fax: (00 3531) 6766702

## NIYSA Annual Conference-Date change

We are pleased to announce that our Conference for 2001 will be taking place in conjunction with the Liverpool Young Solicitors Group in Liverpool, Friday 18th May – Sunday 20th May 2001.

Although our Conference Agenda has yet to be finalized it is anticipated that it will run as follows:

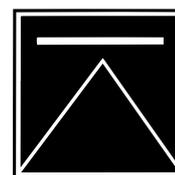
Friday 18th May 2001	am	Welcome and Registration
	pm	Social Event.
Saturday 19th May 2001	am	Lectures
	pm	Black Tie Ball
Sunday 20th May 2000	am	City Tour
	pm	Brunch and Goodbyes

We hope to keep costs in line with previous years at approximately £140.00 per delegate including travel (based on two persons per room) by availing of reduced air fares through early booking.

Accordingly all those wishing to attend should complete and return the attached Booking Form together with a deposit cheque in the sum of £40.00 made payable "NIYSA" .

Demand for our Belfast Conference in March 2000, (attended by over 380 delegates), greatly exceeded available places and so early booking is advised, places will be allocated on a first come first served basis.

*(Details of our finalized programme and fee will appear in The Writ in early course.)*



### NORTHERN IRELAND YOUNG SOLICITORS ASSOCIATION

The members of the N.I.Y.S.A were deeply saddened by the recent tragic death of Samuel Brian Reid, known as Brian by his friends.

Brian, a Solicitor with McBurney & Co., qualified in September 1999 and had just embarked with enthusiasm on his legal career. He will be greatly missed by his friends and colleagues alike, and the N.I.Y.S.A would like to take this opportunity to extend their deepest sympathies to his family .

## Booking Form

18th – 20th May 2001, NIYSA Conference.  
*(Please complete in type or block letters)*

Name \_\_\_\_\_ Firm Name \_\_\_\_\_

Address \_\_\_\_\_

Cost (approx £140.00) \_\_\_\_\_

Tel(inc.code) \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

I will be sharing with \_\_\_\_\_

I wish to book for the NIYSA Annual Conference. I prefer a double/twin room *(Please circle your preference)*. I accept that all payments are non-refundable and that my booking is subject to availability and to written confirmation by the Organisers. The remaining balance shall be payable by me to the NIYSA on request . I shall be responsible directly to the Hotel for any incurred room tab on check out.

*Note\* We regret that we cannot accept bookings at the Conference Hotel for single rooms or single nights. All bookings must be made through NIYSA.*

Please tick if vegetarian

Signed \_\_\_\_\_ Date \_\_\_\_\_

*Please return completed booking form and £40.00 deposit cheque in an envelope marked "NIYSA Conference" to: Maureen Bell, Vice Chairman, NIYSA, c/o Bigger & Strahan Solicitors, Sinclair House, 89 Royal Avenue, Belfast, BT1 1EX.*

highlight is the debate around alternative means of funding for those types of litigation (notably personal injury) for which the Government has signalled quite clearly the removal of legal aid in its traditional form. Again this is an area where the Government seem to be open to consideration of options. The Lord Chancellor has asked his Advisory Committee ("the LAAC") to investigate the possibility of a CLAF ("Contingency Legal Aid Fund") as an alternative to CFAs ("Conditional Fee Agreements"). The Advisory Committee have invited the Society to submit views and, indeed, have sent a welcome signal as to the weight which will be attached to the views of the profession on this issue. Again we are at the beginning of a process. There may well be significant difficulties with the operation of a CLAF, but it is clearly incumbent upon us to take a good hard look at experience elsewhere before ruling out this option. In terms of the preliminary work we have done to date, it would seem clear also that we need to be cautious before accepting uncritically the Government analysis that CFAs, as they have developed in England and Wales, represent the only other viable option. It may be that there is a third way, some insurance-based funding solution which will meet the interests of the public irrespective of the withdrawal of legal aid, but will also meet the Society's ethical concerns about protection of consumers and the widespread recognition of the need to preserve the network of solicitors in the province and preserve the principle of client choice of independent solicitors.

On all of these issues, we are attempting within the Society to meet and deal with Government on an informed and reasoned basis. I anticipate that much of our initial work will be devoted to establishing a position on the CLAF concept and to articulating more fully a position on self-regulation on the lines I have already mentioned.

On these issues it is clearly critical that we hear from the profession. We plan to decide shortly on the best way this might be done. Perhaps we might seek to meet to pull together representatives from all local associations to have a focused debate which will give us a better understanding of your views as we enter into discussions with the Government. Please discuss these issues amongst yourselves and write either to me or the Chief Executive setting out

your views.

Within the context of our strategy to deal with legal aid reform we shall be seeking to integrate our thinking about the phenomenon of the several companies who, in various guises, purport to offer an alternative service to the public (not using a solicitor) in asserting their legal rights through compensation claims. It is apparent from the post-bag at the Society that there is an acute awareness of the negative aspects of these companies, all of which deserve to be a matter of the greatest public concern. It is one of the ironies of this debate that at a time when the Government is being strident in its demand for enhanced regulation of the established independent and ethically-grounded legal profession, there should be such an apparent absence of will or interest in dealing with the unregulated and often exploitative practices highlighted recently in the media. The reality is that these companies add nothing of real value (whether in a financial or ethical sense) to the service which can be provided by the legal profession. As with the specific issues relating to legal aid to which I have referred, we shall be seeking to engage

the Government on these issues, and again your views on the way forward would be appreciated greatly.

Tonight it is also my pleasant duty to toast the health of the Newly Admitted solicitors. We welcome you warmly and congratulate you on getting to this stage. We wish you interesting and fulfilling careers. You have been students hitherto, but like all of us, you will continue to be students so long as you are in practice. We hope many of you will take an interest in the Law Society and stand for election in due course - there is lots of work to be done and we always need fresh talent. There are new areas of law to be exploited, such as the Human Rights Act, demanding fresh approaches to our thinking, and jurisprudence, novel to many used to greater certainty in the law. We need the flexibility and imagination which younger lawyers such as you in particular will bring to the profession.

In conclusion, tonight we celebrate our legal profession, ready to move forward fit to serve a province hopefully on the verge of renewal. And so, in this spirit, I propose the health of the Newly Admitted Solicitors."

## Admission Ceremony



On 4 December, newly admitted solicitors received their certificates at a ceremony at the High Court in the presence of the Lord Chief Justice, Sir Robert Carswell and the President of the Law Society Mr. John Neill.

Copies of this photograph can be ordered from Geoff Lennon Photographs, tel 028 90743133 or fax 028 90744934.

