

NEWS

GAZETTE ONLINE THIS WEEK

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Legal news

Judges criticise lawyers who bring 'unmeritorious' claims
Judges have slammed government plans to cut legal aid, but also criticised publicly funded lawyers who bring 'unmeritorious' public law claims, and proposed limiting legal aid in judicial review cases. See tinyurl.com/69ylors.

Legal blogs

Blog: prospective students will find it harder to fund the LPC

Government's withdrawal of a loan product aimed at Legal Practice Course students may reduce access to the profession for the less well off. But might it also prevent prospective students from saddling themselves with the fruitless pursuit of elusive training contracts? Rachel Rothwell.

Business blog: when IT doesn't deliver

Law firms' IT systems often fail to provide the right data to support marketing activity, writes Alastair Moyes.

Euro blog: digital PCs

Following a slew of consultations from the European Commission affecting lawyers, Jonathan Goldsmith considers whether lawyers need digital practising certificates.

Legal practice

Practice Advice Q&A

Answers to commonly asked questions in the legal practice supplied by the Law Society's Practice Advice Service. *Week: I am on the roll of solicitors but do not have a practising certificate. Can I administer an oath?*

Latest SDT decisions in full

All the latest Solicitors Disciplinary Tribunal decisions only online on our SDT page.

Person of the week

Investigator/caseworker (death penalty), London
Successful candidate will be someone who is a creative strategist, who is intelligent, organised, effective, takes initiative, is self-motivated and prioritises the needs of the organisation works for at all times.

Legal media

Should there be more stringent entry tests for students going to take the Bar Professional Training Course?

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Mediator shortage looms

By Catherine Baksi

Separating couples may 'escape' the new requirement to consult a mediator before going to court because of a shortage of properly accredited mediators, family lawyers' group Resolution has suggested.

The group's chair Dave Allison also warned there was a risk that members of the public may 'be fooled into going to an unqualified mediator' as the new pre-application protocol, announced last week, does not specify that people must use an accredited provider.

Justice minister Jonathan Djanogly said last week that, from 6 April, all parties in family disputes will be required to attend a mediation awareness session before taking their case to court, unless there are allegations of domestic violence or child protection issues.

The Family Mediation Council (FMC) has agreed the criteria



that a mediator must fulfil to be considered accredited, but Allison said the Ministry of Justice's protocol has failed to specify that only accredited mediators must be used.

He said: 'While most people will seek legal advice first and be directed to properly trained and accredited mediators, members of the public on their

own may be fooled into going to an unqualified mediator.'

Allison said he was also concerned that there would not initially be enough mediators in place to meet the new demand, which could enable people to 'escape the provisions of the protocol' and go straight to court.

'If the protocol hadn't been drafted with such indecent haste, all these things could have been resolved properly,' he added.

A Ministry of Justice spokeswoman said there are at least 600 family mediation services in England and Wales, and it did not expect capacity to be a problem. She added that FMC member organisations are actively recruiting and training new mediators, and there are a number of 'sleeper' mediators who have already trained, but have not yet had the opportunity to practise due to the lack of demand for mediation.

Only two solicitors among 120 QC appointments

By Catherine Baksi

Just two solicitors were among the 120 Queen's Counsel appointments announced by the lord chancellor this week, while three high-profile solicitors were awarded honorary silk.

The successful solicitor applicants were David Price, founder of London media law firm David Price Solicitors & Advocates, and Timothy Taylor, litigation and dispute resolution partner at City firm SJ Berwin.

Five solicitors applied, with a 40% success rate. In the previous round, only one solicitor QC was appointed, from a total of

10 solicitor applicants.

Overall, 48% of the 251 individuals who applied for silk were successful. They included 27 women (two-thirds of the 41 who applied), up on the 20 appointed in 2009/10. Twelve of the new silks were from an ethnic minority (60% of the 20 who applied); two had a declared disability; and only one was an employed advocate.

QC selection panel chair Dame Joan Higgins said: 'Relatively few female advocates are putting themselves forward for consideration for QC. But the markedly higher success rate for women applicants this year

should send a positive signal to all suitably qualified women advocates, whether barrister or solicitor.'

Meanwhile, honorary silk status was awarded to Geoffrey Bindman, founder of London firm Bindmans; Monty Raphael, former senior partner at London firm Peters & Peters; and Stuart Popham, former senior partner at magic circle firm Clifford Chance, in recognition of their contribution to the law outside the courtroom.

This was the fifth round of appointments made under the revised arrangements introduced in 2005.

Retainer lapse

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He said the firm should have complied with the terms in its retainer letter and standard terms of business, and informed the client in writing that the costs estimate may be exceeded.

CKFT partner Daniel Fireman said the firm had lodged an appeal. He added: 'The judg-

ments to date are extraordinary and will, if allowed to stand, be seriously detrimental to the profession.'

'It must be the case that solicitors are, and should be, entitled to suspend services to clients who, without objectively reasonable justification, refuse to pay bills and payments on account which are contractually due and payable.'

Richard Clarke, a partner at

south-east firm Routh Clarke who represented Minkin, said: 'While the decision turned on the facts of the case, it is a timely reminder that solicitors must ensure any termination of representation is done within the rules.'

'Although the decision may seem harsh, lawyers write the contract, are trained in the law and have to accept the consequences if they get it wrong.'