



THE REPORT

CITY OF WESTMINSTER AND HOLBORN LAW SOCIETY NEWS

NO.67 JANUARY/FEBRUARY 2010

The City of Westminster and Holborn Law Society

requests the pleasure of your company

at its Annual Dinner

to be held in the

Long Room, Armoury House, City Road, EC1Y 2BQ

on Monday 12th April 2010

Black Tie

RSVP on the application form on page 8

Dear Colleague

I do hope that you, your partners both professional and personal, colleagues and guests will take up this invitation. Members are very welcome to bring guests, who cannot fail to be impressed by the style of the venue and the general splendour of the evening.

It was part of the tradition of the City of Westminster Law Society that members invited guests from other professions, and you are encouraged to continue this tradition. In addition, many members invite clients, who are equally welcome.

Thanks to the generous sponsorship of AON, I am pleased to say that the ticket price for the meal, including drinks at the reception beforehand and three course meal with wine and port is £75 which I hope you will agree is modest for a London dinner. After dinner drinks will be available from a cash bar.

His Honour Peter Beaumont QC, the Recorder of London, has accepted my invitation to speak at the dinner and can be expected to liven the evening drawing on his wealth of experience as the senior judge at the Old Bailey and his natural wit. We shall also be joined by the President of the Law Society, as well as representatives of local Law Societies and other distinguished guests.

I look forward to welcoming you.

Peter Adams

January 2010

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The City of Westminster and Holborn Law Society

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The deadline for all copy for the March edition of THE REPORT
is **22 February 2010**

Copy to be sent to The Editor – rl Lester@lesting.fsnet.co.uk
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THE PRESIDENT'S COLUMN

PETER ADAMS



Goodbye 2009, Hello 2010

Each New Year is a time to look forward and see what opportunities the future may present. 2009 is likely to be a year most of us will want to put behind us, so 2010 has every chance of – at the very least – being a better year than its predecessor. For the South East, the recession shows signs of having reached a bottom even if signs of growth in the economy are hard to discern; for those of us who have managed to retain our jobs or resize our practices to the new economic environment, there is a feeling abroad that the worst is over. None of that helps much those facing financial hardship and as I write this during the Christmas break, I should like to turn members' minds to those things in which your Society is actively involved for the relief of those in difficulties. Our headline activity is the raising of funds for Legal Charities through the Garden Party. Through the dedicated efforts of a small group of volunteers six charities (SBA, BBA, Inst of Barristers Clerks Ben Fund, United Law Clerks Society, ILEX Ben Fund and LawCare) share the entire proceeds, which this year amounted to £23,000. The Garden Party will be held in 2010 on Wednesday, 9 June – please make a note in your diaries.

We arrange and promote an annual lecture for the benefit of the Mary Ward Legal Centre – Lord Clark gave a fascinating talk last year and I am currently looking for this year's speaker, and a date. I hope you will support this important fundraising venture.

In addition to these formal activities, a number of your committee members

and fellow members do sterling work in support of various charities, and of individual solicitors who have fallen on hard times – I hope that those of us who have had the good fortune to ride out the current economic storm will spare a thought and some time for those less fortunate.

However, with the economic disaster – or “global economic downturn” in new speak – seemingly not getting worse, 2010 seems to hold out some fascinating prospects. Lord Hunt's report sows the seeds of some radical rethinking about how our profession might start to reposition itself; I have written previously about developments in new approaches to the market and how to attract clients; the SRA has a new Board which will, we hope, take to heart some of the criticisms thrown at the old Board while it grew into its role; there have been recent notable successes on Best Value Tendering and the legal aid sector generally. These are all positive signs for the future and reasons to be more optimistic about the coming year.

The Annual Dinner April 12 in the Long Room at the HAC

Another date for your diaries: I hope to see many of you at Armoury House, the home of the Honourable Artillery Company, for our annual dinner on the evening of Monday 12 April. We have moved the venue, both for a change and because Middle Temple Hall is now rather larger and more expensive than we need. Many of you will know the HAC: for those who do not, the room, which dates from the 1730s, offers a unique and different ambience.

The New Report

This newsheet is about to get a refurbishment. The Report has been tireless in tracking down and bringing to you the latest stories from your Society and the activities of its committees over many years. Few of the eminent products of “Fleet Street” can claim such longevity without updating, and time has caught up with The Report. We have been well served by all involved in the preparation, printing and circulation of this sheet, and we owe them our thanks as we move to a new full colour publication. The presentation will improve, the content will expand, but the core of what you expect to read will still be here!

With very best wishes for 2010.

DIARY

2010

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HOW TO PREVENT, RESOLVE AND DEAL WITH COMPLAINTS BEFORE THE LEGAL COMPLAINTS SERVICE

How to prevent complaints, how to resolve complaints in-house and what happens if the complaint is referred to the Legal Complaints Service (LCS)

This article focuses on complaints from prevention to resolution and is intended to be a quick reference guide to complement the in-depth procedures detailed in the Solicitors' Rules of Conduct, the Practice Notes issued by the Law Society and procedures detailed by the (LCS).