## C O N F E R E N C E R E P O R T

**CHILD CONTACT AND DOMESTIC VIOLENCE:  
MAKING A DIFFERENCE BREAKING THE CYCLE**

A successful conference, hosted by the Law Society and the Bar Council (organised by SLS) was held on Wednesday 22nd November 2000 at the Europa Hotel, Belfast. The idea for a conference to tackle the issue of domestic violence and its effect on children was instigated by Professor Monica McWilliams MLA who has specialist expertise in this area. Her research together with experience from those working on the ground had shown that children suffer harm when they witness violence by one parent to the other, even where there is no risk of direct violence to themselves. Professor McWilliams approached the Society and a Working Group (consisting of representatives of both branches of the legal profession, the Northern Ireland Court Service, Office of Law Reform, Guardian Ad Litem Agency, NI Womens Aid and Womens Support Network) was set up to arrange the conference.

The event was organised for the judiciary, legal and social work professionals in Northern Ireland to further develop strategies to tackle the problem of contact in violent families where the parents are no longer living together. In Northern Ireland there is statutory provision for the courts to take violence into account in cases where the non-resident parent applies for contact of the children. Discussion at the conference focussed on the implementation of the existing legislation in this jurisdiction and also on new practice guidelines which have been proposed for England and Wales. The proposed guidelines would allow a court to give early consideration to allegations of domestic violence, although experience in practice suggests that the decision as to how this should be done can often be difficult.

By way of introduction, the Family Division Judge, the Honourable Mr Justice Higgins provided an analysis of the law as it currently applies in Northern Ireland. The Honourable Mr Justice Wall, an English High Court Judge and Chairman of the Advisory Board which compiled a report to the Lord Chancellor on the question of parental contact in cases where there is domestic violence, delivered an excellent keynote

address. He highlighted the difficulties of balancing the interests of the non-resident parent against those of the child and spoke about the importance of properly addressing the issue of domestic violence where it arises in contact applications. The conference was also addressed by Dr. Ewen McEwen, Consultant Psychiatrist from the Young Peoples Centre in Belfast and Linda Regan, from the Child and Women Abuse Studies Unit in the University of North London, who spoke about their research and the children they have worked with. A children's rights perspective was provided by Tara Caul from the Childrens Law Centre and other speakers (\*see footnote) spoke briefly to present evidence on their experience of issues surrounding domestic violence and children.

Delegates then attended workshops to discuss the guidelines on an individual basis and the relevance of the issues to Northern Ireland. The objective of the seminar was to provide a catalyst for Northern Ireland to develop a fully fledged and effective inter-professional strategy to protect all family members in contact cases, particularly the parent with primary care, from further violence and in particular to:

- identify and consider the extent and severity of the problem;
- assess the effectiveness of the current legislation relating to contact and domestic violence;
- assess the possibility of developing a Northern Ireland version of the English guidelines as part of such a strategy and
- provide information on the latest thinking about the problem and the range of help available in Northern Ireland.

The programme concluded with a summary of the most important points that had emerged from the talks given by the various speakers and feedback from the workshops provided by Professor Monica McWilliams. Finally, the Northern Ireland Minister of Health, Ms Bairbre de Brun, drew the day's events to a conclusion and reiterated her

commitment to addressing the issue of domestic violence. The Minister introduced two new initiatives, one to commission further research by the Equality Unit and the other to establish a sub-group of the Regional Forum on Domestic Violence to highlight the specific needs of children in abusive family circumstances and to advise on significant child protection issues relating to domestic violence. It is intended that research will also identify existing services available to children and the ways in which they may be improved.

*\* Other Speakers*

Edel Quinn from Womens Support Network;

Patricia Lynas from Belfast Womens Aid;

Angela Courtney from Northern Ireland Womens Aid Federation; and

Linda Kerr BL from Knock Child Contact Centre.

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## ASSOCIATION OF FAMILY SOLICITORS FOR CHILDREN

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Solicitors  
3 Carlisle Circus  
Belfast BT14 6AT

**VICE CHAIR:** Judith Brown  
Alan M Brown  
Solicitors  
288 Newtownards Road  
Belfast BT4 1HF

**TREASURER:** Eileen Ewing  
Holmes & Moffitt  
Solicitors  
289 Shankill Road  
Belfast BT13 1FT

**SECRETARY:** Claire Doherty  
McCann & McCann  
Solicitors  
10 Royal Avenue  
Belfast BT1 1DB

### LUNCHTIME SEMINAR

**Children & Adults with Learning Disabilities - Interaction between legal perspective and psychological perspective.**

**Speakers:** Dr Jennifer Creegan, Clinical Psychologist  
Aiden Canavan, President of Special Educational Needs Tribunal for NI  
Nadine Kirkie, IPSEA

**Date:** Wednesday 17th January, 2001

**Time:** 12.30pm (Tea/Coffee, Sandwiches served from 12 noon)

**Venue:** Law Society House, Victoria Street, Belfast

**Cost:** £10.00

Booking Forms and cheques should be sent to :  
Claire Doherty  
C/O McCann & McCann Solicitors  
10 Royal Avenue  
Belfast BT1 1DB

### BOOKING FORM

Meeting at Law Society House, Wednesday 17th January, 2001 at 12.30pm.

Please return the this form, duly completed, together with cheque made payable to Association of Family Solicitors for Children, to Claire Doherty, c/o McCann & McCann Solicitors, 10 Royal Avenue, Belfast BT1 1DB

I enclose a cheque for £10.00 made payable to Association of Family Solicitors for Children.

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

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## ASSOCIATION OF LAWYERS FOR CHILDREN - 11TH NATIONAL CONFERENCE

I recently enjoyed the opportunity of attending the above Conference at Warwick, organised by the Association of Lawyers for Children which draws its membership principally from England and Wales.

The ALC is an Association of Lawyers practising in the field of Child Care Law. The members of the Association include solicitors, barristers, judiciary academics with legal qualifications and associate members include persons interested in pursuing the objects of the Association, such as social workers, child psychologists, child psychiatrists, Guardians and other involved in promoting justice for all children and young people.

The Conference lasted for a period of two days and involved lectures and workshops on a wide range of topics such as the representation of children in public and private law proceedings, the impact on parenting and on children of substance misuse, Children's Rights Commissioners, differential diagnoses in serious physical injury in children and other interesting and informative topics.

The speakers came from various professional disciplines and included lawyers, social workers and medical experts. I was forced to make a choice as to the workshops at which I wished to attend - I would have gladly attended every workshop. The majority of speakers did, however, provide papers for their sessions and a copy of the full set of papers has been made available to the Law Society Library.

I had several reasons for wishing to attend the conference and, in particular, obtaining ideas on some of the areas currently under review by the Family Law Committee such as:-

- the establishment of a comprehensive training programme for Solicitors seeking to be accredited to the Children's Panel;
- the creation of a programme for compulsory professional development for those solicitors already on the Panel;
- the promotion of the working relationship between the Guardian ad Litem Agency and Solicitors

Speakers included the Honourable Mr Justice Hughes, Andrew McFarlane QC

and Professor Helen Carty, Professor of Paediatric Radiology.

