

Internet Newsletter for Lawyers

By Delia Venables

September/October 2006

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Five Virtual Law Firms

Special feature prepared by Delia Venables

Whilst many lawyers have been following the progress of the Draft Legal Services Bill, another change is quietly taking place in the legal market which may, in the end, prove to be just as important - the arrival of confident and successful virtual law firms. This newsletter has covered virtual chambers and virtual law firms in past issues but this issue is concerned just with virtual firms of solicitors. Having said that, barristers are also involved in setting up some of the new virtual law firms so perhaps that is another way in which changes are taking place below the political radar but which could prove to be very significant in the long run.

In this feature, five virtual law firms describe how and why they set up their firms, how they are run, and how they see the future. It may affect how we see the future, too.

Family Law International by Amanda Quinn, barrister

We are the baby of this esteemed group of virtual law firms, having officially gone live only at the beginning of June this year. The site went up just after 9pm on 31st May (and crikey the champagne flowed!) and our first call from a potential client was at 8.45 a.m. on June 1st. We opened two files that day and so far, we haven't looked back.

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FLI, www.familylawinternational.com is "just" a specialist family practice at the moment, but operating under our parent firm, Ravencourt Legal Services Limited, we are due to go live in September with a personal injury site, P I Solicitors Online; and at the beginning of next year with a generalist site, The Online Law Firm, mainly to capture the areas the other two firms do not cover, such as inheritance and conveyancing. All the sites will link to each other, so if a potential client cannot find what they are looking for on one, hopefully one of the others will answer their problem. Where we can, we also refer to other virtual firms, for example, I have told quite a few clients to check out Andrew Woolley's site (see below) for areas we do not cover.

We currently have international clients as well as UK clients with an international element to their case. We also have clients around the country: because we are solely online our clients are literally anywhere and everywhere. So far we have had no requests for face to face meetings but we could arrange these should we need to. This is probably because we market ourselves to the younger, net savvy clients, who simply aren't interested in meeting us - they just want us to crack on and get the job done.

What we have noticed is that the vast majority of our enquiries and clients are from London and the surrounding area, who amusingly tell us that we are incredibly cheap compared to London high street rates.

How it works

We do not have a formal office, but we do have an admin centre to deal with the phones and the post at the head office of the parent firm, which is a traditional high street law firm, although we run pretty much independently from them. There are currently four lawyers (two barristers and two solicitors) and another solicitor set to join us in October once she has completed her notice period.

At the moment we are an incestuous group in that I and the other barrister are real-life partners, the principal is one of his best friends, and the other solicitor is my best friend. In addition, the solicitor set to join us was the head of the family department at the firm I worked at before joining the bar, so we currently all meet up to discuss the work stuff and then do the leisure thing afterwards. We are developing the concept of "Family Law Fridays" which is that, on one Friday each month, the staff and the fee-earners all get together for dinner and drinks to re-group. Day to day we communicate by email and telephone.

We do not provide secretaries to our fee earners simply because I don't see the need, although that may be a bar thing – you are expected to do it yourself there, so I just don't see the problem! Should we have a fee earner who really wants one we are likely to offer voice recognition software or digital dictation – that is a bridge we will cross at the time. We are about to get the Osprey practice management system from PracTice up and running, and the library is a mix of traditional and online resources. All the post comes into and out of the admin office and the telephones are answered there and transferred to the fee earner wherever they are. We open until 8pm each evening, so the phones are diverted to my Blackberry at 5pm, which will also pick up the email web enquiries.

The income is shared variously. Barristers cannot fee share, so we are self employed contractors. The solicitors do fee share, and they earn substantially more than they would doing the same job out in the "real" world.

Why do it?

The idea came from Delia and Nick's online course "Whither the Legal Web?" I am a specialist family barrister and was becoming increasingly frustrated with my practice at the independent bar. I found myself doing more and more care work and less ancillary relief. I was very bored with being so niche – it felt like every day was the same, with the only difference being the names! This frustration was coupled with the fact I was trying to do my own divorce at a time I literally did not have time to sneeze, so wished I could bat that problem off to someone who didn't expect me to take an afternoon (which often meant the day) out of court to go along to their offices to watch them pen push.

I had been contemplating leaving the bar for a while, but was stopped by the fact that I love the law, and was looking for alternative avenues to practice when I read Delia's e-book. After reading all about Andrew Woolley's firm (sorry Andrew!), the idea began to germinate and came to fruition while I was off work in January after a minor operation. I approached a friend of my partner with a proposal to set up FLI and the other two sites under the auspices of his current firm – I of course cannot own a law firm, being a barrister. Because we are an "add on" to a traditional firm, the Law Society have so far not raised any concerns.

I believe that this is a model that will grow and grow. I was becoming slightly nervous before we went live that perhaps the market that I assumed would be there may not be. However, those concerns were short lived. So many people are interested in joining us from both arms of the profession that we probably will not have to advertise to recruit for many years. Recruiting friends or people we know professionally anyway also cuts down some of the worries regarding fee earners working remotely in that we will have a fair idea of their temperament and approach. Working from home makes life easier for all that do it, but as a mum of a young child it extends my working day considerably in that there is no commuting time to factor in and because after her bedtime I can continue to work should I choose to.

Amanda Quinn, amanda@familylawinternational.com.

Woolley & Co. by Andrew Woolley

Woolley & Co., www.business-lawfirm.co.uk started as a virtual law firm as long ago as 1996. There are now 11 lawyers specialising in divorce work (mainly for business people) and also company / commercial (with an emphasis on IT, e-commerce and software law). There are no offices of any type although my home in Stratford upon Avon is "the office" in the formal Law Society rules sense.

I was motivated to start the firm following my period of study at Warwick Business School and a growing interest in saving costs by the use of IT (a topic upon which I frequently present at seminars and increasingly am asked to consult on by other law firms). As a partner in a very well run law firm at that time, I saw the gross fees figure with great excitement each year and then had a huge disappointment when I looked at the net profit. Much too much of the income went in infrastructure and non fee earning wages and costs.

