

NEWSLETTER

A new weekly newswire

to keep you informed of the events of the week past.



Welcome to the first weekly newsletter - a new idea to finance the expansion of the free legal resources published by Insite Law - sponsored by advertisers keen to help with the project.

The plan is to develop our free legal resources for students and others and develop a number of reports and the range of podcasts for

practitioners. Insite Law magazine will continue to provide a daily summary and comment on legal news and Charon QC will continue with the daily Law Reviews. At the end of the week we will summarise or link to the key legal news stories in the new newsletter which, hopefully, you will find useful.

show the concept

Charon QC reports

While I will, of course, be doing my annual 'Urbi et Orbi' blog post next weekend, it being Easter... it would be most remiss of me not to note, at the very least, the Pope's 'difficulties with assorted and sundry sodomists or should that be sodomites..or buggers, even? They appear to be popping up, if you forgive the rather grisly metaphor, all over the place.

The Observer notes: ["The head of the Catholic church is bracing himself for a new round of allegations by victims of paedophile priests — in Italy"](#)

I feel confident that the Pope will get to the bottom of it eventually....so moving on...

- Charon QC



PRACTITIONERS NEWS ROUND

Cassons' Budget briefing for barristers

Was Alistair Darling's Budget speech really a Budget speech or pre-electioneering politics?

As always, the small print in the Budget press releases will contain the detail. But there are few new announcements to impact on barristers.

[Read](#)



Peter Groves, a well known IP solicitor, will be reviewing news relevant and useful to practitioners.

This is a short 'Test' edition to show the concept. The first newswire will be published next Monday and be very much longer.

Mike Semple Piggot, Ed

PRACTITIONER NEWS

PETER GROVES, SOLICITOR

Legal Week reports on the Solicitors' Regulation Authority's consultation on how to overhaul the Code of Conduct in light of legal services reform. It suggests an end to box-ticking regulation, a move away from prescriptive standards to clearer ethical principles. Should that say a move back to clearer ethical principles?

Legal Week also [reports](#) how a group of Indian lawyers is calling for government action against foreign law firms practising illegally in that country – from five-star hotels and business centres, the allegations say. They also complain about legal processing outsourcing businesses operating in India – while the [Gazette](#) chooses to feature this emerging area, and in particular the entry of CPA Global (once upon a time plain Computer Patent Annuities) into the market.

The big event for trade mark lawyers this week has been the judgment of the Court of Justice of the European Union in the Google AdWords case: [here](#) is the IPKat's comment, one of many on the web (but always authoritative). A set of three references from the French courts, the judgment considers whether Google infringe the trade marks of certain well-known luxury goods manufacturers when they allow others to pay to use the luxury brand names to trigger the display of adverts for the other businesses. The court decided that Google did nothing that might infringe, and were protected under the Electronic Commerce directive anyway: the traders who used the AdWords to divert customers to their sites might infringe – small comfort to the trade mark owners, who would prefer to be able to go against the operator of the service rather than the many small offenders making use of it.

Sections 55A to E of the Data Protection Act 1998 introduce serious monetary penalties into the Data Protection Act, and come into effect on 6 April. [The Data Protection \(Monetary Penalties\) Order 2010](#) was made this week, and adds some more detail to the statute.

The MoJ has announced a fast track Employment Tribunal scheme to help employees awarded payouts from their former employers at Employment Tribunals receive their payments. The new Employment Tribunal Fast Track scheme will simplify the process for successful tribunal applicants. Read the [full press release](#).

The Law Commission suggests that insurers who delay paying valid claims should be liable to policyholders for any foreseeable losses they cause. Out-Law has the [full story](#). The joint Law Commissions' [press release](#) contains more about its consultation on Insurance Contract Law: Damages for Late Payment and the Insurer's Duty of Good Faith.

[Fonexco Group Ltd & Ors v Manches \(a firm\) & Anor \[2010\] EWHC 493 \(QB\) \(19 March 2010\)](#) concerns a claim that a firm of solicitors failed to issue and serve proceedings on an Italian defendant: the court dismissed the claim.

Libel Tourism: There is plenty going on in the continuing debate about libel tourism. The Guardian [reports](#) on reforms to discourage overseas claimants from launching libel cases in UK courts. A 'public interest' defence to protect investigative journalism is also proposed. Out-Law [reports](#) that there will be protection for on-line news archives, but that the legislation will not be introduced before the General Election. Not much will happen before the General Election, actually ...