The Honourable Mr Justice Hughes provided useful feedback on the duty of the legal practitioner to differentiate between cases in which an adversarial approach may be required and the majority of cases where it is more appropriate to be proactive in alternative dispute resolutions. The Judge spoke at length about the cases involving implacable hostility on the part of the parent with residence. The Judge commented that, in some cases, the threat of imprisonment may become necessary after failed attempts on behalf of all the professionals involved and the court, in obtaining consensual agreement. The Judge's comments were particularly interesting in light of the current debate concerning child contact and domestic violence.

Andrew McFarlane QC provided an extremely useful update on current case law. The paper accompanying the lecture is a useful tool of reference for any legal practitioner involved in this area of Law.

Professor Helen Carty spoke at length on differential diagnoses in serious physical injury and provided useful guidelines in assisting the court and legal practitioners in identifying the differences between accidental and non-accidental injuries. Her lecture highlighted for me the necessity of consideration being given to a further seminar for Lawyers in Northern Ireland on the topic of radiology of child abuse.

The workshops were extremely varied and promoted some stimulating debate. Of particular interest, was the workshop dealing with the implementation of the Quality Projects Initiative which raised standards in the delivery of services for children and young people in care. While the workshop focused on the role of local Authorities, it nevertheless raised issues from all those working with and representing children, including Lawyers.

Also of interest in looking to the future were consideration of proposals for the appointment of Children's Rights Commissioners to act as guardians of the Human Rights of Children. The recent coming into operation of the Human Rights Act may well initiate consideration being given to the appointment of

Children's Rights Commissioners in Northern Ireland.

Dr Ursula Kilkelly considered children participation in family proceedings under the Human Rights legislation and ECHR. I was surprised by the reluctance exhibited on the part of our English colleagues to employ the new legislation in promoting greater involvement of children in Children Order proceedings. It is to be hoped that the Northern Irish Lawyers will adopt a more proactive approach.

The opportunity to network with colleagues from England and Wales was very important - it is essential that we continue to interact with our colleagues across the water to share knowledge and ideas.

The ALC holds a conference every year and for those interested in attending at future Conferences, details can be obtained directly from me, c/o Bogue & McNulty, Solicitors.

Karen Fox

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## EMPLOYMENT LAWYERS' GROUP

(NI)

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*Chairperson* Beverley Jones  
*Hon. Treasurer* Orla Murray

**Website: [www.legal-island.com/elg.htm](http://www.legal-island.com/elg.htm)**

### Lunchtime Seminar

#### Industrial Tribunals and The Fair Employment Tribunal - a Managed Response to the Resolution of Complaints'

Speaker: **Mr John Maguire, President of Industrial and Fair Employment Tribunals.**

Date: Friday 2 February 2001

Time: 1pm (tea, coffee and sandwiches served from 12.30pm)

Venue: Law Society House, Victoria Street, Belfast

Cost: Members £3 per talk, Non-members £6

Booking forms and cheques should be sent to: Orla Murray, Departmental Solicitor's Office, Victoria Hall, May Street, Belfast, BT1 4NL.

Note: further Talks are planned on Stress Injuries at Work and on Tax Implications for Compromise Agreements. Watch the Writ for details.

### Booking Form

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Firm \_\_\_\_\_

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I enclose remittance of £ \_\_\_\_\_

### Membership Renewal

Membership renewals for 2000-01 are now due. Please send your membership subscriptions (£10 per member per year) to the treasurer, Orla Murray, at the address above.

#### EMPLOYMENT LAWYERS' GROUP (NI)

#### Membership Form

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## Risk Management

ADVICE

# Counting the cost

Every Solicitor knows the implications of an overdrawn client account. However, what procedures do you have in place to ensure that risks of an accounting error are reduced? Do any of the following situations ever arise in your office?

- Cheques are drawn against before they are cleared.
- Funds are remitted in conveyancing transactions before they are received.
- There are either no, or only limited controls as to who may sign cheques.
- Your petty cash is used by staff and partners as a cashpoint.
- Your cashier or firm's accountant has no authority.

Sounds familiar? If it does then you are exposing yourself to the risk of something, potentially catastrophic, going wrong. Sound accounting procedures and systems are needed to safeguard against financial errors and fraud. It is surprising the number of firms who allow client account cheques to be signed by one person. A gift to a fraudster. Consider the following procedures:

- All client account and office account cheques over £1000 are to be signed by two authorised signatories.
- No monies to be drawn against uncleared effects both cheques and CHAP transfers.

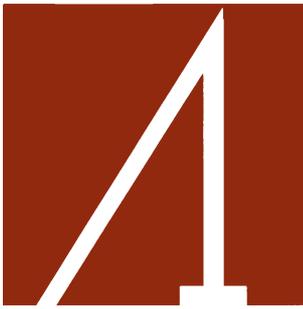
- All payment requests being checked to ensure there are sufficient funds in the account to meet the payment before the cheque is drawn, and not after.
- A bar on any individual client account being overdrawn at any time. Under no circumstances is the bar to be overridden.
- A spot audit carried out by the cashier or accountant of any file they choose where a payment request is received, in order to verify the authenticity of the request.
- A clear audit trail of all financial transactions properly recorded on the file. This should consist of all payment in or out slips, statements and any other financial dealing placed on the file immediately it has occurred.
- Strict controls relating to the use of petty cash, such as payments only being made on production of a receipt.

The rules should be observed by all, including partners. Sloppy petty cash procedures may be indicative of sloppy accounting procedures.

Time-consuming, bureaucratic, and regulatory? Perhaps, but you cannot afford to take risks where money is involved. An individual in the firm must be monitoring accounting procedures on a continual basis. What if that cheque you draw against bounces? What if the money from your purchasers does not arrive, after you have sent out tens of thousands of pounds from your client account? What if an authorised signatory in your firm is defrauding you?

Resist client pressure to send money before you can safely do so. Why should you provide a bridging facility on a casual basis without security? Would a bank or any other financial institution do this? Why should you take this risk?





Law Centre (NI)

## DETENTION OF ASYLUM SEEKERS

The detention of asylum seekers in prison remains a blot on the legal landscape. A recent Law Centre report *Sanctuary in a Cell* - the detention of asylum seekers in Northern Ireland sets out the legal and policy arguments for ending current practice.