How it works

The firm of Woolley & Co. is not just a network of independent lawyers but a genuine firm like all others except that we have no offices in the traditional sense, absolute flexi-time and pay very much by way of performance related benefits. Woolley & Co allows lawyers to have direct contact from clients and other lawyers but that is managed by the fact that almost all our communications are by way of e-mail or phone and we use a very expensive ASP web based complete software solution which allows me to view and supervise all work done and to set procedures which cannot be varied. The firm meets as a whole centrally once a month and I have a "person and files" review meeting with each lawyer at least

once a month. There are also various social events. The lawyers consider these meetings of crucial importance. They are often used for coaching sessions on the software, a corporate approach to things and on marketing issues.

Decisions about the firm are generally taken by me, assisted by my invaluable Marketing and Finance Directors who are outside consultants.

I have never had any problem with the Law Society who I find very helpful and fair. I explained from the beginning how I was running the firm and I often ask the ethics section for advice. According to my FD, I am "over cautious" about financial compliance. In fact, I may well not be of too much interest to the Law Society as I do not deal with IFAs and commission, personal injury, property work or probate and we have little operation of the client account.

The software used is Osprey, from legal software company Practice which is, I have to say, not without its issues. It is a full practice management and case management solution and is held on a server by the providers thus allowing access from any internet connection. It also allows clients to view their files and allows for e-billing and helps with e-payments. In theory and sales talk it's great but in actual use I am somewhat disappointed by the system. Nevertheless, albeit with significant time and cost investment from Woolley & Co and a lot of help from the very keen and helpful people in the support section of Practice, it is getting better.

The firm provides full web based library type services and lawyers use Virtual Assistants if they wish by way of digital dictation but this is not often used as we are setting up the system with most standard documents and phrases.

We have two websites, www.business-lawfirm.co.uk and www.divorce-lawfirm.co.uk, both of which have won national awards. These sites, and marketing generally, are crucial to our success and to our recent (and future) large growth. We spend a lot, a real lot, of money on marketing and without the web sites, growth would not be possible.

I believe that firms such as ours will work together increasingly as they are natural allies and I do not foresee a great danger in the increasing competition from other such firms. There are more than enough clients "out there" for all of us. I believe that this sort of business will grow and that conventional firms such as those who write to us (in printed form) in reply to an e-mail and then show their own e-mail address in bold under their signature will have major problems in the near future in competing.

Many lawyers are approaching us and no doubt the other firms featured in this series of articles. There are very good reasons for this level of interest and traditional law firms need to find out what they are and resolve the issues.

Andrew Woolley, andrew.woolley@businesslawfirm.co.uk

NetworkLaw by Marcus O'Leary



NetworkLaw, www.networklaw.org was launched in February 2006 and is run by a team of five experienced solicitors with many years of private practice and in-house experience behind them. The firm operates from very pleasant offices in the heart of the Thames Valley. It is growing quite quickly and already has 14 fee earners on its books; there are around 40 more applications from solicitors wishing to join the firm currently being processed.

Our core areas are IT/IP, Employment, Corporate/Commercial, Commercial Property, Life Sciences, Personal Injury and Family. These will expand quite rapidly.

How it started

We became aware that clients were seeing law more and more in terms of a commodity and further, that the cost of legal services was becoming an increasingly important element in their decision as to where to allocate work.

It is also apparent that more and more lawyers are becoming disenchanted with the long hours culture of City firms, with unpleasant travelling conditions and with the administrative burdens being placed upon them.

We therefore saw an opportunity for adopting a new approach in the delivery of legal services, cutting out many of the overheads that affect traditional law firms and allowing lawyers the flexibility to work in a location and at a time that works best for both them and their clients.

How it works

In management terms, Networklaw operates in much the same way as any other law firm. With the exception of IT, the management and administrative functions are all undertaken centrally from the Thames Valley HQ.

We provide our lawyers with the following services:
* Telephone answering - calls are answered at HQ and routed to the lawyer, as if they are in the office
* Morning post and faxes - these come into HQ, are scanned and put into the lawyer's electronic inbox

Protect your Computing Resources with Lawyers Online

Lawyers Online, the Dedicated Internet Service Provider for Lawyers, offer a range of Security Appliances which help prevent outsiders from hijacking your resources for malicious intent. Visit www.LawyersOnline.co.uk/hardware to find out more!

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Email us at info@lawyersonline.co.uk, call on 0870 777 8981, or visit www.lawyersonline.co.uk.

- * Typing services - a digital dictation service is available (free up to £1,000 of dictation)
- * Headed notepaper and business cards
- * a NetworkLaw email address
- * Time recording facilities; billing from HQ; also bill chasing
- * Money laundering and conflict checks
- * Online legal resources and electronic precedents
- * Library facilities
- * Professional indemnity insurance
- * Help with arranging CPD points
- * A VoIP telephony service (soon).

Our Consultants typically meet their clients at the client's offices but can also use the Thames Valley HQ; the firm can also arrange an office for meetings, if needed, around the country. Consultants are also encouraged to drop into the Thames Valley HQ whenever they like and the management team also travel around the country to keep good face to face contact and to carry out audits.

NetworkLaw Consultants keep 80% of fees recovered from their own client base and 70% of fees recovered from NetworkLaw-provided work. Any Consultant passing work to NetworkLaw to be carried out by another Consultant is entitled to a 10% referral fee.

IT and Support Services

Advanced technology plays an important part in the way we operate. We provide each lawyer with most of the tools of their profession through a "virtual office" environment called Online Desktop www.onlinedesktop.co.uk, operated by ADS Portal in London. Thus, the lawyers have access to the very same network and electronic tools that they would have if they were sitting in the Thames Valley HQ. Online Desktop is a Citrix (thin client) system whereby all the servers are maintained by ADS Portal at their premises in London and all the data and processing are carried out there; the only data sent to the individual lawyers' screens is the actual data as displayed on the screen; the data as such is maintained securely at the centre. Incidentally, I negotiated additional confidentiality clauses with the company to reflect our particular requirements.

Thus, when a Consultant logs in, they are presented with their own Windows XP based desktop and they can access all of the standard Microsoft office applications as well as the firm's internal network, including an electronic library containing in-house precedents, standard clauses, newsletters and updates, the Outlook email system, the practice management system PC Law (on which all clients and matters are entered, documents and correspondence are saved and time recording and billing are undertaken) and other electronic legal resources provided by the firm.