Our experience in dealing with complaints shows that there are three areas which generate the most complaints – communication, costs and delay.

How to prevent complaints

Preventing complaints is as important as dealing with them. The reasons for the complaints will vary from firm to firm. It is however worth keeping a log of complaints. You will be able to use this information to identify trends about individuals in your department, specific themes and areas of law. As already stated, there are three common causes of complaint, regardless of area of law or size of firm:

Communication

- Keep your client up-to-date and let your client know if progress has or has not been made on the case.
- Reply to your client's telephone calls in a reasonable timeframe; your client care letter/terms of your retainer should detail the level of service and timeframes in which you will respond.

Costs

- Ensure costs information is set out in a clear way for your client.
- Provide an update of costs and estimates throughout the retainer.
- Make sure the value of the retainer is always compared to the likely costs and that it is discussed at the outset. The matter should be discussed again if the costs or the value of the retainer change.

Delay

- Keep matters moving.
- If you are waiting for information from a third party, let your client know

and ensure it is followed up in a reasonable timeframe.

- Ensure adequate cover is in place when your fee earner is on leave.

What to do if you receive a complaint

A good complaints procedure will save you time and money in the long run because it increases the chances of resolving the complaints in-house. It is therefore worth focusing on how the complaint is first dealt with, how the investigation is conducted and how the outcome is communicated to the client.

Notification of a complaint

Timeliness is key in dealing with the complaint and you should ensure that you have adequate resource set aside to consider and respond to complaints quickly.

- Take a common-sense approach in dealing with the complaint.
- Give consideration to a face to face meeting, verbal or written response depending on the circumstances.
- If in doubt on how to respond to the complaint, contact our dedicated helpline. You may need to notify the complaint as a circumstance under your professional indemnity policy.

Practical steps

Ensuring your staff are aware of the procedure to be used in the event a complaint is received is vital.

- Acknowledge the complaint in 2 days.
- Send your client a copy of the internal complaints procedure – including the LCS contact details.
- Inform your client who will be reviewing the complaint.
- Stipulate the timeframe in which you intend to reply to the complaint.

Considering a complaint

It is worth bearing in mind that a quality response at the outset can reduce the time you spend on corresponding with the LCS later.

- Consider each issue the client has complained about in turn.
- Take a balanced approach when endorsing actions of your firm.

- Consider your client's circumstances. Some clients are more vulnerable and sensitive so tailor your response accordingly.
- Advise your fee earner of the outcome of the complaint.

Responding to a complaint

The method of response is important when dealing with a complaint. Serious consideration should be given to the method of communication to respond to the complaint. In the event a face to face meeting is held you should keep an accurate record of it. You might also want to follow it up in writing detailing what was agreed or why an agreement could not be reached. In the event you decide to choose to respond to the complaint in writing the letter should detail the following:

- What the complaint is about
- A brief synopsis/chronology of events
- The terms of the retainer and instructions your client gave you
- Outline the investigations you have undertaken to consider the complaint
- State the findings resulting from the investigation
- Make any offers of remedy and explain to the client how they can be accepted
- Explain any improvements the practice has made as a result
- Outline any avenues of appeal internally
- Inform your client the matter can be referred to the LCS within six months – you should provide your client with the LCS's contact details

What happens if the matter is referred to the LCS

The LCS is an independent complaints handling body. Whilst it is part of the Law Society, it operates independently. It was previously known as the Consumer Complaints Service (CCS), and before that as the Office for the Supervision of Solicitors (OSS). Its aim is to resolve complaints that consumers have with solicitors on a free impartial basis that is acceptable to all the parties concerned.

The complaint will initially be dealt with by a caseworker on an informal basis.

The caseworker will obtain each party's view and will assist in trying to conciliate matters if at all possible. Here you can make an offer on a commercial basis to resolve the complaint. You will of course need to keep your insurer informed throughout the process.

If the complaint cannot be resolved informally by the caseworker, the matter is referred to an adjudicator. The adjudicator will investigate the complaint and, if necessary, will request further documents from you or the client. The adjudicator will review all the allegations and your responses, including the representations made by the caseworker and will then issue his final response to you and the client.

The adjudicator can make a finding of "No poor service" in which case he will inform both parties and he will close the file.

The adjudicator also has the power to issue a decision which neither party can

appeal, although the client would have the right to reject the decision made by the adjudicator and would still be in a position to refer the matter through the courts should he or she wish to do so.