Unlike in Britain where asylum seekers are generally held in purpose built detention facilities, those detained in Northern Ireland are held in prison. Having committed no criminal offence, asylum seekers are separated from the general prison population and held either in isolation or with other separated prisoners, for example, sex offenders. Wide powers to detain asylum seekers are granted to Immigration officers under the 1971 Immigration Act, 1993 Asylum and Immigration Appeals Act and the 1999 Immigration and Asylum Act. These powers set out no criteria for detention and provide no time limit on the period of such detention. Internal guidance operated by the Immigration Service only became publicly available following an unreported High Court decision, *R V Secretary of State for Home Department ex p Brezinski and Glowacka* 1996. Such guidance can clearly be changed and in any event often appears to be ignored. The main avenue to challenge detention is through an application for bail normally to an immigration adjudicator.

Unlike in Britain, legal aid is not available for immigration appeals and bail hearings though the Home Office has recently funded a post at the Law Centre to provide such representation. In contrast, human rights legislation provides considerably greater protection. Article 5 of the European Convention which can now be argued before courts and tribunals governs the right to liberty and security and sets out that a person detained must be given reasons for

detention in a language he or she understands. Moreover, there is also a right to promptly challenge such detention. In *Ammur v France* (1996), the European Court of Human Rights held that this must include access to legal assistance and translation facilities. International refugee law also provides guidance on detention, in particular, Article 31 of the 1951 Refugee Convention and United Nations High Commission for Refugee guidelines make it clear that detention may be resorted to, but only in specific and exceptional circumstances. Article 31 has been incorporated into domestic legislation since 1996 whilst the guidelines, though not legally binding, nonetheless, come from an internationally authoritative source.

*Sanctuary in a Cell* examined 75 individuals detained between January 1999 and June 2000. Thirteen were women held in Maghaberry and 62 men held in Magilligan. Nineteen nationalities were covered by the analysis though Chinese, Romanian and Nigerian nationals made up two-thirds of those detained. Only 8 per cent of those detained were ultimately deported. Worryingly, however, 27 per cent withdrew their asylum claims and returned to countries of origin suggesting that imprisonment inhibited the pursuit of legal redress. A further 23 per cent were removed to the Republic of Ireland and 38 per cent released on bail. Many of those removed to the Republic were transferred under the Dublin Convention as an asylum claim had been lodged with the Republic and the person had unwittingly travelled to Northern Ireland without realising the legal ramifications of such a trip. The outcomes for those detained raise real questions about whether detention was necessary or appropriate in the first instance.

The report concluded that detention is too readily used in Northern Ireland and should, in future, only be applied in circumstances that meet international human rights standards. The main recommendation of the report is that a non-custodial alternative to detention should be developed including accommodation tailored to the needs of asylum seekers and the requirement of close supervision where necessary. In the interim a series of recommendations to improve prison conditions are also made. The recommendations have been endorsed by Sir David Ramsbotham Chief Inspector of Prisons for England, Wales and Northern Ireland, the Equality

and Human Rights Commissions. A review by the Home Office of immigration detention facilities is at an advanced stage and the report's publication is timely. To illustrate the unsatisfactory impact of current provision, a Roma gypsy was detained and separated from her new born daughter on arrival in Northern Ireland. She became so agitated and distressed that she was removed to the psychiatric unit of Maghaberry. A prison governor had serious doubts about such a placement and contacted the Law Centre. The commissioning of a report from a consultant psychiatrist and an application for bail led to a move out of the unit and subsequent release to be reunited with her son who had been placed in care. Hopefully, the Home Office review will put an end to the need to highlight such cases.

*Sanctuary in a Cell* - the detention of asylum seekers by Victoria Tennant is available from the Law Centre at £9.95. A copy of the executive summary is also available free of charge. Contact Law Centre publications department 90 244401.

Les Allamby, Law Centre (NI)

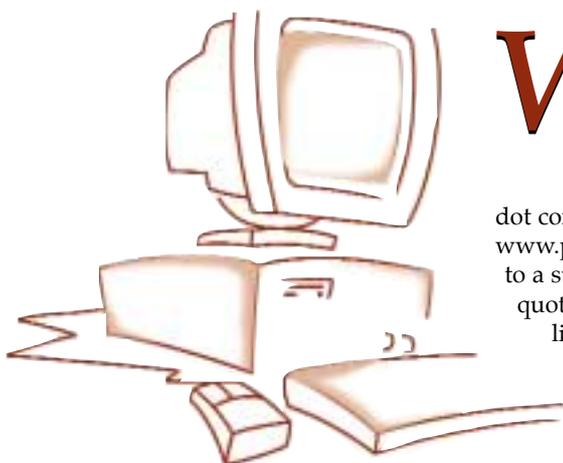
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# WEB WATCH

The latest edition of the Yellow Pages for Northern Ireland (2000-2001) has just been published in time no doubt to assist the Christmas shoppers. The Directory provides a good indication of how law firms are beginning to co-ordinate their traditional marketing techniques with the Internet. Many of the advertisements under the Solicitors' category now contain both an email and web site address. One firm, Wilson-Nesbitt Solicitors is putting to good use snappy

dot com addresses. Their web address [www.propertydirectni.com](http://www.propertydirectni.com) steers visitors to a submit form which will deliver a quote to the user whilst they wait on-line. Impressive.

Marketing that co-ordinates the Internet with more traditional forms of advertising is by no means new. The signs are however, that many law firms are beginning to direct more resources towards the former in preference to the latter. This may be because the Internet population is now a sizeable market and one that is likely to grow rapidly in the next 12 months as costs associated with accessing the Internet plummet. Much has been written about low cost calls to the Internet recently. However, the most important development relating to on-line figures is the advent of WebTV. This has reduced

entry level costs of getting into cyberspace from around £700 (being the cost of a cheap PC) to about £150. Not only is this Internet gateway more affordable but it is one that is familiar to all. On-line figures are expected to rise significantly as Internet access no longer compels some users to grapple with their fear of computers but simply requires them to press a few more buttons from the comfort of the armchair in front of the television.

Christmas is here and business is carefully observing consumer purchasing patterns. Law firms might care to monitor what viewers are choosing to watch on their TV. It will be a few of the festive specials but it might also be their competitor's web site.

[barry-phillips@altavavista.net](mailto:barry-phillips@altavavista.net)



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## ADMINISTRATIVE ASSISTANT

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Administration 2, level B1,

The Brussels office of the three Law Societies (England & Wales, Scotland and Northern Ireland) represents the interests of the solicitors' professions to the EU institutions' decision-makers. The office's responsibilities include reacting to draft legislation as it affects the profession and will be providing a range of services to solicitors. It plays an active role in promoting the opportunities for solicitors in legal services markets world-wide.

This new post has arisen in the Brussels office in order to assist with the expanding work of the office. The main responsibilities will be providing secretarial and administrative support to the two executive staff and office manager.

### THE ROLE

Producing, assembling, and sending out information and newsletters;

Maintaining records and databases;

Arranging meetings and seminars, booking rooms and arranging catering;

Dealing with standard enquiries and general administrative tasks.