This solution ensures that our Consultants are not tied to any particular location as they are able to access their own personal desktop from anywhere in the world - provided that they have a means of accessing the internet.

Role of the website and marketing

As with any new approach, effective marketing activity is fundamental in order to raise awareness amongst target groups and we have a budget for this.

Through our website we try to address the requirements both of clients and of potential Consultants. For the former, we have developed an e-commerce element, allowing standard legal documents and presentations to be downloaded either free of charge or very cheaply. For the latter we formulated a very comprehensive set of FAQs, which we also provide by email if requested.

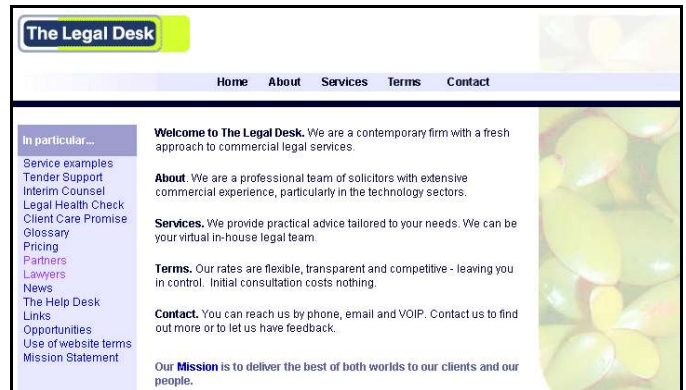
The future

We firmly believe that businesses models similar to our own are the future of legal practice. By making smart use of technology and doing away with the requirement for physical office space, the business model is flexible and adaptive in a way that a bricks and mortar firm cannot be.

We believe that this is just the start of a new and exciting journey – and one which we embrace enthusiastically!

Marcus O'Leary, MOLeary@networklaw.org

The Legal Desk
by Alyson Jackson



The Legal Desk, www.thelegaldesk.co.uk, is currently a two partner law firm, set up by myself and Tara Trower in November 2005. We both have a strong background working commercially in-house in the IT and telecoms sectors and this has therefore become the niche specialism of the firm. We provide the kind of pragmatic commercial advice to our clients that many organisations expect of their in-house advisers.

Our lawyers all work from home and we have no need for a formal office. As our clients are business clients we meet them at their offices. This cuts down significantly on overheads and enables us to offer very competitive rates compared to other lawyers with similar expertise.

Tara and I worked together at BT and conceived the idea for the firm in the war room of a major deal we were working on. Having spent long periods away from home in hotels we were convinced that there must be a better way to have a rewarding career – one that provides a genuine work/life balance. We also appreciated the dilemmas of our employer, trying to balance the benefits of legal support from a team of in-house lawyers against the ever increasing demands for support that keeps up with the drive for revenue whilst managing costs.

The obvious conclusion was a model - this model! - that gives everyone the best of both worlds.

How it works

We are building a team of lawyers by taking on self employed consultant solicitors. The firm takes care of many of the things you might expect from an employer (branded stationery, precedents, training, invoicing, office manual, indemnity insurance, etc) but as the consultants are self-employed they retain autonomy and control over their lives, at the same time as having the support of a team. We operate a commercial model which includes paying a percentage of revenues to the consultant.

We subscribe to PLC which gives us online access to precedents, legal updates and training.

Modern communication facilities make it easy to keep in touch remotely. We do this by using anything from phone, email and instant messaging to Voice over IP (VoIP) calls. As the VoIP calls are free, there really is no financial limit to how much we talk to each other! We do meet up physically from time to time too.

Each of our lawyers needs to have a broadband connection to provide access to email and the internet at realistic speeds. We have a password protected section of our website where we keep an online office manual. This provides central access to up to date versions of the firm's procedures, precedents, branding guidelines etc.

We have mechanisms in place to ensure we receive all correspondence and that we can retrieve records easily. Much of our communication and documentation is already in electronic format so it is easy to share and store.

We also have very simple and easy to use systems. This coupled with a degree of IT literacy ourselves means we do not currently rely on external IT support. Our approach to billing is also slightly different from the traditional firm in that we recognise clients' desire for certainty of costs and hourly billing tends to be the exception rather than the rule. We agree fixed pricing wherever feasible and do not therefore rely on a traditional feed of time recording to billing.

As our consultants work on a self-employed basis, we do not have the same need to monitor such things as the efficiency of employees or billing return relative to salary for example. So long as the client gets a fair invoice, the number of hours our lawyers work can be as few or as many as they like!

As we grow, we will consider whether other systems can improve efficiency (without unduly adding to overheads) but our aim really is to keep things as straightforward and flexible as possible.

The relationship with the Law Society is fine although it did take a while to get them used to the concept of not having a physical office. There were some misunderstandings in the early days, which was a little frustrating. Perhaps they will adjust their procedures once more firms adopt a virtual way of working.

The website

Our website is our shop window and it will very often be the first contact that new clients (and new lawyers) will have with the firm. It is therefore very important. We keep it regularly updated with news items and also have a profiles page introducing each of our lawyers.

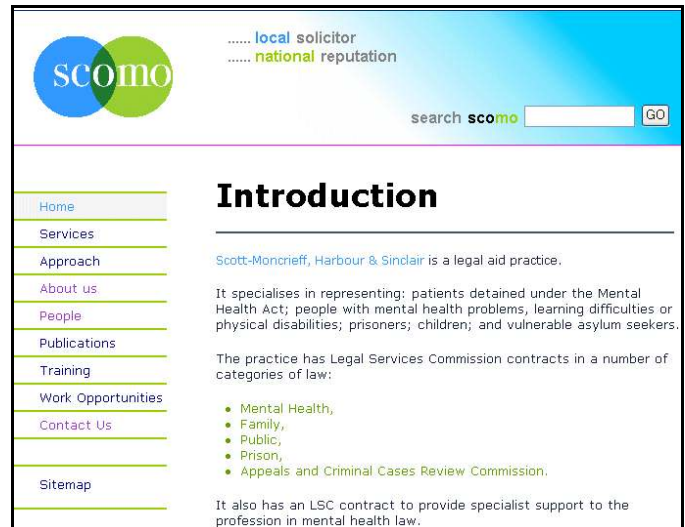
The website is of course an important marketing tool and one that can be used in conjunction with other forms of marketing, such as "pay per click" advertising as well as articles including a link to the site.

