



minutes, which is probably a mixed blessing, but many of my colleagues on Council travel frequently from, among other places, Derry, Enniskillen, Newry, Portadown, Ballymena and Ballymoney. They are, of course, given enormous support by our Chief Executive, John Bailie, without whose untiring and selfless work the Society would grind to a halt and by our excellent professional and administrative staff.

Thirdly, I believe that the Society represents a profession of which we can all be justifiably proud. Now, there's a limit to what any President can achieve in twelve months and I don't think that in the next year we will be able to put an end entirely to jokes about lawyers. We all suffer them with as much dignity as we can muster. However, we can take some comfort in the fact that, odd as it is, while the general public may have a jaundiced view of lawyers as a whole, all the surveys show that most people are very satisfied with the service they receive from their own solicitor. My own unofficial and wholly unreliable survey shows that with solicitors the converse is true: they approve of clients as a general concept, it's just actual clients they sometimes have problems with. However, it's not surprising that most people in Northern Ireland are very satisfied with their solicitor. We have a network of small firms which provide the full range of legal services in a very professional and cost-effective way. We also have firms large and small which in their own particular areas of expertise can offer a service at least as good as can be found in London or anywhere else.

During the year ahead, I know that we shall have to face up to many challenges from without. Apart from some of the matters I've already mentioned, such as the proposed reform of the civil and criminal justice systems and the threat of a recession, now exacerbated by the events of 11th September, there is the restructuring of Legal Aid, the consistent under-resourcing of the Land Registry and Registry of Deeds and, not least, the continuing fight to secure the proper remuneration of the profession. We have to deal with a Government at Westminster which displays some worrying tendencies; it sometimes has a very hazy notion of

the doctrine of separation of powers, and it can apparently see nothing wrong with reshaping the House of Lords so that it is full of its own appointees, or with abandoning what Mr. Blunkett calls "airy, fairy civil liberties". It quite likes the concept of uniformity across the UK when, for example, trying to introduce a flawed system of compensation of criminal injuries, but rather curiously is not so keen on uniformity when it comes to our remuneration. Above all, principles we all used to think were fundamental, such as the independence of the profession, client confidentiality and the avoidance of conflict of interest are increasingly ignored. Do these things still matter? If they do, we have a battle on our hands to preserve them.

I am quite confident that we can meet most of the external challenges. Without being complacent, the courts and the conveyancing system cannot readily work without us.

It is the danger from within which gives me more concern - that very small minority of solicitors which cannot be bothered to adopt normal good practice, such as keeping a diary of key dates or adhering to Home Charter regulations, and we know what that has done to our PI premiums, who undermine the profitability of the profession by charging fees which cannot possibly give a fair return or who have some difficulty in understanding that being a member of this profession brings with it that old-fashioned concept of duties. That is an underused work in today's rights culture. I sometimes wonder if the Belfast Agreement might not profitably have included provision for a Bill of Duties as well as a Bill of Rights. A few of us here are lucky enough to have passed through the Queen's law faculty when the late James Montrose was Dean. You will perhaps remember how he used to quote Robert Frost:

"The woods are lovely, dark and deep  
But I have promises to keep  
And miles to go before I sleep  
And miles to go before I sleep."

What I think he was trying to instil in us at that early stage of our careers was a recognition that the health of any community, and of any profession, depended to a large extent on the acceptance of duties.

Not that we can't enjoy ourselves, and I would like at this point to put in a plug for the Society's conference next May. As some of you will know, we were asked recently by the Scottish Law Society if we would consider having a joint conference with them in 2002, instead of each Society holding a separate conference and we accepted that proposal with great pleasure. The conference will be held at a new hotel and leisure complex known as St. Andrew's Bay, which is situated on a wonderful site about 2 miles outside St. Andrew's. I went to see it a couple of weeks ago and can report that it is absolutely first-class - a good hotel, good food, good leisure facilities, great views and not least, a very good new golf course. There will be an array of interesting seminars, with an opportunity, for those of you who will need to next year, to pick up CPD points, a gala dinner dance on the first night, a Celtic hooley on the second night and much else. What more need I say, except book early. There will be a flyer about it very soon, I hope in the next issue of "The Writ"

Finally, and to come to our next toast, I am proud to be the President of a Society which includes so many fine young lawyers. Fairly obviously I am not a young lawyer, in fact I am so old as to be the father of a past Chairman of the NIYSA, but both in my own firm and when dealing with other firms I continually come across young lawyers of the highest quality and integrity and that as much as anything else gives me great confidence in the future of the profession. This year's crop is as good as any and you will hear in a few moments from one of them, Patrick McGrath, who just a few months ago, with Anita Hanna, won the Louis M. Brown Client Counselling competition against stiff international opposition. Congratulations to Paddy and Anita and to all of their colleagues who have joined our ranks this year. We wish all of you well in the years ahead."

# European Study Trip

Tuesday 19th - Friday 22nd  
(or Saturday 23rd / Sunday 24th) February 2002  
(return date optional)

## *Law Societies' Joint Brussels Office Louvaine Institute for Ireland in Europe*

Our annual European study trip has become an established feature of the Societies' Winter Programme. The 2002 trip will run from Tuesday 19th - Friday 22nd (Saturday 23rd / Sunday 24th) February, based on a bed and breakfast basis at the Louvaine Institute for Ireland in Europe. Louvaine is a university town, 35 minutes by train from Brussels.

Regretfully SABENA's direct Belfast - Brussels flight has been discontinued, but using Ryan Air from Dublin to Brussels (Charleroi), return fares (as currently shown on-line) are leaving Dublin at 18.45 on Tuesday 19th - £48.48 (returning on Friday evening or Sunday afternoon) or, £28.98 (returning on Saturday afternoon).

The collegiate atmosphere of the course is maintained with the group dining together at different locations in Louvaine or Brussels each evening. In 2001 the cost of accommodation, all meals and internal transport came to a good value £330.00 and no significant change is anticipated in 2002.

But the course is more than monetary good value. It is an enjoyable way of Euro familiarisation in an atmosphere removed from the pressures of practice.

The course will include talks on:-  
Using EU law to protect your clients' interests; Recent developments in law and policy in the fields of  
Competition:- Environmental; and

Employment law;  
The role of the Council of Europe - taking a case to the ECHR;  
Judicial co-operation in Criminal matters - Money laundering.

There will be visits to the:-  
European Parliament - including a meeting with and talk by MEP's  
The Consultative Council of the Bars of Europe (CCBE); and  
The Council of the European Union.