### THE CANDIDATE

At least 2 years' secretarial and administrative experience, with a typing speed of at least 50wpm;

Good communication and organisational skills;

Able to work under pressure and to tight deadlines;

IT literate (WP Microsoft skills are essential);

Motivated with an enthusiastic approach to work and to the team, and

English and French mother-tongue standard. Other languages, especially Flemish, an advantage.

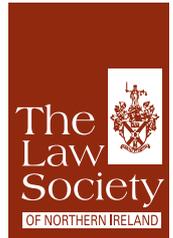
If you wish to apply, please send a CV and covering letter to the head of the office, June O'Keeffe, by post: 142-144 Avenue de Tervuren, B-1150 Brussels or by email: [june.okeeffe@lawsociety.org.uk](mailto:june.okeeffe@lawsociety.org.uk)

A copy of the job description can be obtained from the Deputy Secretary at the Law Society of Northern Ireland.

Closing date for returned applications is 15th January

Interviews will be held on 29th January

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## PRACTISING CERTIFICATE APPLICATIONS: REMINDER

Application forms for Practising Certificates for the year 6th January 2001 to 5th January 2002 have now been despatched by the Society. Each solicitor wishing to apply for a certificate for this period should ensure that the form is completed in accordance with the Guidance Notes which appear on the reverse side of the application forms. Practitioners are reminded that responsibility for a correct and timely application lies with the individual solicitor seeking the authority of the certificate (not with his or her firm or Department). The forms, together with the other specified documentation and appropriate fees, must be returned to the Society no later than 5th January 2001.

## WITHDRAWAL OF THE CASH BASIS OF ACCOUNTING WORK IN PROGRESS WORRIES?

The grey area of work in progress valuation for professional firms has been addressed by the Inland Revenue in their Inspectors Guidance manuals. Certain practices may escape the difficult exercise of arriving at an acceptable valuation, but for others careful consideration will be necessary to ensure compliance with Revenue requirements.

My previous article described the replacement of the cash basis by the full earnings basis of accounting, the latter involving valuation of practice work in progress. The full earnings basis attempts to match income earned in an accounting period with the costs expended in producing that same income. To facilitate this match, costs charged to this years profit & loss account which relate to next years fees, must be carried forward as work in progress.

On this basis, legal practices can be easily split into two categories - those with work in progress valuation issues and those without. Practices with no fee earners other than a principal or equity partners, can value work in progress at zero and need worry no further. In contrast, firms employing fee earning staff must place a value on their unbilled chargeable time at the accounts year end by reference to direct costs such as staff salaries, national insurance and pension contributions. Additionally, if such firms have over four partners in total, or a high ratio of fee earners per partner, then it may also be appropriate to include productive overheads in the work in progress figure. For example, a six partner firm with numerous employed fee earners may decide to include a reasonable percentage of overheads reflecting the cost of premises occupied by chargeable staff, together with direct salary related costs for both these employees and their secretarial support. There may indeed, be more than one basis for valuing the work in progress in this example, but the Inland Revenue do not have the right to substitute another method for the one chosen, provided it is valid. To achieve validity the chosen basis of work in progress valuation must be reasonable, taking into account the individual circumstances of the legal practice concerned, and be applied consistently each year.

The choice of valuation basis is a judgmental one and should be made in consultation with the legal firms accountant. Advice should also be sought as to the practical considerations involved in work in progress valuation and possible ways of mitigating the related income tax liability.

Both of these topics will be detailed in my final article in the series.

Caroline Anderson is Principal of Andersons Chartered Accountants & Registered Auditors and a member of the Quality Review Committee of the Institute of Chartered Accountants in Ireland.

## Criminal Appeal (Amendment) (Northern Ireland) Rules 2000 (SR.2000 No. 387)

These Rules amend the Criminal Appeal Rules (Northern Ireland) 1968 ("The Principal Rules") to prescribe the practice and procedure to apply where issues under the Human Rights Act 1998 arise in criminal proceedings in the Court of Appeal. In summary, the Rules amend the principal Rules to:

- prescribe the information which an appellant must specify in a notice of appeal where he is raising a Convention point; applying for a declaration of incompatibility or making a claim in respect of a judicial act in proceedings before the Court (rule 2 (a));

- prescribe the procedure to be followed where the Court is considering making a declaration of incompatibility (new rules 20A and 20B);

- make provision in relation to the giving of notice to the appropriate Minister or Government Department in respect of any proceedings relating to a judicial act for the joinder of that person or Department (new rules 20C and 20D);

- ensure that where a declaration of incompatibility is made by the Court, a copy is served on all of the parties to the proceedings and on the Crown, where not joined as a party (rule 2 (c)).

The Rules come into operation on 8th January 2001.

## Thanks

On behalf of the Solicitors' Benevolent Association I wish to thank all those Solicitors who attended the Law Society's Annual Dinner and contributed to the appeal on behalf of the Association. £2,059.90 was raised on the evening which will enable "something extra" to be provided at Christmas for the dependants of those Solicitors the Association assists on a monthly basis.

John G Gordon  
Director  
Solicitor's Benevolent Fund

## MET OFFICE FEES TO THE LEGAL PROFESSION

From 2 January 2001 the following level of fees will apply for services provided by the Met Office to the Legal Profession. The only change in fees is that for letters of substance and interpretation. This fee will rise from £165 + VAT to £195 + VAT. Fees relating to preparation, travel and attendance at Court remain unchanged from their current levels, which were set in April 1999.

**Standard fee for letters of substance and interpretation:** £195.00 +VAT

More complex reports either covering a prolonged period of weather/climate analysis or requiring specialist computer model runs and analysis will carry an appropriate additional charge/fees. Formal quotations for such reports/analysis will be provided upon request.

**Pre-court preparation and administration:** £110.00 + VAT

This fee is for preparation of documents for court appearance and is raised on receipt of a request for Court attendance or standby for attendance.

**Court attendance hourly rate:** £110.00 + VAT

Includes all time spent travelling to and from court. A minimum of 2 hours rate will be charged. Travel to Court outside Belfast will include mileage charged at UK Civil Service Standard Rate of Mileage.

**Court standby hourly rate:** £55.00 + VAT

This facility is available for court hearings in Belfast. A minimum of 2 hours rate will be charged and notification of cancellation or termination must be received by fax. It is likely that the standby facility will be withdrawn early in 2002.

### Cancellation or adjournment

It is necessary that notification of cancellation or adjournment is received within 72 hours (where possible) of the start time of any hearing.

It should be noted that services to the legal Profession are provided on contract between a Solicitor and the Met Office and that the Met Office Standard Terms and Conditions will apply.

## SOLICITORS ADVANCED ADVOCACY COURSE 2001

The Society's Advocacy Working Party is pleased to confirm that a further Advanced Advocacy Course will be delivered in 2001. Readers will recall that the pilot course in 2000 was over subscribed which resulted in a selection process with seniority in terms of post qualification experience being the main criterion. There is no doubt that this coming year's course will be similarly oversubscribed but on this occasion the applicants will be selected on a first out of the hat basis after the closing date. The only criterion, therefore, will be a minimum of five years post-qualification experience as a solicitor in Northern Ireland.