The Future

This must be the way to go. Whilst the model will not suit everybody, there is clearly a huge demand for different ways of working. Since launching our firm we have been met with a lot of enthusiasm and praise! Not only that but anything that cuts down on commuting is bound to benefit the environment – something the world will embrace.

Alyson Jackson, alysonjackson@thelegaldesk.co.uk

Scott-Moncrieff Harbour and Sinclair by Lucy Scott-Moncrieff



There are only two things that differentiate Scott-Moncrieff, Harbour and Sinclair (Scomo), www.scomo.com, from a conventional practice: nearly everyone works from home, and nearly everyone is self employed. Apart from that it's business as usual; we have an office manual, fee-earners are supervised and appraised and their files are reviewed regularly.....and we have office parties.

The differences arose from our desire to make a legal aid firm that was not only good for its clients but also good for its staff. Although we never could have imagined quite how tough legal aid practice would become, we could see that cutting overheads to the bone was the secret to contented partners, and giving freedom to fee-earners was the way to maximise the likelihood of long-term job satisfaction in fields of practice which are both stressful and badly paid (for lawyers).

How we work

Our main client groups are detained patients, long-term prisoners and vulnerable children and young people, most of whom cannot come into the office. Because our fee-earners (including partners) work from home, they can be close to their clients, which saves on travelling time and costs and optimises our client base: we have fee-earners in Devon, Bristol, Oxford, Berkshire, Nottingham and Manchester as well as all over Greater London. Also, because people work from home, we have no restrictions on expansion; we never have to wonder if we should rent bigger premises to expand, or whether we can cram in extra desks for more fee-earners and support staff.

Our office consists of a couple of rooms in Kentish Town, accommodating 4 support staff and 2 trainees, in a suite of serviced offices that we rent by the month (so we have no business rates or utilities to pay, and we can move at a month's notice if our circumstances warrant it). When we moved here in 2001 there were about 6 of us. Now there are about 50, and we have managed this by moving from one room in the building to two.

As far as office management is concerned, we do it by the (Law Society's) book. All the post comes into the office and is checked by a partner or delegated solicitor before being sent, faxed or scanned to the fee-earner. We have monthly unit meetings which offer an opportunity to discuss cases, keep up to date with the law and have some specific training, sometimes provided by outside professionals from

other disciplines. Everyone, including any fee-earning or support assistant that a consultant may employ, has a contract with the firm requiring compliance with the office manual, which means that they are all covered by the firm's PI insurance when undertaking the firm's business. At the moment file supervision is done on paper files, randomly selected by the office and handed to the unit supervisor at the monthly unit meeting, but when our new case management system kicks in, replacing our current out-of-date one, it will be possible for the supervisors to review files on-screen, at any time. Our case management systems have always been tailor-made; our accountancy package, Lawbyte, is off the shelf.

Freedom for fee-earners means freedom from billing targets and the freedom to pursue other interests, which is achieved through self-employment. Our consultants are free to teach, sit, work for other firms (including competitors), write, advise foreign governments, garden, go to school plays, stay in bed..... whatever. We don't (can't) have billable hours' targets, and because consultants are self-employed they are paid when they bill, so the partners are spared not only the anxiety of enforcing billing targets, but also of having to deal with cash-flow problems caused by matters not being billed.

We have ordinary conflict of interest procedures in which the office runs a check on the name of every client or interested party, and we believe that the new conflict rules make it even less likely than previously that any conflict could arise from our fee-earners doing work for competitors. Inevitably potential conflicts have arisen, but they have always been internal, as could happen in any firm, and they have always been identified and dealt with.

It may surprise people to know that neither our insurers, the Law Society nor the LSC have had any problem with this way of working. They all want to know that we have robust financial/client care/quality systems in place, but they have been very flexible as to how we provide and monitor those systems.

Getting the life balance right

Of course there is a downside for the fee-earners; no holiday pay or sick pay, no hierarchy to ascend, no office politics to enjoy (?), but we have a very low drop-out rate (and our drop-outs have been known to drop-in again), so I guess that the freedom and autonomy, as well as the

friendliness and co-operation that are a feature of the firm, outweigh these financial insecurities. And, actually, there is something very satisfying in knowing that if you want more money for a particular reason (our consultants get 70% of their billed profit costs) all you have to do is work harder for a bit, rather than trying for promotion or trying to persuade your boss that you deserve a raise or a bonus. I have worked on this basis for over 25 years, and wouldn't have it any other way.

The 30% retained by the firm pays for the general overheads, including insurance, and fee-earners pay for their own overheads, including practising certificate fees and secretarial support, out of their 70%. We all use digital dictaphones which allow us to email our work to our secretaries, so fee-earners in the expensive south of England have the opportunity to use secretaries in areas where rates are lower, to the satisfaction of all parties. We tried sending our typing to India, but this way works better for us.

This method of working is particularly attractive to men and women with family responsibilities which don't all fall into evenings and weekends, but it is just as good for younger people who don't want to tie themselves down, or older people who want to have a bit more freedom at the end of their careers, shedding the responsibility of partnership and management to get back to doing what brought them into the law in the first place; working with clients.

It so happens that our work is almost entirely legal aid (probably we wouldn't have thought of it without the constraints imposed upon us by legal aid policy in recent years) but last year we opened a (non-legal aid) personal injury unit which is going great guns, and we would love to have an employment unit, particularly one that focused on discrimination issues, which are very dear to our hearts.

I can't see any real limit on this way of working, other than that provided by the number of people who would want, and would have the self-discipline, to work like this.

Um.....are there any employment lawyers out there, maybe thinking of returning to work after a career break, maybe wanting to go part-time, who would like to join us?

Lucy Scott-Moncrieff, LScottMoncrieff@scom.com

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The Statute Law Database — finally a reality by Nick Holmes

The Statute Law Database is a project of the Statutory Publications Office (SPO), an office within the Department for Constitutional Affairs (DCA). It has a long and chequered history, reaching back to 1991 when the initial project was started. Until recently little information was released about the project, though regular assurances were given as to its progress and, since 1995, as to it being publicly available "next year". Now, finally, it is a reality.