**Places are limited to 12 participants on a first come first served basis.**

**If you are interested please complete and return the form below. Early booking is essential to secure the current on-line fares.**

### European Study Trip - February 2002

*I would like to participate*

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

Name & Practice address: \_\_\_\_\_  
\_\_\_\_\_

Tel No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Preferred length of stay (please tick as appropriate)

Returning Friday 22nd  Yes  No

Returning Saturday 23rd  Yes  No

Returning Sunday 24th  Yes  No

Would you be interested in taking a lunch time flight from Dublin on Tuesday 19th?  Yes  No

**Please return to:** The Deputy Secretary, Law Society of Northern Ireland, 90 Victoria Street, Belfast BT1 3JZ

## ADVERTORIAL

# Risk Management - *How can Lexcel help?*

Risk Management is more than taking care not to make technical misjudgements when dealing with a client matter. It is also about the way the practice measures and monitors its clients and internal processes to ensure that risk is minimised and the practice is not left exposed.

However the practice of law these days is more and more risky. This may be due to deadlines imposed by clients, fee earning targets or timelines imposed internally. Whatever the reasons, a process for managing risk is now as important as any other management practice within the firm.

There is only one really effective way to manage risk and that is by monitoring the firm's exposure to it. Having tried and tested systems in place to do this will help.

For instance a firm can be more confident that it is not exposing itself to unnecessary risk by looking at the processes for:

- Diary Control
- Identification of potential conflicts of interest
- Monitoring individual workloads
- Ensuring that all staff are appropriately trained and equipped with the skills to do their job
- File supervision and review
- Adequate communication processes

Lexcel, the externally awarded certification standard, has been instrumental in helping many firms to introduce and develop their risk management processes. Based on The Practice Management Standards, Lexcel has enabled accredited firms in Northern Ireland to reduce their professional indemnity premiums.

Lexcel has already gained wide acceptance as a tool by which to measure the effectiveness of practice management, and recent amendments to the standard make it more than ever an excellent framework for risk management.

Professional indemnity insurance underwriters have already added their endorsement to the standard,

expressing their views that Lexcel accredited firms demonstrate the qualities of practice management that risk assessors are seeking.

The Lexcel standard covers the following areas:

- Management structure - a documented management structure so that all in the firm know who is responsible for what
- Services and forward planning - a clear vision for the future documented with key objectives for achievement
- Financial management - proper financial controls with systems for financial accuracy
- People management - procedures to ensure that all staff, be they fee earners or not are equipped with the skills, knowledge and experience to do their job and are appraised of their performance

- Office administration - documenting the administration functions to ensure clarity of understanding

- Case management - ensuring appropriate systems and processes for every client transaction and having a system of review that identifies and rectifies errors and educates for the future

Accreditation against the standard entails a systematic look at all aspects of the firm's management practice as detailed above. The Framework provides firms with a useful benchmark of their risk management practices and will identify areas for improvement as well as giving the peace of mind that the risks that are being taken are known and controlled.

Jane Ridley, Managing Partner, The Ridley Partnership  
www.theridleypartnership.co.uk  
janer@theridleypartnership.co.uk

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**24th January 2002**  
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Speakers

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The Ridley Partnership

Tom McGrath – Regional Director  
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Please select your preferred date and venue

- Wednesday 23rd January 2002 – Londonderry
- Thursday 24th January 2002 – Belfast
- I am unable to attend the events but would like to find out more about Lexcel Accreditation

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Tel: \_\_\_\_\_

Email: \_\_\_\_\_

Please list the names of those attending: \*BLOCK CAPITALS

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

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

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

*Please return this form by Friday 18th January 2002. We will contact you to confirm your place(s) and details of the venue(s)*

**If you prefer you may send this form by post to:**

The Ridley Partnership, The Coach House, Barningham Park, Richmond, North Yorkshire, DL11 7DW  
or telephone 01833 621130 for more details

## N & BSA Working Lunch



*Pictured during a recent working lunch with the Newry and Banbridge Solicitors Association are (left to right) John Bailie (Chief Executive), John Neill (President), Norville Connolly (Chair, N & BSA) Eimer Clelland (N & BSA) Paddy Kinney (Constituency Representative on LSNI Council).*

## The Children (Northern Ireland) Order 1995

The District Judge for the Division of Belfast, His Honour District Judge Wells, has recently returned a number of bills which I had prepared for taxation against the Legal Aid Fund for work under the Children (Northern Ireland) Order 1995 in the Family Care Centre (County Down). His Honour has queried whether taxation is the appropriate method of dealing with the costs of an assisted person or whether the solicitors should not in fact apply to the Legal Aid Committee to have such costs assessed. I have now been informed by the Court Clerk that his Honour will not tax such costs even if there is an order from the County Court Judge directing taxation.

I understand that some form of proceedings may be taken to clarify the position of District Judges with regard to the taxation of costs in these cases but I would be obliged if solicitors would refrain from sending papers for the preparation of bills of costs in such cases until the powers and responsibilities of the District Judges have been clarified.

Patricia A Kerr Legal Costs Consultant  
50 University Street  
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### Employment Consultant

The successful candidate will be fulfilling client needs in a range of activities such as developing terms and conditions for clients and advice in such matters as discipline, redundancy, absence control and TUPE. We consider that applicants should have at least three years experience at management level in a Human Resource function, and have a sound knowledge and interest in Employment Law. Involvement in Industrial/Fair Employment Tribunal cases would be a distinct advantage.

### Tribunal Advocate or Specialist

We are seeking an individual who specialises in Industrial/Fair Employment tribunal work and must have the ability to undertake a substantial caseload with minimal supervision.

These positions have the advantage of being home-based with a company car provided to enable each to service our clients throughout Northern Ireland. IT skills, particularly windows, would be an essential criteria.

Please send full CV to Helen O'Brien, Managing Consultant, at  
IRPC Group Ltd  
11 Millwater Lodge  
Ahoghill  
BT42 2RS

**Closing date is 19/01/02**

## Practice Advisory Service

Please note that Mr Sean Fox, Fox & Associates, 403 Lisburn Road, Belfast, BT9 7EW, has been appointed to the Panel of the Society's Practice Advisory Service. The existing members are: -

1. John Baxter, formerly Wray & Baxter, 3 Ballyhome Road, Coleraine, BT52 2LU, Tel: 20731552/Fax: 20 730045

2. Bruce Thompson, W B Thompson & Co, 36 Catherine Street, Limavady, Co Londonderry, BT49 9DB, Tel: 77 722400/Fax: 77 766055/E-mail: wbt@wbthompson.co.uk

3. Bill McCann, Mills Selig, 21 Arthur Street, Belfast, BT1 4GA, Tel: 90 243878/Fax: 90 231956/E-mail info@nilaw.com

4. Alan Reid, James Murland & Company, 15 English Street, Downpatrick, BT30 6AP, Tel: 44 619980/Fax: 44 613527/E-mail law@murlands.co.uk

5. Gerard McClure, Gerard McClure & Co, Solicitors, Unit 7, 190 Saintfield Road, Belfast, BT8 4HG, Tel: 90 709348/Fax: 90 709349.