The format of the course will be similar to that in 2000. In April an Advanced Evidence Course will be delivered in a series of evening seminars, workshops and oral presentations on nine separate evenings (probably Tuesdays and probably commencing April 3rd). Provided each applicant successfully completes this element of the course then he/she may participate in the Advanced Advocacy Course proper due to be held in the Institute of Professional Legal Studies during the last week of September. This interactive and stimulating course will be delivered by faculty members from NITA assisted by Institute staff and senior members of the profession. The course will cost £1050 in total and numbers will be restricted once again to 24. Those successfully completing the course will receive a certificate from the Law Society in recognition of their achievement.

The application forms will be circulated along with the January edition of the Writ and the completed forms will have to be returned by the set closing date, probably mid February.

This course was regarded by all those participating this year, whether students or tutors, as one of the most stimulating experiences in their professional careers and the Working Party recommends that all those interested ensure that they receive the application forms in the Writ next month and those forms properly completed are returned within the stipulated period.

Tony Caher  
Chairman, ADVOCACY WORKING PARTY



Advocacy Working Party members and NITA members.

# EUROPEAN STUDY TRIP 2001

## WEDNESDAY 7TH - FRIDAY 9TH FEBRUARY 2001

The study trip will be organised by and based at the UK Law Societies Joint Brussels office, with accommodation on a bed and breakfast basis in the European Institute for Irish Affairs at Louvaine.

Travel will be by direct "Sabena" Belfast-Brussels flight departing early Wednesday morning and returning either late Friday or on Sunday.

The approximate cost will be £630.00 (or £510.00\*) to include travel; accommodations; the course itself and 3 lunches to which MEPs amongst others will be invited

(£630.00 - Wednesday 7th returning late Friday 9th - \*£510.00 - Wednesday 7th returning Sunday 11th - apex flights taking in a Saturday night are cheaper).

The cost does not include evening meals during the week or any weekend meals and daily train fares between Louvaine and Brussels. Dinner and daily travel arrangements have been left flexible to allow participants to either stay in Brussels or to enjoy the university town ambience of Louvaine. There is a regular "commuter" train service between Louvaine and Brussels with a journey time of approximately 35 minutes.

The aims of the Brussels study visit are to enable solicitors to: -

- Learn (more) about the European Union, its institutions and how European policies affect solicitors and their clients;
- Visit the European institutions, e.g. the parliament and the court of justice and see them working;
- Meet officials working for the European institutions, MEPs; UK government officials, solicitors and other professionals based in Brussels and to hear first hand from them about the EU, how the institutions work and the latest policy developments; and sample Brussels life and some of its well known restaurants!

The programme will include, for example, talks on the European Court of Human Rights', using EC law to protect your clients interests; latest developments in EC employment law and policy; the work of the justice and home affairs task force; the role and work of the Parliament; the role of the UK government in EU policy in law making; regional structural funding available in Northern Ireland; recent developments in environmental law and policy; the role of the commission's legal service.

As numbers on the trip are limited to 12, please reserve your place by completing and returning the form below to the deputy secretary.

### *European Study Trip - Joint Office, Brussels, February 2001*

I would like to attend the European Study Trip 2001.

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Tel \_\_\_\_\_ Fax \_\_\_\_\_

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## NORTHERN IRELAND COURT SERVICE

### JUDICATURE (NORTHERN IRELAND) ACT 1978

#### APPOINTMENT - HIGH COURT JUDGE

The Lord Chancellor invites applications from suitably qualified persons for appointment by Her Majesty The Queen to the office of JUDGE OF THE HIGH COURT. The appointment is subject to Parliamentary approval of an increase in the number of High Court Judges.

#### QUALIFICATIONS

Under section 9(1) of the Judicature (Northern Ireland) Act 1978, any person who has practised for not less than 10 years at the Bar of Northern Ireland is qualified for appointment as a Judge of the High Court.

All eligible persons who make an application will be considered by the Lord Chancellor. It is not essential to make an application in this way in order to be considered for appointment and the Lord Chancellor reserves the right to recommend other candidates to The Queen for appointment.

The Lord Chancellor will recommend for appointment the candidate who appears to him to be best qualified regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or (except where it prevents the fulfilment of the physical requirements of the post) disability.

#### REMUNERATION

Salaries are determined in accordance with recommendations made by the Review Body on Senior Salaries. The current salary for Judges of the High Court is £127,872 per annum.

A non-contributory pension scheme is available in respect of this position.

Persons wishing to be considered for appointment may obtain an application form together with supplementary information about the post only by writing to

Mrs Christine Doherty,  
Judicial Services Branch,  
Northern Ireland Court Service,  
Windsor House,  
9-15 Bedford Street,  
Belfast BT2 7LT.

*Completed forms MUST be returned to arrive at the above address not later than 12.00 noon on Friday 26 January 2001.*

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## REGISTRAR'S PRACTICE DIRECTION 4/2000

### APPLICATION FOR AN ORDER FOR PRODUCTION OF A LAND CERTIFICATE

1. This Direction is made pursuant to Rule 173 of the Land Registration Rules (NI) 1994 for the purpose of facilitating proceedings under the Land Registration Act (NI) 1970 in relation to the applications for Orders for Production lodged in the Registry after 1 January 2001.
2. Where an application for an Order for Production, discloses that the Land Certificate is in possession of a bank or mortgage lender, the applicant shall state the mortgage lender's reference or account number in the application form (Form 69).
3. Such details of the reference or account number shall be set out in paragraph 2 of Form 69, immediately after the address of the mortgage lender.
4. Where an application for an Order for Production, which discloses that the Land Certificate is in the possession of a bank or mortgage lender, does not contain details of the relevant reference or account number, the application and the dealing to which it relates may be refused by the Land Registry under Rule 174 and Article 6 of the Land Registry (Fees) Order (NI) 2000 shall apply.

Arthur Moir  
Registrar of Titles.

1 December 2000

## LIEUTENANT COMMANDER GEORGE LENNOX COTTON

### *Remembered*

Lieutenant Commander George Lennox Cotton, DSC who died on 9th September was a well known and prominent Solicitor. Lennox Cotton was born on 25th October 1915 and was educated at Castle Park School, Dalkey, County Dublin and later at Wrekin College, Shropshire.