What is the Statute Law Database?

The SLD is a database of UK legislation containing the texts of all Acts that were in force on 1 February 1991, and all Acts and printed Statutory Instruments passed since then. It also contains local legislation, both primary and printed secondary. The SPO editorial team maintains the database by adding new legislation and applying the effects of amending legislation using a specially-designed editorial system. For end users, access to the SLD is enabled with an enquiry system that provides a historical view of primary legislation for any specific day from the base date of 1 February 1991 and any prospective legislation. Although secondary legislation is not being consolidated, the enquiry system facilitates the identification of any legislation that amends or repeals it.

The SLD data is tagged in XML describing each document's properties (metadata), the structure of its content (parts, sections etc) and, most importantly, also identifying all amendments since original publication: amendment date, commencement/repeal dates, amending instrument citations, etc. Each document thus includes a complete history and enables a view of the document at any point in time (from 1 February 1991) to be generated, with annotations indicating the authority for the amendments incorporated.

Why is it 10 years late?

Hansard reveals (HC Hansard, 17 July 2001) that development of the SLD was contracted to Syntegra Ltd (a BT company, previously Secure Information Systems Ltd) and the project was delivered in November 1993, though not formally accepted until Summer 1995, at a cost of £700,000. It is not clear what was delivered at that time, nor what happened to the project for the next few years.

On 15 March 1999 it was reported in Hansard that:

"The partially updated database is presently available to a number of users within central government who have access to the Statutory Publications Office Intranet. The Lord Chancellor's Department are considering options for the future marketing of the Statute Law Database. These options include free Internet access, the granting of non-exclusive licences to legal information publishers and the provision of a subscription on-line service."

In September 1999 a demonstration version of the SLD was made available on the Syntegra Track Record website, containing legislation for the years 1985 to 1995, though this soon disappeared.

Subsequent references do not explain why the system was not soon made public but simply that the database was being brought up to date (an unending project of course) and was soon to be made available to the Government Legal Service. However, the whole project was revisited

and in May 2004 TSO announced that it was working with the DCA to modernise the SLD, with Computacenter providing the underlying infrastructure.

The modernisation programme had four main objectives:

- replacement of the editorial maintenance system;
- development of an enquiry system for Government use;
- development of an enquiry system for use by the general public; and
- to revise and produce an up-to-date UK Statute Book.

The final mile

The Government Service enquiry system was launched on 31 May 2006 and the pilot for the public version is now under way. This is in three phases. Phase 1 included a very limited number of test users and is now complete. Phase 2 completed on 7 September and included a larger number of test users drawn from "stakeholders" with a particular interest in the development of legal information. I was one. Phase 3 will include over 100 test users, following which the DCA will evaluate all responses, modify the SLD accordingly and publish the final public version. Public release is now scheduled for December 2006.

The Government Service enquiry system (ie web interface) was developed against specific user requirements drawn up by representatives from (typically) the Government Legal Service, the judiciary and law librarians. The web facility has also been designed to meet the requirements of those with special needs and close attention has been paid to producing a facility that meets government standards for accessibility. Regarding the enquiry system for the general public, requirements have been based on feedback received over a number of years by the SPO Helpdesk from a range of non-government bodies and individuals.

How does it shape up?

As a Phase 2 test user, I've been favoured with access to the SLD as it currently stands. Does it measure up to my expectations? Here are the substantial issues in my view:

Completeness

Some 75 Acts — many substantial — remain to be loaded on the SLD. Further, the effects of much 2002 to 2005 legislation and all 2006 legislation are not yet consolidated. Nor are pre-2001 SIs yet loaded. It is understood this work will be completed by the end of the year when the SLD will be launched. It is not essential that the SLD is complete before launch as it already delivers far more value than the free public access alternatives available. However, if it is significantly incomplete, it is likely to be compared unfavourably with the commercial alternatives.

Hyperlinking

An important part of statute law research is the following up of references to other legislation. The SLD links only a few such cross-references in the annotations (and the criteria for those selected for markup is not clear). It would be a huge improvement if every reference to another piece of legislation were hyperlinked. This need not be a burdensome task: hard-coded links are not required; as demonstrated by a number of publishers (including ourselves), it is possible with a good degree of accuracy to recognise statutory citations and mark them up on the fly.

Addressability

One can go to the SLD site and find what one is looking for reasonably quickly. However, one of the fundamental

principles of the web (one of Engelbart's Requirements) is that "every object that someone might validly want/need to cite should have an unambiguous address (capable of being portrayed in a manner as to be human readable and interpretable)".

In the context of the SLD such an address would be constructed from the legislation type, year and number. It is currently only possible to address a piece of legislation by its system ID (the Active Text Document ID). So in order to link to a piece of legislation one needs to find the appropriate provision on the SLD and cut and paste the URL including the document ID. But the system can readily map a query for a particular type-year-number to its document ID, and such a system of addressing should be implemented. Then anyone wishing to link to the SLD could do so "blind".

Free access to the laws that bind us?

The DCA is reserving its position on rights to access and re-use the SLD which it regards as a "value added product" for which it must, according to the Treasury, attempt to recoup its outlay.

The consolidation, annotation and XML tagging of the statute law is what the DCA regards as its added value (ie over and above what it is required to do) and as such the SLD is specifically excluded by example from OPSI's PSI licensing. You can see the Guidance on the OPSI site at www.opsi.gov.uk/advice/crown-copyright/copyright-guidance/reproduction-of-legislation.htm — Reproduction of United Kingdom, England, Wales and Northern Ireland Primary and Secondary Legislation, specifically para 15.

In line with this position, the SLD at present contains the following copyright notice:

"The Statute Law Database and the material on the SLD website are subject to Crown copyright protection. The Crown copyright waiver that applies to published legislation generally does not apply to SLD because it is a value-added product. Any reuse of material from SLD will be the subject of separate and specific licensing arrangements. No such arrangements have yet been entered into. Users should not therefore reproduce or reuse any material from SLD until further guidance is issued."