6. Garrett E O'Reilly, O'Reilly Stewart, Solicitors, 116 Royal Avenue, Belfast, BT1 1DL, Tel: 90 321000/Fax: 90 231959/E-mail oreillystewart@dnet.co.uk

7. Brendan J Maguire, T S McAllister & Son, Solicitors, 32-36 Mill Street, Ballymena, BT43 5AE, Tel: 25 652469/Fax: 25 644979/E-mail t.s.mcallister@btinternet.com

8. Paul Malone of Malone & Co, Lisburn Road, Belfast, BT9 6AF, Tel: 92 242859/Fax: 92 325969, remains a Panel member.

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# Law Society of Northern Ireland

## Assistant Secretary (Policy and Law Reform)

### Full-Time Permanent Appointment



As part of the re-structuring of professional services within the Society a new business unit will be created to enhance the ability of the Society to participate effectively in the development of policy and reform initiatives.

Applications are invited for the post of Assistant Secretary (Policy & Law Reform) to lead this new unit. Under the overall direction of the Chief Executive the successful candidate will be responsible for the provision of policy advice research and executive support to the Council and Society Committees including civil and criminal justice reform.

Candidates must have been admitted as a solicitor or called to the bar.

In addition to satisfying the above eligibility criterion the following skills and experience will be advantageous:

- Policy development and/or research experience
- Contextual understanding and/or experience of legislative institutions and processes
- Knowledge of the jurisdiction, practice and procedure of the courts
- Ability to develop and maintain influential relationships with key stakeholders
- Sound judgement and analytical ability
- Effective communication and presentation skills

The post offers an excellent opportunity for personal and career development in a demanding, stimulating and evolving environment.

The salary will be commensurate with experience, but is likely to be in the range £30K - £40K. Further details of the post and ancillary benefits are set out in a Job Description which, together with an application form, are available on request from the Society. The Law Society reserves the right to select for interview those candidates who from the information provided appear to be most suitable for appointment.

Completed copies of the application form must be lodged on or before 5.00p.m. on Friday 11th January 2002 with:

**The Chief Executive  
Law Society of Northern Ireland  
Law Society House  
98 Victoria Street  
Belfast  
BT1 3JZ**

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Adding a new product to its portfolio, Open + Direct Retail Services, recently unveiled their new Professional Indemnity Insurance Premium Plan to solicitors throughout Northern Ireland.

All professional bodies are requested to have an Indemnity Insurance certificate for each partner in the practice. In some solicitors practices this fee can prove extremely expensive.

The new Open + Direct product offered solicitors the ability to spread the cost of this annual bill at a very competitive rate, as well as offering some attractive additional benefits.

Margaret Crilly, Personal Lending Manager at Open + Direct said:

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# WEB WATCH

**Once again it seems that it is viruses not legal material on the Internet which have been keeping the legal profession in Northern Ireland occupied in recent weeks.**

The latest menace known as Badtrans variant B managed to work its way round law firms by sending itself to those listed in the office's Outlook address book. Although not particularly destructive, the virus accounted for many hours of the profession's time working out how first to remove it and then prevent its reappearance.

Most techies will now tell you that the only real way to protect against viruses when using standard dial up access to the Internet is to have good up-to-date software. Most techies also seem to agree (although for different reasons) that the best anti-virus software around is produced by McAfee ([www.nai.com](http://www.nai.com)) although Norton Anti virus appears to be more



popular in Northern Ireland.

Although viruses are becoming increasingly sophisticated they are still designed with the same weakness in mind : the human being. Many of the most rampant viruses succeed in creating so much damage because they tempt recipients to act hastily and before they have remembered to follow basic rules designed to keep viruses out of the office. The McAfee web site offers ten tips to keep viruses at bay which are worth repeating here and perhaps even displaying next to every PC in the office which has Internet access.

1. Do not open any files attached to an email from an unknown, suspicious or untrustworthy source.
2. Do not open any files attached to an email unless you know what it is, even if it appears to come from a dear friend or someone you know. Some viruses can replicate themselves and spread through email. Better be safe than sorry and confirm that they really sent it.
3. Do not open any files attached to an email if the subject line is questionable or unexpected. If the need to do so is there always save the file to your hard drive before doing so.
4. Delete chain emails and junk email. Do not forward or reply to any to them. These types of email are considered spam, which is unsolicited, intrusive mail that clogs up the network.
5. Do not download any files from strangers.
6. Exercise caution when downloading files from the Internet. Ensure that the source is a legitimate and reputable one. Verify that an anti-virus program checks the files on the download site. If you're uncertain, don't download the file at all or download the file to a floppy and test it with your own anti-virus software.
7. Update your anti-virus software regularly. Over 500 viruses are discovered each month, so you'll want to be protected. These updates should be at the least the products virus signature files. You may also need to update the product's scanning engine as well.
8. Back up your files on a regular basis. If a virus destroys your files, at least you can replace them with your back-up copy. You should store your backup copy in a separate location from your work files, one that is preferably not on your computer.
9. When in doubt, always err on the side of caution and do not open, download, or execute any files or email attachments. Not executing is the more important of these caveats. Check with your product vendors for updates which include those for your operating system web browser, and email.
10. If you are in doubt about any potential virus related situation you find yourself in, contact avert at one of the locations listed here, <http://www.mcafeeb2b.com/avert/avert-research-center/contact.asp>.

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**ASSOCIATION**

# Annual B.S.A. Dinner

Sat 19th January 2002  
At Culloden Hotel Cultra

Reception 7.30 p.m.  
Dinner 8.00 p.m.  
Tickets £35.00

Cheques and bookings to Oonagh McClure at Thompson McClure

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*BSA On-Line*

The BSA website can be found at [www.belfast-solicitors-association.org](http://www.belfast-solicitors-association.org)

# New Chairman

The BSA elected Stephen Andress Chairman at their recent AGM in November 2001.