Is anyone content with the way the legal aid system works? According to this [report](#) in The Times, the number of legal aid firms will be reduced while at the same time it looks as if a huge share of the budget is going to a few top barristers. "The number of legal aid lawyers is to be cut heavily under plans outlined by ministers as they named the top ten QCs earning more than £500,000 from such work last year." The information comes from the Justice Secretary. The Law Society Gazette also has the story: [Purge of criminal legal aid firms planned](#).

While on the subject of legal aid, the [Gazette](#) also reports: "Launching its interim Access to Justice Review, the Society called for a 'radical rethink' of legal aid funding to allay concerns that large sections of the public are being denied access to justice." Among the ideas it sets out are a loan fund like the student loans scheme and a 'polluter pays' funding mechanism.

The Gazette also reports how members of the Law Society of Scotland have revolted against the way the LSS has dealt with coming changes: ['Tesco law juggernaut halted' in Scotland](#). It will now review its policy of support for the Legal Services (Scotland) Bill following an extraordinary general meeting – but the reports show that a minority of solicitors took the trouble to vote (even by proxy) in the matter. [The Times has the story too](#).

The Guardian reports that the number of whistleblower cases has gone up by an order of magnitude in the last ten years: "The number of employees claiming to have been sacked, mistreated or bullied for exposing corrupt practices at work has increased tenfold over the last decade, according to official figures." Given that the concept of a whistleblower was much more limited then, perhaps there is no surprise in this.

PRACTITIONER NEWS

Finally, the Jackson report continues to generate heat – and some light, perhaps. The Times has two interesting pieces: [one](#) by Kerry Underwood, who is presenting lectures on the subject for CLT (and therefore counts as a colleague) who is not happy with the proposals on contingency fees and one-way cost shifting; the other opening by quoting my old friend Chris Wait, of Temple Legal Protection, saying: “If Jackson’s proposals become law, would ordinary people like my Mum and Dad be able to sue a builder, for example, if he was negligent? The answer is ‘no’.” Is the review asking turkeys to vote for an early Christmas? There doesn’t seem to be a lot of support around in the legal profession.

Peter Groves

Barrister standing for BNP at election loses post at chambers

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Fascism is alive and well it seems – but the *Brothers-in-law* at Robert Grierson’s chambers were none too keen, it seems, on having a ‘potential fascist’ (there being absolutely no evidence that Mr Grierson is a fascist) in chambers – but since the BNP is widely regarded as holding ‘fascist and other unusual sentiments’ – guilt by association?). The Guardian re-

ports: “This afternoon St Philips chambers in Birmingham, where Grierson was a door tenant – an associated barrister working from different premises – announced that it had parted company with the lawyer. In a tersely worded statement, James Burbidge QC, head of St Philips, said: “Robert Grierson has resigned from his position as a door tenant of St Philips chambers from the 25 March 2010. He accepted that his candidacy in the forthcoming election was a distraction to the proper work and approach of St Philips chambers, its members and staff ... St Philips chambers was not aware that Grierson was a member of the BNP ... any views [he] purports to hold or express in the forthcoming

election must be taken to be his own personal views and not that of [the] chambers or any of its members.”

Mr Grierson responded: “The BNP is a democratic political party. We have recently voted to allow in non-white members. I said [to chambers] that you should not discriminate against me and should not be removing me from chambers....The head of chambers said it would be much better if I resigned because the BNP is obviously a controversial issue with some people. So I took the view, out of consideration for other members of chambers and in order not to make their lives difficult, that I would resign.”



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G20 POLICE OFFICER HIT WOMAN BECAUSE SHE WAS THREAT



You may remember Sgt Delroy Smellie. He stands 6ft 4" in his bare feet, but dressed as Robocop in full body armour and wielding a police baton which he used on a young woman, he was very much a commanding presence. Unfortunately, Sgt Smellie may well have succumbed to the old Actonian aphorism on power because he seemed to think he was justified in hitting a woman because (a) he mistook a carton of orange juice she was carrying for a 'weapon' and (b) she did not 'obey orders'.

[Telegraph](#)

The trial continues.

“They say that satire died when Henry Kissinger was given the Nobel Peace Prize,” Ken Loach, the film maker, told a little-reported event in Brussels last year. “Well, it died again when Tony Blair was

appointed a special representative for the Middle East.”

[The Samosa](#) carries a report of an attempted Citizen’s arrest on Tony Blair.

Wrestling with the libel hydra

Pressure is growing to stop the rich and powerful using the courts to stifle debate – but time is running out.

[Times](#)



Police: Baton drawn.

Blair: Does he look worried?

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THE ELECTION RACE IS ABOUT TO START....



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