The SPO is currently developing a commercial strategy, working with Partnerships UK, in line with the Treasury's

Wider Markets Initiative which is designed to encourage appropriate commercial activity to ensure that public bodies make the most effective use of their assets. The SPO is also endeavouring to secure commercial partnerships with private sector legal publishers for exploitation of the data. The current position is believed to be that government users will have full and free access and those accessing the public version will not be charged for retrieval of the current in-force versions. It is understood that final decisions concerning access to historical or "point-in-time" views and as to re-use have not been made yet.

Any suggestion that the public might be charged for access to the SLD has aroused heated debate. As Jonathan Mitchell QC argued last year:

"In a free society, it is wrong that people should have to pay to find out about the laws that bind them. ... I draw no distinction between historical texts of legislation that was passed by Parliament and later texts that are produced today or were produced at some intermediate date. The public's interest in both cases is identical: it is in the law that governs or governed them on the date that matters — it is not necessarily anything to do with the date on which the legislation was passed." (See the Scottish Parliament, Subordinate Legislation Committee, 25 January 2005, at www.scottish.parliament.uk/business/committees/subleg/or-05/su05-0302.htm).

What of re-use then? There are any number of ways the DCA could charge for commercial re-use. But if the SLD comes up to scratch — ie, as advertised, is the definitive, reliable, up-to-date repository of consolidated primary and unconsolidated secondary legislation — commercial publishers will think twice about substantial re-use and repurposing of the data. Instead they will link extensively to the SLD and/or frame SLD provisions alongside their own annotations and commentary.

Nick Holmes is a publishing consultant specialising in the legal sector and is Managing Director of Information for Lawyers Limited. He is one of the UK's leading commentators on the development of online legal information and resources for lawyers on the internet.

Nick blogs on legal information issues at www.binarylaw.co.uk and he manages the infolaw UK legal web portal at www.infolaw.co.uk. Email nickholmes@infolaw.co.uk.

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Sending Out Email Bulletins *by Nick Mundy*

Four years ago Mundys, www.mundys.co.uk, was a medium sized general practice covering the usual range of business in a large county town. There were two partners and four assistants and we covered the gamut of client matters from Legal Aid to wills.

In 2002 however we moved to Licensed Conveyancer status. The reasons were many and not really relevant to this article but one obvious consequence was the need to emphasise our competence and quality in terms of property transactions. To that end we took a number of decisions in terms of marketing in general and branding in particular and we contracted with a local marketing consultant to provide advice and services on a retainer basis. We revamped our website with a redesign and much new content, including a plain-English guide to buying and selling property for the layman and an extensive collection of verified links for the would-be buyer, seller, developer and others.

At the same time we developed an email newsletter for distribution to present and potential clients, industry partners (mostly estate agents and financial intermediaries) and the press (local papers and websites, property-based freelance journalists, and the trade press).

The newsletter had several functions. Primarily it was intended to demonstrate our knowledge of the market. It was to be a genuinely useful service, with the implication by extension that Mundys can offer a similarly valuable service. It would promote the Mundys name. It would be used to feed information on to the website (the main article is posted on to a web page every month) and to notify our public about new developments in the practice – everything from new conveyancers and new services to Christmas closing times. And it would be a conduit for new business.

How we did it

We decided that we needed a specialist to design and implement the newsletter, and we approached the local web designer who was revamping the website. Dennis Jarrett is a journalist by training and he also has web expertise. In the course of two or three meetings and much email correspondence we hammered out a format and on 1 August 2002 the Mundy Morning Mail was launched.

The structure was simple enough – an editorial comment from Mundys followed by a summary of the month's property news in the form of two-or three-line items with a link to the original source.

The 'comment' usually provides the background to a particular newsworthy subject - the pros and cons of HIPs, for instance, or changes to Stamp Duty - sometimes with a personal view. In general it is drafted by Dennis and edited by me with the subject decided in advance at one of our monthly meetings.

Dennis finds all the news items and summarises them. He has identified a wide range of sources of online property news and verifies the back-links before he assembles a particular issue. For that he uses a web editor, Macromedia Dreamweaver, and each newsletter is prepared as an HTML-format web page.

After despatch to the subscribers, the whole newsletter is uploaded to an archive on our site and the comment is uploaded to www.mundys.co.uk/news.html.

We have outsourced the whole despatch and subscription management to our newsletter editor. He handles all requests to join the subscription list (which is of course free) and to leave it (all unsubscribe requests are honoured immediately); and when a particular issue has been approved by me, he actually despatches it to the subscription mailing list.

Software used - and the merits of HTML v plain text

The list management and the despatch are handled by a program called Group Mail, www.group-mail.com. There are many such programs on the market, but this one combines a commendable degree of simplicity in its operation with a useful level of automation – for instance, it will automatically remove from the subscriber list anyone who sends an email to unsubscribe@mundymail.co.uk. And unlike most of its competitors, Group Mail Pro is not American (it hails from County Sligo in Ireland). The current version of this package, GroupMail 5.0, is available for \$99.95, and we think it's a bargain; a free trial version is available from Group Mail site.

There's some debate about the relative merits of HTML versus plain text. With HTML you can use text and page formatting like colours, specific typefaces, boldening and so on; you can also include images, though usually we limit that to blobs for bulleted text and an animated Christmas tree at the appropriate season.

The arguments in favour of plain text come down to economy – no fancy formatting means a much smaller document size, which translates as a faster send. Some people react against formatted newsletters and prefer Spartan simplicity; some email servers automatically blacklist HTML-formatted documents on the grounds that they may possibly include embedded viruses and malware.

We went with HTML partly because one function of the newsletter is image-building, and the visual appeal seemed relevant to that. We can also embed links, so that we don't have to spell out the full URL that would take the reader to the original news article; instead they can just click on the bold headline. And the mailing program automatically sends a plain text version of the newsletter if the recipient's email system is not set up to receive HTML – the formatting is lost, of course, and translating from HTML to plain text can lead to some odd layouts, but at least the information does arrive. One issue that needs to be considered is the disposition of the subscription list; in our case, we are happy for our contractor to maintain this list and guarantee its integrity, but in general we would recommend that you don't let such a potentially sensitive entity out of the office.