Born in Strabane he was educated at Campbell College, Belfast, and Trinity College, Dublin. He was apprenticed to and worked for L'Estrange & Brett and Francis Hanna & Company before setting up in partnership with Seamus Agnew in 1985 in Agnew Andress & Company now Agnew Andress Higgins, Solicitors.

Mr Andress works in the High Court/County Court side of the practice and also deals with Employment Law matters.

His is married to Elizabeth and has three sons. His hobbies include Golf and watching (only) Rugby.



## BSA Lecture Series (in conjunction with NIYSA)

*"The Importance of the Trustees Act 2001 for Solicitors"* by Paul Schrier

Friday 25th January 2002 at 12.30pm till 2.00pm

*"Advocacy for Solicitors"* by Bara McGrory of P J McGrory Solicitors

Friday 15th February 2002 at 12.30pm till 2.00pm

*"Risk Management for Conveyancers"* by Donald Eakin

Wed 20th March 2002 at 12.30pm till 2.00pm

**Members:** (BSA & NIYSA) £10  
Others £20

**Venue:** Law Society House (all lectures)  
Refreshments available at 12.30 pm  
Cheques and bookings to Karen Henebry of Cleaver Fulton & Rankin, 50 Bedford Street, Belfast, [k.henebry@cfrlaw.co.uk](mailto:k.henebry@cfrlaw.co.uk)

### Booking Form

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

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Number of persons attending: \_\_\_\_\_

Lecture(s): \_\_\_\_\_

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\_\_\_\_\_

Enclosure: \_\_\_\_\_

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## ADVERTISEMENT

# Laganside Courts

The new courthouse 'Laganside Courts' is nearing completion in Belfast. It is situated in Oxford Street, opposite the Waterfront Hall on the site of the old Fire Station. The building is designed to accommodate the business of the Crown, County and Magistrates' Courts. The Old Townhall building will also continue as a venue for the County Court Division of Belfast and as such will accommodate:

The office and courts of H.M. Coroner for Greater Belfast  
The office and courts of the Magistrates' Family and Domestic business  
The Youth Courts

A migration strategy has been developed which outlines the timetable for moving office functions and court business (See details below)

If you would like an opportunity to visit the new Courthouse in January, please contact either Yvonne Worthington or Paula O'Hara on DD Tel No. 9072 4522

## **MIGRATION STRATEGY - TIMETABLE**

**OFFICE FUNCTIONS** (including monetary transactions, lodgements of documents, reports etc)

**Monday 7th January 2002**

Fixed Penalty Office - all Fixed Penalty office business will transfer to Laganside Courts

**Monday 14th January 2002**

Belfast Magistrates' Court Office - all Belfast Criminal and Civil Magistrates' Court Office business including Youth will transfer to Laganside Courts. Some court related functions including bails will continue until the Courts relocate.

County Court Office - all County Court office business will transfer to Laganside Courts

**Monday 21st January 2002**

Belfast Crown Court Office - all Crown Court Office business will transfer to Laganside Courts

**Monday 28th January 2002**

Newtownabbey Magistrates' Court Office - all Newtownabbey Magistrates' office business will transfer to Laganside Courts.

H.M. Coroner's Office - H.M. Coroner's office business will transfer to the Old Townhall

Belfast and Newtownabbey

Magistrates' Family and Domestic Office - all Belfast and Newtownabbey Magistrates' Family and Domestic office business will transfer to the Old Townhall

**COURT SITTINGS**

**Monday 28th January 2002**

County Court Judge, Crown Courts, previously dealt with at Antrim Courthouse will relocate to Laganside Courts

County Court Judge and District Judge Courts previously dealt with at Old Townhall will relocate to Laganside Courts

County Court Judge, Family Care business previously dealt with at Old Townhall will relocate to Laganside Courts

Magistrates' Family and Domestic Courts previously dealt with at Belfast Magistrates' Courts will relocate to the Old Townhall

H.M. Coroner's Court will be in the Old Townhall

**Monday 4th February 2002**

High Court Judge, Crown Courts, previously dealt with at the Royal Courts of Justice will relocate to Laganside Courts

Belfast and Newtownabbey Magistrates' Adult Courts, previously dealt with at Belfast and Newtownabbey Magistrates' Court will relocate to Laganside Courts

Belfast and Newtownabbey Family, Domestic and Youth Courts previously dealt with at Belfast and Newtownabbey Magistrates' Courts will relocate to the Old Townhall.

For your information the address of the new courthouse is as follows:

**Laganside Courts**  
**45 Oxford Street**  
**Belfast**  
**BT1 3LL**

The address of the Old Townhall building is:

**80 Victoria Street**  
**Belfast**  
**BT1 3FA**

The central telephone number **028 9032 8594**, will remain the same, as will all of the direct dial numbers and jury line. If a copy of the direct dial phone list would prove useful for yourself, please let us know and we will forward one to you.



# Northern Ireland Court Service

## In the High Court of Justice in Northern Ireland Queen's Bench Division

### Proceedings by way of Interlocutory Summons Before The Masters

#### Practice Note (No. 2 of 2001)

#### Listing of Business

1. (a) The Friday summons court will commence at 10.00am with an open period of an hour during which counsel, solicitors and litigants in person may attend to :
  - (i) request adjournments;
  - (ii) mention consent orders;
  - (iii) make applications in short, uncontested matters;
  - (iv) fix times later in the day or, where appropriate, a subsequent time for the hearing of contested summonses;
  - (v) apply for reinstatement of any summons struck out for non-appearance at a previous summons court; or
  - (vi) make any other non-contentious short application
- (b) The Thursday afternoon summons court will commence at 2.00pm with an open period for the same purposes as are detailed at (a) above, which will continue for 30 minutes.
2. (a) A summons to be contested will not be heard during an open period.
- (b) At the end of an open period the Master will rise and the registrar will remove the papers in all the summonses on the list with the exception of those which have been fixed for the hearing later that day.
- (c) Any summons which has not been attended to during the open period will be struck out.
- (d) A request that a summons be stood over to be mentioned after the close of an open period will not be entertained.

#### Reinstatement

3. (a) Any application for reinstatement

of a summons which has been struck out for non-appearance must be made during the open period at a subsequent sitting of the court.

(b) Reinstatement will only be allowed where good reason is given for failure to attend the summons at the court for which it was listed.

(c) A reinstated summons will be listed for a summons court sitting four weeks after the court at which it is reinstated.

#### Adjournment

4. (a) The four week adjournment rule laid down in the Masters' Practice Note of September 20th 2001 (No. 1 of 2001) will continue in force.