Lennox Cotton began his Solicitor's Apprenticeship in Belfast before the War. During the War he served with distinction in the Royal Navy and was awarded the DSC in 1942. He commanded the 50th MTB Flotilla. Lennox Cotton qualified as a Solicitor in 1946 and became a partner, as did his brother Bertrand, in his father Dawson Cotton's firm of Crawford & Lockhart Martin H. Turnbull & Co., one of the oldest firms of Solicitors in Ireland. He retired from private practice in 1985 but remained as a Consultant for many years and until his death remained in close and regular contact with the firm. Lennox Cotton served for many years as a Council Member of the Law Society of Northern Ireland becoming President in 1977. He held a number of company directorships, was Chairman of the Royal Victoria Hospital Trust Committee and had many charitable interests.

Lennox Cotton had a wide range of hobbies amongst them were hunting, horse breeding and racing, sailing, shooting, gardening and he was a very enthusiastic golf member at Royal County Down and took part in many Law Society matches.

He was devoted to his family and is survived by his wife Eileen, to whom he was married for over sixty years, daughters Caroline, Grania and Anne and several grandchildren.



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**WORLD WOMEN LAWYERS CONFERENCE  
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 WOMEN IN THE SPOTLIGHT**

What do US Secretary of State, Madeline Albright, CNN journalist Christiane Amanpour and first woman president of the International Bar Association (IBA), Diana Kempe QC have in common?

Apart from being women who have broken through the cliched glass ceiling in their respective fields, they will all be speaking at the first World Women Lawyers Conference to be held in London on 1st and 2nd March 2001. Women lawyers from all jurisdictions and across the whole range of practice areas will have the chance to meet, learn and network in a unique event attended by some of the world's most successful and powerful women.

This is the first time that the voice of women in the law will be heard in such a forum, and it is not just the lawyers practising in the Western or developed legal systems who have come together through the IBA Women's Interest Group, which was founded by Kempe.

**Further information from:-**

**Lynn Hazlewood**  
 Head of Public Relations and Marketing  
 International Bar Association  
 271 Regent Street  
 London W1B 2AQ

Tel: 020 7629 1206  
 Fax: 020 7409 0456  
 E-mail: [lynn.hazlewood@int-bar.org](mailto:lynn.hazlewood@int-bar.org)  
 Website: [anet.org](http://anet.org)

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# NORTHERN IRELAND COURT BUSINESS

Lord Chancellor's Directions Under Article 11(3) of the Magistrates' Courts (Northern Ireland) Order 1981

## Magistrates' Courts

### Amendment

Schedule 2 to the Lord Chancellor's Directions dated 24 May 1990 and published in the issue of "Northern Ireland Court Business" no 4/90 shall be amended with effect from 16 February 2001 as follows:-

Page 7: Petty Sessions District of Strabane  
 Column 2: Place and Time  
 Delete: Other business and domestic sittings commence at 10.30am  
 Youth Court commences at 12 noon  
 Insert: Other business and Youth Courts commence at 10.30 am  
 Domestic Courts commence at 11 am

### SCHEDULE 2

Petty Sessions District (1)	Place & Time (2)	Wards (3)	Nature of Business/Day of Month						Place of Hearing of appeals (10)
			Day (4)	Other Business (5)	Youth (6)	Family (7)	Domestic (8)	Youth & Domestic (9)	
North Antrim	Coleraine  All sittings commence at 10.00am	All wards	Mon	1st, 2nd, 3rd & 4th					Coleraine
			Tues				1st		
			Wed	1st, 4th & 5th	2nd		3rd		
			Thurs						
			Fri	1st, 2nd, 3rd & 4th					
North Down	Bangor  All sittings commence at 10.30am	All wards	Mon						N'Ards
			Tues		2nd				
			Wed	Every					
			Thurs						
			Fri	1st, 3rd & 5th			2nd & 4th		
Omagh	Omagh  All sittings commence at 10.30am	All wards	Mon						Omagh
			Tues	Every					
			Wed				3rd		
			Thurs				2nd & 4th	1st	
			Fri	2nd & 5th			4th		
Strabane	Strabane  Other business and Youth Courts commence at 10.30am  Domestic Courts commences at 11.00am	All wards	Mon						Strabane
			Tues						
			Wed	5th					
			Thurs	Every					
			Fri	1st				3rd	

## LEXCEL LEGAL QUALITY MARK AWARDED FOR FIRST TIME IN NORTHERN IRELAND

McShane and Company, a Newry based firm of solicitors has received the prestigious Lexcel award from The Law Society, the first firm in Northern Ireland to achieve this accolade.

The Lexcel Standard is a quality mark awarded by the Law Society to practices and legal departments which have been independently assessed as having achieved the Law Society's Practice Management standards. These standards help firms to improve client care and efficiency.

The company was presented with the award by Mr Seamus Mallon MP, MLA, Deputy First Minister and MP for Newry & South Armagh at a ceremony at the Law Society of Northern Ireland.

Following the presentation, Mr John

Meehan, former President of the Law Society of Northern Ireland said,

"Quality standards are essential in today's competitive business environment. This standard provides the client with a guarantee of best practice and high quality work, whilst the form has a reliable mechanism by which to monitor aspects of service delivery to regularly measure client perceptions of performance, and to bench-mark progress.

"I am delighted that McShane & Company has successfully demonstrated practice management systems which reach the prescribed Lexcel standards, which will set an important precedent for delivery of the highest quality legal services in the province. "

Rory McShane, Founding Partner of McShane & Company said,

"This award is testimony to the hard work and commitment of all our solicitors and staff, and confirms our total commitment to client care. Lexcel is the practice management certification scheme written by lawyers for lawyers - directly meeting the unique needs of the legal profession. Many of our clients have to achieve their own industry quality standards, and they expect us to do the same."

"We are proud to receive this prestigious award, which provides our clients with evidence of a well managed practice, committed to the highest quality of service. "

## QUALITY MUST BE AT THE HEART OF LEGAL SERVICES - MALLON

People must be confident that they will receive the highest possible quality of legal services, said Deputy First Minister, Seamus Mallon MP MLA, speaking as he presented the first ever award of the Lexcel Legal Quality Mark to a Northern Ireland firm of solicitors, McShane and Company.

Mr Mallon said: "Nothing counts quite like quality. Without it the consumer is always sold short. I believe that all consumers must be reassured of the quality of the services they receive. But it is particularly important that clients can be confident of the quality of the legal services they receive because they do not casually interact with the law. For almost all, it is at moments of great stress or crisis - buying a house, closing a contract, coming face to face with a criminal prosecution. It is at key moments in our lives like these that quality must count most."

The Deputy First Minister paid tribute to the Law Society of Northern Ireland for ensuring the quality of legal services here for generations and welcomed the introduction of the Lexcel quality mark to Northern Ireland.

"I am conscious that this development has come at a time of tremendous change for legal practitioners in Northern Ireland. Change on every front. Change that makes achieving best practice even more challenging.

The introduction of the Human Rights Act will quite literally transform the work of many practitioners. Human Rights is not an isolated area. Its reach spreads wide and far- into every single part of the law. From family law to criminal law to company law - no area of practice will be left untouched".