Another issue is the need to ensure that all subscriptions are requested. This is now a requirement of anti-spam legislation throughout Europe; and while there are some grey areas about what email messages you can send to clients and others, it makes sense to play safe and get the recipients' approval. We invite subscriptions from the website, and we encourage readers to recommend the newsletter to others. But in the case of our potential and actual clients, we always ask whether they would like to receive the newsletter; and for all readers we point out how easy it is to cancel their subscription.

The Mundy Morning Mail is now in its fourth year. It is now quarterly rather than monthly; this removes some of the pressure to come up with so many comment pieces, and it allows us to include longer, more thoughtful analyses of news. The newsletter was also redesigned a year ago, partly to refresh the 'look and feel' but also to establish a cooler, more thoughtful image.

And the results?

Well, right from the start we felt that direct response would be unlikely, and so it has proved – we have received only a handful of new instructions that can be attributed specifically to the newsletter (the website is a much more effective tool for that).

The real value has been seen in the attitude and response of the people we deal with. It is difficult to quantify intangible benefits like perception and goodwill, but we do get a favourable response from subscribers: and from that we deduce that we must be doing something right .

Nick Mundy is founding partner of Mundys, specialist property lawyers, www.mundys.co.uk in Hereford. email nick.mundy@mundys.co.uk.

Open Office An alternative to Microsoft Office by Neil Addison

Microsoft is one of the richest companies in the world but this is not just because of the dominance of the Windows operating system. Much of their wealth comes from sales of Microsoft Office which accounts for 30% to 40% of their profits. Probably every lawyer and law firm has a copy of "Office" on their computer. However Office is not cheap and a full new installation can cost over £300 though upgrades are much cheaper. In addition the charge is per computer so it is a breach of licence to use the same program on more than one machine. For many smaller firms and chambers the cost of installing Microsoft Office on each of their computers is considerable but there is an alternative called Open Office which I feel lawyers should consider not just because it is free but also on its own merits.

OpenOffice.org, or OOo as it is called by its friends, can be downloaded from www.OpenOffice.org. It is an open source program prepared and developed by a collaborative team of programmers and developers. Why should they do it for free? Well, lawyers should not be too cynical about open source software; we have a proud history of "pro bono" work ourselves and open source is, in many ways, the pro bono of the computer industry.

The best known open source program is probably the Linux operating system which is rapidly moving from its Geek status to becoming a viable alternative to Windows. However for most people for whom computers are a tool and not a hobby, moving to Linux would be a daunting prospect and this has caused problems for many excellent open source programs, such as KOffice, www.koffice.org, which are only available on Linux. Fortunately, however, OOo is a cross platform open source program and can run under Windows as well as Mac and Linux.

The Open Office project was started in 2000 when Sun Microsystems released the source code of their Star Office program under an open source licence. Version 1 of OOo was available in 2000 and went through several upgrades but even its most fervent fans had to admit that, though it was fine for most home computer work, it was possibly not quite good enough for business use and had a slightly "clunky" feel to it. In addition, there was no Open Office database available to use with it. In October 2005 however version 2 was released and after ironing out the inevitable bugs version 2.03 has emerged as a comprehensive and slick office suite which can hold its own in any competition with Microsoft Office or any other commercial office suite.

Components of the software

Open Office consists of the following components:

- 'Writer', the word processor,
- 'Calc' a spreadsheet,
- 'Impress' a presentation program similar to PowerPoint,
- 'Base' the database program,
- 'Draw' a vector graphics editor similar to CorelDRAW,
- 'Math' a tool for creating and editing mathematical formulae, similar to Microsoft Equation Editor.

I have not used Draw or Math but I have used all the others and I have found them every bit as good as their Microsoft Office equivalents. There may be some esoteric function in Office which is missing but I have never found any function that I use in Office which does not exist in OOo.

Indeed, there is one feature in OOo which Office does not have, namely an "Export to PDF" function. This allows you to save a Writer, Calc or Impress document in PDF format where it can then be read by anyone with the (free) Acrobat reader. This is an extremely useful function and avoids the expense of having to purchase Adobe Acrobat itself. I have used it to create a PDF version of my recent textbook "Religious Discrimination and Hatred Law" which I then put on CD for some friends and colleagues and I have also used it for creating PDF Advices and Pleadings for emailing to Courts, instructing Solicitors, opponents and so on.

Base is a particularly useful addition to the OOo suite and is a powerful database tool which has a lot of scope for developing useful legal databases. I have used it to create a database for Precedents of advices and case law. I am not a particularly skilled programmer so I know I have only scratched the surface of Base but because it is open source it can be modified and programmed in great detail and without infringing any Microsoft patents. In my view, if a group of lawyers, or the Law Society or Bar Council, were to put their heads together and work on Open Office they could create an integrated Database and Word Processor suite precisely adapted for British lawyers and freely available for the profession. For hard pressed legal aid lawyers in particular this could be a very practical service for the professional bodies to organise and support.

Besides being available in English and other major languages, Welsh and Gaelic versions are available at cy.openoffice.org, and ga.openoffice.org respectively.

Other resources available

Besides the main site, there are a number of other useful sites providing templates, advice, manuals in PDF etc.:

- documentation.openoffice.org
- documentation.openoffice.org/manuals/index.html
- documentation.openoffice.org/Samples_Templates/User/template
- ooextras.sourceforge.net
- www.oooforum.org
- www.oomacros.org/user.php
- documentation.openoffice.org/manuals/OOo2.x/user_guide2_draft.pdf

If you have Microsoft Office on your computer and are happy with it I would not recommend changing it just for fun, but if you are thinking of buying Office for a new computer, then do try Open Office first. You will not be disappointed and the money you save can be better spent elsewhere.

Neil Addison is a barrister at New Bailey Chambers, www.newbailey.com working in civil, criminal and employment law. He maintains two important web sites: www.religionlaw.co.uk and www.harassmentlaw.co.uk. Email: email@neiladdison.com.

HIPs will be business as usual

By Rob Hailstone

No one in the property business can say that we don't live in interesting times!