(b) An initial application for an adjournment of four weeks or more may, where made with the consent of the parties, be mentioned to the registrar. Such applications may also be made in writing, either by fax or delivery, to the Writ Office on the day prior to the return day for which the summons is issued.

(c) Any other application for adjournment of a summons must be made to the Master during the open period, when a proper reason for the adjournment must be given.

#### Summons and Supporting Documents

5. (a) From 10th December 2001 onwards, all summons (including copies for service) must, where counsel is to be briefed for the moving party, be indorsed with his or her name.

(b) From 10th December 2001 onwards, all summons papers (including copies from service) must be accompanied by a copy of The Writ of Summons, Civil Bill or other originating process.

(c) Papers which do not comply with the requirements of (a) and (b) above will not be issued by the Office.

6. (a) Additional documents (such as affidavits or medical reports) which have not been included in the summons papers have been filed, must be lodged in the Office at least one

clear working day prior to the return date for a summons.

(b) The Master may refuse to accept a document produced in the course of the hearing, or may adjourn the summons for a minimum period of four weeks to enable a copy of the document in question to be lodged in the Office.

7. The practice set out in this Note will, except where otherwise stated, come into operation on Thursday January 10th 2002.

JW Wilson  
Master (Queens Bench and Appeals)

CJ McCorry  
Master (High Court)

#### ADVERTISEMENT



**AUSTIN MOONEY**

## Legal Costs Drawer

Would like to thank all Solicitors who have supported him during 2001 and wishes you all a very prosperous 2002.



15 Edendork Road, Dungannon,  
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Dungannon 1

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## Risk Management

ADVICE



# Professional Negligence

## Bad practices

*The number of negligence claims against lawyers is rising, putting a dent in firms' profits and sullyng their reputations. Kathryn Hobbs reports on the importance of setting up safeguards*

MAKING mistakes costs money, and a lot of money at that. It is significant, therefore with claims against the profession on almost exponential increase, that risk assessors still view firms as falling foul of simple preventative procedures. Claims are recession-led, and if evidential indications of an economic slow down are proved correct, can firms really afford to be complacent when it comes to Risk Management?

"If you put all the professions together, who are the public going to be dealing with? The answer is medics and solicitors," says John Verry of insurance company St Paul. Growing consumer consciousness means that people are not only aware of their rights, they are also confident of taking action.

The days of a reverential attitude towards professionals are long gone. And in a society where litigation is advertised as readily as washing powder, those perceived as potential targets for claims are there to be mined.

The figures reinforce the argument. Judicial statistics for 2000 demonstrate the chasm between solicitors and other

professions. Of the 278 professional negligence claims in the Chancery Division, solicitors were defendants in 204 new cases. Cases against accountants numbered a paltry 15.

Verry chooses to put the figures in a historical perspective. "The disparity between solicitors and accountants in particular could be explained by the fact that accountants were going through the same problems about 10 years ago, and they've learned from their mistakes," he says.

These lapses, such as inadequate client vetting procedures and a lack of clear instructions, are common to both solicitors and accountants. Claims against solicitors do not generally follow errors in knowledge of the law but from service delivery problems.

Verry notes common themes that repeatedly appear as the root cause of mistakes. These usual suspects include time limits, delays, communication, supervision, delegation, undertakings, organisation and lack of knowledge. He estimates that in the vast majority of negligence cases, claims handlers will attribute mistakes to one or more of these problems.

However, none of these problems are insurmountable, so why do they crop up so frequently?

Verry puts it down to attitude, which may be very American-sounding, but is nevertheless fundamental to minimising the risk of making costly mistakes in relatively straightforward legal

work. "It's about service delivery, and everyone has to stick to it", he says. "The first step is getting people to accept that they have to move in this direction. A lot of firms do acknowledge the need for risk management, but they struggle with time and financial constraints."

Conveyancing remains the principal practice area in which disputes between advisers and their clients arise. High-volume, nuts-and-bolts transactions in conveyancing and personal injury (PI) work lend themselves more easily to error. According to risk analysis and brokers, small high street firms handling this type of work are most likely to generate negligence claims.

Litigation prompts a number of claims that could be avoided if proper care is taken in setting out the initial instructions. Mills & Reeve partner Guy Hodgson blames a continued reluctance to advise clients at the outset of the likely cost of the matter and the precise ambit of the instructions for the rise in claims. He observes that failing to do either or both leads to "grievances which develop into claims and allows claimants to retrospectively widen the retainer."

Andrew Nichols, risk manager at Zurich Professional, notes that litigation generates a quarter of all claims brought to the insurance companies attention. His pronouncement is that solicitors often stumble into complying with time limits,

# Risk Management

ADVICE

either because they do not know about them or they cannot manage diaries sufficiently well to remind themselves. Trapped between a rock of ignorance and a hard place of incompetence, solicitors seem to be floundering.

One firm took the full three-year limitation period and an additional 49 days to issue a PI claim for a client, despite having received confirmation from the respondents insurer that it had accepted the bulk of liability some two and half years previously. Such dallying in simple procedures is inexcusable.

Despite the proportionately more expensive insurance premium for smaller firms when contrasted with their larger commercial counterparts, risk managers in insurance companies do not necessarily consider the work undertaken to be generically more prone to negligence. The overwhelming message from insurers is that elementary mistakes across the board, rather than specific practice areas, cause complaints.

It is not, then, automatically the more complex transactions that give rise to mistakes. Nichols says: "Negligence claims arise from fundamental omissions in what should be established processes." Anecdotally, insurers can give examples of firms taking on work that they are ill-equipped to handle and attracting more clients than they can realistically serve. The number of such instances is negligible in comparison to basic mistakes in the simplest of matters. "There's a distinct lack of processes adopted and conscientiously applied," asserts Nichols.

No firm, however large or small, can afford to consider itself immune to risk. Clifford Chance has a 24-hour vetting service for fresh instructions brought to the firm. One disturbing trend is the number of claims arising from commercial transactions. Verry says that at an average of approximately £150,000 per claim, mistakes in this sector make up the bulk of the larger-value claims.

Previously few and far between, commercial claims were viewed as a necessary and easily-absorbed evil that would inevitably occur every so often. Prophesying for this sector, Verry says: "When a catastrophic claim comes, I feel it's more likely to come against a commercial firm."

Solicitors have a high duty of care to their clients. The continued rise of cases of negligence claims against them is

only going to reinforce stereotypes of fat cat, money grabbing arrogance. For smaller firms, the damage to professional reputation from perceived or actual negligence can be insurmountable.