If the adjudicator decides the service falls short of what the client should reasonably expect, a finding of one or more of the following can be made:

- Reduce or limit your bills
- Award compensation for distress and inconvenience
- Award compensation for financial effects
- Tell you to take specific action at your cost

Any awards the LCS makes for distress and inconvenience will usually be met by your professional indemnity policy.

Going forward it is anticipated there will be much media and consumer interest

generated following the creation of the Office of Legal Complaints (OLC) in late 2010, which will take over from the LCS. This will raise public awareness and will no doubt increase the level of complaints about legal services.

It is hoped that this article has served as a useful reminder for anyone who has to deal with complaints. We would in fact recommend that you monitor and review complaints on an ongoing basis.

If you are an Aon client, in the unfortunate event you receive a complaint and you are not sure how to deal with it, or just want to discuss ways forward, you can contact your Client Manager and we will be happy to guide you through the process step by step.

Reena Shah, Claims Handler
Aon Claims Solutions



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COUNCIL MEMBER'S REPORT

DECEMBER 2009

FRASER WHITEHEAD



Commendably, the December meeting focused solidly on the future.

It began with the budget, and as we all know there is no document better to focus the mind on the state of an organisation and its future than a budget and the more so in our context because of course there were three budgets to consider. And therein unfolded not only three very different barometer readings but three very different directions. Apparent largess, the inevitability of its continuance and the frightening struggle of containment was the story of an increasingly detached and some say imminently departing Solicitors Regulation Authority. Its consumption of a staggering 65% of our total resources was matched only by a correspondingly decreasing percentage of likelihood that we will have much say in controlling that outlay in the future. Second, and in the same climate zone at 30% of resource absorption, was the structure that changes its name so often almost none of us would recall what it is for were it not for the C word which manages to linger. Here we can be confident of three things. That it will be going (indeed it is gone). That irrespective of that we will for evermore be paying whatever it costs to run. That

nothing to date suggests we have learnt that the cheapest and most effective way to deal with complaints is to say sorry and nip them in the bud as they emerge. So the future is expensive. Oh, but what of the third and the remaining 5%? Ah, the good news. We have total control of that and so far it is low cost and very likely to remain that way. What is it and why can we be so sure? Well because it is the cost of the representation of the interests of the profession. We have no income from which to support it and the only way to secure some is to ask our members for more because 99% of what they pay at the moment is going to feed the hunger of the other two. Of course I play slightly with the figures to respect commercial confidentiality but the reality is thus.

Fitting then that our next peek into the future was the impact of the Legal Services Act and in particular Alternative Business Structures. (Thank goodness we didn't have also to consider the cost implications of supporting the new Legal Services Board as part of the earlier item – that delight is saved for next December.) Of course none of us can confidently predict what ABSs will mean, if anything, but what we do know is that we need to ensure that when the gun goes off we have as level a playing

field as can be achieved onto which we can drag the weight of the above cost of regulation and complaints, the better to be able to compete (in the interests of access to justice and consumer choice) with global financial institutions and supermarkets that are about to invade our cosy high streets. Of course to compete we will need also to be up and running and ready to go with our kit so we eagerly awaited an update from the SRA on the progress to levelness, galvanised of course by the news from the LSB that they were bringing the timetable forward (2011). Well, the good news is that the SRA has a plan. They are thinking about it, may consult on it, can't tell us what it is yet of course, important of course that we hang on in there and don't jump the gun. But they have a plan and are working on it and should have something in six months or so. And yes, they know that 2011 is next year.

Thank God then that in representation mode the Law Society then seized initiative from the jaws of indecision. We will tender, commission and do some research on the access to justice implications of ABSs. What means access to justice – Broadband connectivity? Ah, we will think about that.

The future? There is life on Mars.

THE 2010 LONDON LEGAL WALK

This year the London Legal Walk will take place on **Monday, 17 May**. Do keep this date free to join the thousands of lawyers who will again take to the streets of London for the London Legal Support Trust. Further information can be obtained from Ivan Ho on 020 7412 0500 or ivanho@hunters-solicitors.co.uk.

And for those people who would relish a longer challenge, why not WALK the THAMES on 20 and 21 February? Please see page 7.

ANNUAL SUBSCRIPTIONS

All members will have received their Subscription Requests for the year which commenced immediately after the Annual General Meeting on 13 October, either direct or addressed to their firm's contact. This is a plea to members to pay their Subscriptions without delay or to urge their Chief Cashiers, Managing Partners or Senior Partners (as appropriate) to make the necessary arrangements. If you have not already done so, please send in your subs as soon as possible. Many thanks to those who have already paid in good time.

Tax Deductibility of Subscriptions paid to The City of Westminster and Holborn Law Society

While sending out this note this is a reminder to members in salaried posts that they are able to deduct the amount of their subscriptions to the Society to arrive at their taxable income. The Society is approved under Section 344 of the Income Tax (Earnings and Pensions) Act 2003. The reference which should be quoted is 951/C1314WW.