He continued: "Perhaps the greatest change of all will come when we achieve agreement between our two communities and there is broad support from the political parties of the north of Ireland for justice matters to be devolved to the Northern Ireland Administration.

"Devolution of matters relating to justice, however desirable, is some way off yet. We must show the world that we can walk before we can run. We are doing this by producing our draft Programme for Government and by establishing our new institutions of Government: the Civic Forum, the British-Irish Council and, not least, the North/South Ministerial Council.

"This is a difficult enough challenge for us without also imposing matters relating to justice on the fragile



*Seamus Mallon MP MLA, Deputy First Minister presents Rory McShane with the Lexcel Standard. Former Law Society President Mr John Meehan was also in attendance.*

consensus that we are nurturing in our new institutions. Let us take things step by step. I hope that we will demonstrate the capacity to deal with these matters soon.

"Nothing will test the maturity of the political arrangements in Northern Ireland like our ability to handle such basic and fundamental matters as how we are policed, how our prisons are run and how our courts administer justice. These issues have for so long lain at the heart of our divisions in Northern Ireland. There can be no greater challenge for us all than than to make them a force for unity and common purpose."

### Missing Land Certificates

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BT39 9AA

Application for Duplicate Land Certificate  
Land Registry  
Folio 13669 County Fermanagh  
Registered Owner: John Kirkpatrick  
Lands of Nutfield, Brookeborough,  
County Fermanagh

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### Missing Wills

**RE:** Annie Cairns late of 214 The Woods, Larne Aand formerly of Wyndridge, Abbeylands, Ballyshannon Co. Donegall

Would any Solicitor holding any Will or other papers for the above named Deceased please contact O'Rorke McDonald & Tweed at 29 The Roddens, Larne BT40 1HX, DX 2203 NR, LARNE Tel: 28 27 22 91

**RE:** Henry Belshaw late of 84 Glenavy Road Lisburn, Co. Antrim

Date of death - 28TH October 2000

Would any person having knowledge of the whereabouts of a Will for the above named deceased please contact Caroline Kerr at John J Taylor Solicitors, 1 Dobbin Street, Armagh BT61 7QQ Telephone: 028 37525400

**RE:** Eileen Ainsworth late of Thanlwin Road, Yangon, Myanmar and formerly of 29 Grange Park, Dunmurry, Belfast. Date of Death 22nd March 2000.

Would any person in possession of a Will of the above named deceased, or having knowledge of same, or holding title deeds in relation to property of the said deceased, please contact Geraldine Cooley, of Bogue & McNulty, Solicitors, 3 Carlisle Circus, Belfast. Telephone No. 028 9074 0462

**RE:** William King Crozier, deceased

LAate of 1 Woodgreen Avenue, Woodgreen Road, Shankbridge, Ballymena, County Antrim.

Would any Solicitor having possession of a Will of the above named Deceased or having any knowledge of the whereabouts of such a Will please contact Kevin Brennan at Doherty Brennan, Solicitors, 33 New Row, Coleraine, BT52 1AE.

Tel Number - 028 703 53444/44954

Fax Number - 028 703 - 43215

**RE:** James Finn late of 39 Annagad Road, Crossmaglen, Co. Armagh.

Would any solicitor holding a will made by the above named deceased please contact S.C. Connolly & Co. Solicitors, 39 Hill Street Newry Co. Down BT34 1AG Reference RMD559

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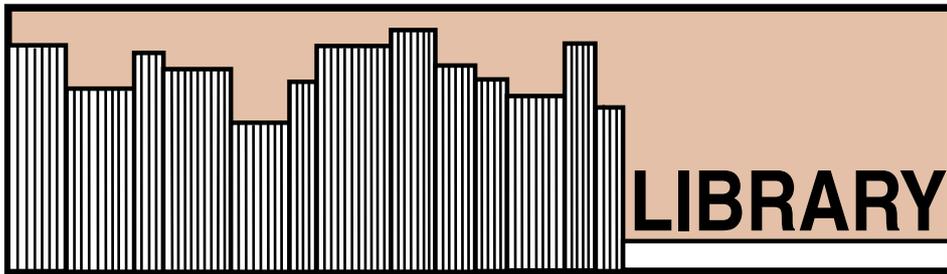
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## Select Sites

### *Northern Ireland*

1) **The Northern Ireland Executive**

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This site explains how the Executive works as well as providing a section on recent news releases from all of the government departments. Each government department has its own page on the site with details about the minister, the department's aims and objectives and its structure and functions. There is also an alphabetical index to many organisations and departments in Northern Ireland and links to all 26 local councils.

2) **The Northern Ireland Assembly**

<http://www.ni-assembly.gov.uk/>

The Assembly website gives information about the workings of the Assembly including links to "Today's Business" and "Written and Oral Questions". There are links to all members of the Assembly and all the committees. There is also a publications link which has full text of Assembly Reports, Committee Reports and the Official Report (Hansard).

3) **The Northern Ireland Office**

<http://www.nio.gov.uk/>

The NIO is the Office for the Secretary of State for Northern Ireland. There are links to a number of agencies within the Office including, the Forensic Science Agency, the Prison Service and the Compensation Agency. It is also possible to access all the Government departments from this site which details the work of the Ministers and their departments. There is also a very useful link to an alphabetical index of notable reports and documents which includes legislation and codes of practice.

## New Books in the Library

- 1) Cook: Cook on costs 2000. Butterworths. 2000
- 2) Quinlan. Sergeant & Sims on stamp duties and stamp duty reserve tax. Butterworths. 2000
- 3) Kessler: Drafting trusts and will trusts; a modern approach. 5th ed. Sweet & Maxwell. 2000
- 4) Aldridge: Powers of attorney. 9th ed. Sweet & Maxwell. 2000
- 5) Archbold 2001. Sweet & Maxwell. 2001
- 6) Clerk & Lindsell on torts. 18th ed. Sweet & Maxwell. 2000
- 7) Lightman: The law of receivers and administrators of companies. 3rd ed. Sweet & Maxwell. 2000
- 8) West: Companies limited by guarantee. 2000. Jordan Publishing. 2000
- 9) Lord Lowry; a tribute. 2000. SLS Legal Publications. 2000

The Law Society wishes all its members a very

**Happy Christmas  
and a prosperous  
New Year**



**Copy deadline for January  
8th January 2001**

## STOP PRESS!!!

BROWN (MARGARET) V STOTT  
2000 SLT 379 (HCJ Appeal)

Admissibility – drink-driving offences - right to silence – self-incrimination

Please note that this case went to the Privy Council Judicial Committee on 5 December 2000. The full judgement is available in the library.

Law Society Library Email:  
[hsemple@lawsoc-ni.org](mailto:hsemple@lawsoc-ni.org)

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