Mistakes will be made and claims will come, but this does not mean that firms should simply rely on their insurer. The open market for professional indemnity insurance brought premiums down from the levels of the Solicitors' Indemnity Fund, but they will rise if solicitors do not put their firms in order. Where risk can be managed and simple mistakes prevented, it make sound commercial sense to do so.

The Society's Professional Indemnity Committee felt that the principles set out here are equally applicable to Northern Ireland.



## EMPLOYMENT LAWYERS' GROUP (NI)

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*Voice Mail:* (028) 9056 2282  
*Fax:* (028) 90231850  
*E-mail:* eamonn.mcardle@ireland.com

*Chairperson* Orla Murray  
*Hon. Treasurer* June Turkington

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

### Lunchtime Seminar

## Restrictive Covenants and Confidentiality Clauses in Contracts of Employment

**Speaker:** Barry Mulqueen BL

**Date:** Friday, 8 February 2002

**Time:** 1.00pm (coffee and sandwiches served from 12.30pm)

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

**Cost:** Members £3, Non-members £6.

*Booking forms and cheques, made payable to The Employment Lawyers Group (NI), should be sent to:  
Ms June Turkington, Legal Directorate, Central Services Agency, 25-27 Adelaide Street, Belfast, BT2 8FH*

### Booking Form

Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

I enclose remittance of £ \_\_\_\_\_

## Membership Renewal

Membership fees are now due for 2001-2002. Members are invited to renew their membership for the forth-coming year. New members are welcome. Please return the form below completed together with cheque for £10 made payable to ELG (NI) to: June Turkington, Legal Directorate, Central Services Agency, 25-27 Adelaide Street, Belfast BT2 8FH

### Membership Form

I enclose cheque for £10.00 made payable to ELG (NI)

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Address \_\_\_\_\_  
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## FURTHER TALKS

**Barry Phillips** will be giving a talk some time in March dealing with issues arising from computers and Internet use in the workplace. Watch the Writ for further details.

### ADVERTISEMENT

## DUBLIN AGENTS

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(Also admitted N.I. 1998)

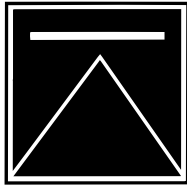
## Walker McDonald receive ISO 9001 Award

In recognition of their efficiency and excellence, Borough Solicitors Walker McDonald have been awarded the prestigious ISO 9001 Award.

"Our firm is streamlined to benefit all our clients needs in the 21st Century" said Senior Partner Brian Walker, a licensed Insolvency Practitioner. Mr. McDonald also praised the dedication and energy of the staff, who have enhanced the practices ability to resolve disputes for its clients.



(L to R) Mr. Joseph R McDonald LLB; Brian Walker LLB Senior Partner; Mayor of Portadown Mr S Gardiner and Moira Heap MA Cantab.



NORTHERN IRELAND  
YOUNG SOLICITORS ASSOCIATION

# NIYSA EASTER DISCO

## O'Neills Bar

4 Joys entry  
(off high Street)  
Belfast

Thursday 28th  
March 2002



9.00pm – to late

Admission £5.00

## Annual Conference

8th - 10th March 2002

Faithlegg, Waterford  
Joint Conference with SYS

We wish to announce that our conference in 2002 will be a joint conference with the Southern Young Solicitors. The conference agenda has yet to be finalised.

The Conference fee will be in line with previous years and will be approximately £140.00.

Anyone interested in reserving a place should complete the booking form below. Numbers are strictly limited and early booking is advised.

### Booking Form

**8th – 10th March 2002, 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: Nessa Agnew, Vice-Chairman, NIYSA, c/o Joint Legal Services, SEELB, Block 1, Grahamsbridge Road, Belfast BT16 2HS*

*Deposits to be received no later than Friday 18th January 2002*





## HOME CHARTER SCHEME

### MORTGAGE INSTRUCTIONS

Practitioners please note that you should not accept any instructions based on the Council of Mortgage Lenders Handbook because it only relates to properties situate in England & Wales. In some cases, particularly if the loan is being obtained from one of the small lending institutions, you may inadvertently be sent instructions not applicable to this jurisdiction. The Society is currently working with the Council of Mortgage Lenders to enable them to produce a handbook appropriate to Northern Ireland.

## STAMP DUTY

All firms have been sent the Inland Revenue press release in relation to the exemption from stamp duty which applies to all conveyances and transfers of land or interest in land, and to all leases of an interest in land, executed on or after 30th November 2001, where the land falls wholly or partly within one of the disadvantaged areas designated under the variation of Stamp Duty Regulations 2001 and the consideration for the transfer or the premium for the lease is more than £60,000 but not more than £150,000.

The Inland Revenue has also made available a list of wards qualifying for the stamp duty relief for disadvantaged areas. In order to confirm the location of a property within a particular ward, it is suggested that a vendor's solicitor is applying for Local District Council Property Certificates, should add an additional question to confirm the ward in which the property is located and the postcode.

#### ADVERTISEMENT

### Republic of Ireland Agents

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S.C. Connolly & Co.  
Solicitors*

Bank Building *or* Arran House  
Hill Street 35/36 Arran Quay  
Newry Dublin 7  
County Down  
Tel: (01693) 65311 Tel:(003531) 8725622  
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#### ADVERTISEMENT

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Law Centre (NI)

## Community care case law up-date

Where responsibility lies between health and social services trusts and the Northern Ireland Housing Executive for ensuring changes of heating systems and other adaptations to homes for people with disabilities causes considerable confusion. This article informs solicitors of the latest developments in the interpretation of Northern Irish law in this area.

There have been five judicial review cases before the High Court in Northern Ireland this year which considered the extent of a trust's duty under s.2(e) of the Chronically Sick and Disabled Persons (NI) Act 1978. Four of these cases involved heating adaptations and the other involved the installation of accessible showering and toilet facilities. The judgements in these cases give some guidance as to the interpretation of the legislation.

### Legislation

The legislative obligation on trusts as regards adaptation of homes is contained in s.2(e) of the Chronically Sick and Disabled Persons (NI) Act 1978. This section places a statutory duty on the trust, where necessary to make arrangements under articles 4 and 15 of the Health and Personal Social Services (NI) Order 1972 to meet the needs of a person, to provide assistance in arranging for the carrying out of adaptations to the home, or to provide additional facilities designed to secure greater safety, comfort or convenience.

This legislation only applies to those people who come within the definition

of chronically sick or disabled which is contained in s.1 of the 1978 Act. This includes people who have sensory disabilities and also those who are 'substantially handicapped by illness, injury or congenital deformity and whose handicap is of a permanent or lasting nature or are suffering from a mental disorder'. This wide definition should include many of those people who are seeking adaptations.