After all the sound and the fury of recent tabloid headlines, and talk of a U-turn by the Government, the present position is that HIPs will still be compulsory on the 1st June 2007 (now less than 9 months away). However, it will not be mandatory, at that time, to include in the HIP a Home Condition Report (HCR). If no HCR is included then a stand-alone Energy Performance Certificate (EPC) must be included. Those are the only significant changes that have been made. However, the government reserves the right to make the HCR a compulsory element if industry fails to make a success of the roll out of HCRs.

What this means is that, for a registered freehold property the HIP will have to contain (at the very least):

- The Index
- The Sale Statement
- Official Copies and File Plan
- An HCR or an EPC
- A Local Search
- Water and Drainage Searches

For unregistered, leasehold or commonhold there will be a large number of additional documents. The average registered freehold HIP is still likely to be over 80 pages long and will contain a certain amount of graphics, maps and colour pages, thereby making it difficult for people who lack the necessary computer facilities to compile it and send it out either electronically or in personally branded, professional, hard copies.

Two-tier HIPs

At Hipag (see www.hipag.co.uk) we will still adopt our strategy of compiling a "quick pack" (one with enough documents in it to enable marketing to commence quickly) and our member firms will, while the property is being marketed, make that pack comprehensive by obtaining any other documents that may be needed in order to speed up and make the conveyancing process less stressful. We will endeavour to make sure that the 'quick pack' contains replies to the Home Use Form (or whatever form is eventually prescribed) and replies to a set of Standard Additional Enquiries. We will still provide our unique Fast Track Hip and Free Hip Appraisal services.

The only difference for Hipag is that we will now be able to offer two types of HIP, a One Star HIP, with an EPC in it, and a Two Star HIP, with a full HCR and an EPC in it. We will let the consumer decide (in most cases having been given advice by an estate agent) which HIP they want.

HCR will benefit 70% of buyers

Some HIP pundits are welcoming the absence of the HCR, personally I don't. It has been proven, by a number of companies over recent years that selling a property with a Pre-Sale Survey, greatly reduces the likelihood of the sale falling through. Some HIP pundits still insist on saying that the HCR will not be relied upon by the buyer. In my opinion, it will. Firstly, because less than 30 per cent of people who buy a property have any type of condition report carried out at all. On that simple basis, 70 per cent plus, of all buyers will be better off. Secondly, because the Home Inspector (HI) will be properly trained, well qualified and insurance backed, their liability will extend to the seller, the buyer and the lender.

MOT's for homes

I liken the HCR and the HI to an MOT and a mechanic. When we buy a second hand car it usually has a current MOT to ensure that it is safe and roadworthy. We may not know how competent the garage is who carried out and issued the MOT. Yet we are prepared to rely on the MOT and drive our families at speeds of up to (and often over!) 70 MPH. Are we saying that our hard earned money and the property we live in are more important to us than the safety of our families? Of course not, it is just that we are familiar and comfortable with the MOT, as we will be one day with the HCR -- So long as we give it a chance.

So, which HIP will offer the best value for money, the One Star HIP or the Two Star HIP, bearing in mind that the Two Star HIP will only probably only cost a couple of hundred pounds more than the One Star HIP. Picture this, two nearly identical houses for sale in the same road at similar prices. As a buyer, I would certainly be more confident making an offer on a property that can boast an HCR rather than just an EPC. As a seller, I would be more confident accepting an offer knowing that my buyer has seen the HCR and is, therefore, less likely to try to re-negotiate or even withdraw that offer later on during the proceedings.

'In-house' production needs huge resourcing

I know that some solicitors' practices are still adopting a wait and see attitude to HIPs while vaguely planning to produce them in house. I wonder how many solicitors who think like this have really considered what will be involved in compiling and printing HIPs? As previously mentioned, a pack will typically be at least 80 pages long and some sections must be printed in colours to identify them. There will be extensive graphics and tables – making files many megabytes long. If there is a lot of interest in a property, then any number of copies may be required. Producing them is going to take significant computer and printing facilities to keep up with the demands of regular production. And solicitors who can't keep up are unlikely to receive many fresh instructions from estate agents.

Curiously enough, the government's latest announcement on HIPs has thrust solicitors even more into the limelight than ever. Without the Home Condition Report, HIPs will now comprise almost entirely legal documents and their compilation and interpretation is going to be a job for lawyers. The message is simple: don't 'wait and see' – start taking action now and join Hipag!

Rob Hailstone is a residential property conveyancer with 25 years experience. He set up HIPAG, www.hipag.co.uk, 2 years ago for two main reasons: to ensure that the public would be able to obtain a high quality Home Information Pack and to help the High Street solicitor survive the changes that are imminent. Rob is CEO of Hipag. Email rob@hipag.co.uk

New versions of Justis & JustCite due soon

The new versions are now in the final stages of testing with sample users and will be launched on October 13th.

A key new facility is "Quick Search" which allows users to enter any term or phrase into the search field and the service will search all sources they subscribe to. Other new features include search preference personalisation, enhanced saved searches & alerting, a session activity calendar and dynamic results filtering.

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WORKSHOP - Introduction to Blogging, Podcasting and Video Casting

Tuesday 5th December, 10 a.m. to 4 30 p.m., Lansdowne Club, Green Park, London,

The workshop is run by solicitor Justin Patten, principal of law firm, Human Law, www.human-law.co.uk. His weblog Human Law, www.human-law.org, has featured in Law Society Gazette and The Times.

- What is blogging and why it can benefit you and your firm or practice?
- How do you set up a weblog and which blogging software should you use?
- What are the risks of blogging and how do you minimise them?
- What is podcasting and video blogging and how do you do it?
- What are the laws of blogging and how do you protect your online brand?

By the end of the workshop, you will be able to weblog (guaranteed) and you will understand why this is such an important marketing tool in the 21st Century. Places are limited to 14 people. The cost is £350 plus Vat for 6 hours and includes quality sandwiches and buffet for lunch. If you are not satisfied with the event, you can have a full refund! This is not an accredited CPD course but it can qualify for the uncertified part of the CPD requirement.

To book a place, please e-mail Justin Patten at justin@human-law.co.uk with your name, address and phone.

Justin also provides fixed fee Consultancy on these topics - email him for details!