Timothy Drabble (Honorary Treasurer)

PETER SPARK

ARTHUR WEIR

Peter Brownlow Spark, who died on 6 November 2009, was President of Holborn Law Society in 1982-83, following Brian Wrigley and succeeded by Chris Heaps.

Born in 1929 and brought up in Northumberland, the son of a lawyer, he went to Bradfield and returned to do his national service with the Northumberland Fusiliers. He then read law at Trinity College, Oxford. As he left Oxford he met

Jennifer. They were married in 1955 and had three children. Jennifer died in 2001.

Peter took articles with his uncle Frank Mitchell in Bird and Bird and later founded his own firm, Spark & Co. The practice occasionally added another partner, and eventually merged with Lawrence Jones in the early 90's. During the many years that he practised many businesses and families stayed with him, and even after he and Jennifer retired to

Suffolk he continued to support many of them. He was a true lawyer, meticulous and intellectual, who enjoyed the challenge of work, happy to risk the description workaholic. Exceptionally well-liked, he was always caring for those for whom he worked and with whom he worked. His concern for the profession was well demonstrated by his work on the Professional Matters Committee. The Society was fortunate to have him as President.



WALK the THAMES
2010

From the Thames Barrier to
Hampton Court Palace

20 & 21 February

This is a walk for real enthusiasts.

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Further details at
www.londonlegalsupporttrust.org.uk

To enter the walk please contact
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THE ANNUAL DINNER – 12 APRIL 2010

Armoury House and the Honourable Artillery Company

Armoury House is a unique venue with unbroken occupation by the HAC since the 1730s, with treasures to match. The original building cost £1,690, including the price of the furniture. It was paid for using donations from King George I and HM Commission of Lieutenancy for the City of London and subscriptions from members of the Company. The ground floor of the central block of Armoury House, once used for drills and as a gymnasium, is now divided into an entrance hall and two reception rooms – the Queen’s Room and the Ante Room. Beneath the Great Stairway leading to the first floor are ornate iron gates of 1746 paid for by the Lord Mayor of London, the prosperous The Rt Hon Sir Richard Hoare (1709-54). The large South African War memorial just behind the gates was designed by the artist Walter Crane (1845-1915). On the first landing of the Great Stairway are two brass cannon presented to the Company by the Corporation of London in recognition of the Company’s military role in restoring order in the City during the Gordon Riots of 1780. The stained-glass windows and Rolls of Honour commemorate members of the Company who lost their lives during the South African War and in the two World Wars. The latest name added is that of Jack Sadler, who lost his life to a roadside bomb in Afghanistan a couple of years ago. At the top of the stairs, note the only known surviving stone rove or archery mark - at one time these were set out like a golf course and used to practice accuracy with the longbow (the artillery of the day) - and the bell of the ship that transported members of the HAC to France in 1914, which are on the second landing of the Great Stairway on either side of the door into the Long Room.

The HAC has a ceremonial role which is fulfilled by both the Regiment and the Veterans of the Company. The Regiment furnishes Guards of Honour for members of the Royal Family and for visiting Heads of State or Commonwealth Prime Ministers. When the Lord Mayor holds a banquet in the visitor’s honour, the Head of State is welcomed at the entrance to the Guildhall by an HAC Guard of Honour. When members of the HAC Regiment have completed their term of service with the Territorial Army but wish, in some way, to continue to serve in an organisation of a military character they have the option, provided they remain as members of the Company, to join the Company of Pikemen & Musketeers or the Light Cavalry. The Company of Pikemen and Musketeers was established in 1925 and received a Royal Warrant in 1955. It is an entirely voluntary, unpaid organisation. It is deemed a privilege to be a member and there is a waiting list of members of the Company who wish to join the ranks. The Pikemen and Musketeers wear the uniform of the period of Charles I, drill according to a surviving drill manual of 1645 and can be seen at State and civic occasions. They serve as the Lord Mayor’s bodyguard. The Light Cavalry is a more recent addition to the voluntary, unpaid ceremonial units of the HAC. It was formed in 1979 and, in 2004, received a Royal Warrant from HM The Queen. The Light Cavalry fulfils a similar ceremonial role to the Pikemen and Musketeers but with the added glamour of being mounted. The cavalrymen serve as the escort to the Lady Mayoress at the Lord Mayor’s Show.

ANNUAL DINNER: MONDAY, 12 APRIL 2010

Please return to: Mrs E J Beesley, CWHLS, 25 Rotherwick Road, NW11 7DG (DX 33801 Golders Green)

Please send me tickets @ £75 per ticket: a cheque made payable to CWHLS for £ is enclosed

Name:

Name of firm:

Address:

..... DX

Dietary requirements:

Seating requirements (if any)

PLEASE LIST THE NAMES OF GUESTS AS THEY ARE TO APPEAR ON THE TABLE PLAN