There is no statutory obligation upon the NIHE to adapt the home of a tenant with a disability, however, the practice has been that it would do so on the recommendation of a trust. Following the recent review of the adaptations service, the NIHE will assess the need for heating adaptations itself, and adapt as necessary.

There is also a grant making obligation on the NIHE contained in art.52 of the Housing (NI) Order 1992 which obliges it to operate a disabled facilities grant scheme for tenants, landlords and owner occupiers.

The importance of the legislation for people in need of an adaptation is seen when there is a delay in relation to the assessment of need, a failure to recommend adaptation or a delay in the carrying out of works to meet the assessed need. Ultimately, the existence of a statutory obligation becomes a key issue where a person is unhappy with the adaptation process. Arrangements adopted by trusts and any agreement with the NIHE must conform to the trusts' statutory obligation under s.2(e) of the 1978 Act.

### Case law

The issue in four of the cases was whether the system of assessment and referral on to the Northern Ireland Housing Executive was sufficient to fulfil the duty on the trust to assist in arranging for the carrying out of adaptations, particularly in the context of delay and failure to implement recommendations by the NIHE.

The duty was considered in the J case to be to make 'such arrangements as the trust considers suitable and adequate' and in that case, the level of involvement by the trust in contacting the NIHE and offering interim services was held to be lawful. The case of B concerned similar issues but the heating was installed before the full

hearing. The judge noted however that the s.2 duty may in some circumstances, for example, the resolute refusal of the NIHE to carry out the works, require the trust to consider seeking permission to arrange for the adaptation by other means.

In the case of McC, the Court upheld the trust's view that it did not have a duty to the applicant as she was not sufficiently disabled so as to come within the definition of 'chronically sick or disabled', which is set out in the Act.

The case of Q was withdrawn when it became clear that the adaptation was to be carried out in the near future.

The judgement in the non-heating case, H, also concerned s.2(e) and held that the trust had to consider its duty under this section where, as in this case, there was an acceptance of a need for adaptation for a child with a disability but a failure on the part of the parents to meet the financial means test for a disabled facilities grant. It was not sufficient for the trust simply to regard its duty as having being fulfilled by a referral of the family to the grants system available. This case is on-going in relation to how the trust will interpret its position under s.2(e) but it should involve a separate consideration by the trust of the means of the family. The judge commented that there is a continuing positive obligation upon the trust to fulfil its obligation to the child. The trust are also required to consider their obligations in the light of Article 18 of the Children (NI) Order 1995 and Article 8 of the European Convention on Human Rights in relation to the right to respect for the private life of the child.

### Policy change

The team carrying out the 'Fundamental Review of the Housing Adaptations Service' have issued a preliminary report. Until March 2001, the trust occupational therapy department assessed the need for an adaptation, including heating, and made a recommendation to the NIHE, if the person lived in NIHE property, that the work be carried out. The NIHE had agreed in a service agreement that it would carry out the recommendations of the trust in most situations. One of the key changes as a result of the review is transfer of responsibility for assessment for

heating adaptations to the NIHE for people living in their properties. Such cases will no longer require an assessment by an occupational therapist. It is hoped that this will speed up the processing of applications for adaptations in this area as in many cases there will not be a need for a home visit assessment. The NIHE has established three entry criteria for a change of heating: the client must be over eighteen, indicate that s/he is permanently and severely disabled, with severely limited functional ability and has difficulty managing her/his current system. People will however be deemed to meet the entry criteria if they are over 75 years of age, in receipt of disability related benefits, have one of a number of listed illnesses or disabilities, or where they have been provided with equipment or had an adaptation carried out in the past.

People who are not living in NIHE accommodation will continue to be assessed by the trust and then a recommendation will be made for a disabled facilities grant if a need is established.

There has, however, been no change to the statutory responsibilities set out above and therefore the trusts retain a duty to assess and assist in arranging the meeting of heating adaptation needs. If the person with a disability is satisfied with the service provided by the NIHE then there will be no difficulties. If, however, there is a delay or a failure to assess or meet needs, then the legal remedy remains against the trusts. Similarly, if a disabled facility grant is not available, the trust may have to consider whether it has a continuing duty to assist the person in obtaining the adaptation.

### Conclusion

The five judicial review cases have highlighted the trusts' responsibilities under the Chronically Sick and Disabled Persons Act in relation to home adaptations. Further information can be obtained from the Law Centre (NI) on legal challenges in this area.

**Maura McCallion**  
Solicitor, Law Centre (NI)

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# New Buildings

The likelihood of a good idea succeeding are the same as a dog getting noticed behind a double glazed window - good presentation, not barking, gets results.

A wonderful plan has been hatched by The Court Service which must have left the parents of the egg feeling fairly pleased with themselves. Laganside Courthouse opens early February, a fine embodiment of the £30m and the Private Funds Initiative which helped to build it. Standing on the site of the Old Belfast Fire Station and part of a public road (Townhall Street), the new build consists of 3 main floors with mezzanines, 16 courtrooms, 20 consultation rooms, judge's chambers, witness waiting areas, jury lounge and, possibly, a viewing gallery for outdoor events at the Waterfront. There will be conference, multi-media, and restaurant facilities (and restrooms as well perhaps). The Mancurean architects have borrowed form the look of the R.C.J. and the Waterfront to present a pleasant looking edifice; even the aerodynamic sticky-out bits and the Ally-McBeal landscaping manage to blend into the visual symphony. More impressive than the building itself however is the domino effect which Laganside will trigger around Belfast.

The County, Magistrates, and Crown Courts will move into the new premises. The Old Townhall Building will host the Youth, Family and Coroners Courts. The existing courthouse at Newtownabbey will, like Crumlin Road before it, be sold off to the private sector. But the best of the changes will be Phase 2 (Phase 1 being Laganside). This will be great step for humanity. It's creator must surely have tucked into the Weetabix when he reached the brave decision that the only decent thing to do with the existing Magistrates Building was to demolish it. The resulting carpark will undoubtedly become a shrine to all those who want to reflect on the crimes of bad architecture.

Further afield, and assuming that newspaper reports are to be believed,

the Court Service will soon be circling over the courthouses at Banbridge, Kilkeel, Clougher, Cookstown, Larne, Limavady, Bangor, and Newtownards (why not also Magherafelt and Strabane one asks). The plan is to concentrate on the bigger and better resourced venues (to which Dungannon will soon be added). None of this augers well for the social skills of practitioners who traditionally made friends by sharing horror stories about the food and shelter offered at the more remote scratching posts.

With similar pouts and poses of panache, the Bar Council has embarked upon a building program of its own. A four-story office block - to be adorned with pillars of portland stone - is being built on the 'variety market' site (the old Bar car park). It will be shared equally with the office of the D.P.P., down the middle without interconnection. The settlement might appear equitable were it not for the fact that the Bar conservatively estimated its need on a saturation point of 500 members. That figure is now too low. The building is expected to cost 18m and will be paid for by the

barristers themselves, a surprise given that you can't find a barrister who'll pay for a large brown envelope.

To guard against the introduction of chambers by stealth, the new Bar Building will be designed so that desks and office suites (catering for 4) will be alternated throughout the half building. There will be consultation, conference and restaurant facilities and an underground dungeon, sorry, car park. The existing Bar Library will become a reading library (a contradiction surely) and the post-room staff will be moved across to facilitate the peace and quite.

With only three notes and a bad harmonica Bob Dylan persuaded a generation that times were changing. A local artist by the name of Nicola Russell is using a postcard to persuade the townfolk of Belfast that the City Hall could and maybe should be turned into a museum/art gallery. One hopes the idea gets noticed over the double-glazed barking of the public spirited councillors.

T C Symth

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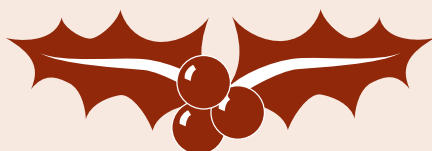
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### Missing Wills

JAMES HARRISON

LATE OF 38 CHERRYHILL ROSTREVOR COUNTY DOWN DIED ON 15TH OCTOBER 2001

Would any person holding an original Will for the above named deceased please contact Donnelly Neary & Donnelly Solicitors 1 Downshire Road Newry Co Down BT34 1ED Telephone: 028 3026 4611

RE: Rose Scullion Deceased late of 47B Gardenmore Road Twinbrook, Belfast, CO Antrim Date of death 26 May 2001 Would any solicitor who is aware of the whereabouts of the original Will made by the above named deceased contact Paul Sweeney of Bogue & McNulty of 208 Stewartstown Road, Belfast BT17 OAH. Tel: 028 9062 0836

RE: Robert Millar Cross Late of 9 Elmfield Park, Donaghadee And of 13 Silvio Street, Belfast

Would any person having knowledge of the whereabouts of a Will for the above named deceased, please contact Fisher & Fisher, Solicitors of 165 Sandy Row, Belfast, BT12 5ET, (phone 028 9024 7050) AS SOON As possible.

### Schedule of Coroners : Correction

By reference to the schedule of contact details which appeared in the October 2001 edition of the Writ, please note that the details for the HM Coroner for South Down should have been as follows:

J Daniel Thompson  
72 Adress Road  
Portadown  
Co. Armagh  
BT62 1SQ  
Tel/Fax: (028) 3885 1347

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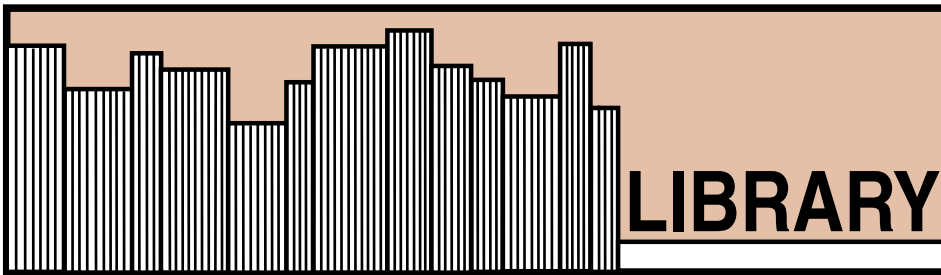
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#### Articles

Living wills - a new add-on for clients? (Advantages and disadvantages of living wills, extent to which they can be enforced, ethical and legal background, advice solicitors should give to clients and drafting of living will directives with example form)

Docker: 1999 Tru & ELJ, 9, 12-15

The doctor and the lawyer: medico-legal problems today (consent and refusal of treatment, disclosure of risk, living wills and detention of mentally ill patients)

Samuels: 1999 Med Leg J, 67(1), 11-24

#### \*Precedents

- 1) Living will (full form)
- 2) Living will – version from the Terrence Higgins Trust and the Centre of Medical Law and Ethics, Kings College London

\*Either of these forms can be downloaded and sent electronically on request to the library.

Alternatively, forms of Living Wills are available from The Terrence Higgins Trust (tel. 0207 831 0330) by sending an A4 stamped addressed envelope together with a donation towards the administrative costs of the Trust.

## New Books in the Library

- 1) Harvey: Human rights, equality and democratic renewal in Northern Ireland. Hart. 2001
- 2) Graef: Why restorative justice? Repairing the harm caused by crime. Calouste Gulbenkian Foundation. 2001
- 3) Palmer: Animal law. 3rd ed. Shaw & Sons. 2001
- 4) Gaymer: The employment relationship. Sweet & Maxwell. 2001
- 5) Anderman: The law of unfair dismissal. 3rd ed. Butterworths. 2001
- 6) MacDonald: Tolley's Managing e-mail & internet use. Tolleys. 2001  
Sanders: Declarations of trust: a draftsman's handbook. 2nd ed. Sweet & Maxwell. 2001



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## The Land Registry - The Good News!

Following a meeting at Stormont on 27th November between the President, Mr John Neill, Mr Donald Eakin and myself, on behalf of the Society, and the Deputy First Minister, Mr Mark Durkin, MLA (wearing his Minister of Finance and Personnel's hat), we can announce that the Government has agreed to a temporary moratorium on the extension of Compulsory First Registration and the implementation of the Ground Rents Act. CFR will be postponed until the Land Registry has reduced the present backlog of work to a manageable level and in the meantime the Ground Rents Act will be implemented on a voluntary basis only. The Minister also promised to address the question of resourcing for the Land Registry.

We were greatly assured by what the Minister said and we were left with the distinct impression that by the time the next tranche of CFR is rolled out and the Ground Rents Act is implemented on a compulsory basis (not necessarily concurrently), the Land Registry should be able to deliver a much better service. This is good news for the profession in that we should start to see a gradual reduction in the turn-around times for applications, rather than the anticipated log jam of the entire process. This would be greatly assisted, of course, by practitioners making sure that applications to the Registry are free from mistakes.

**John W D Pinkerton, Non-Contentious Business Committee**