

CONTENTS

PAGE 1	JUDICIAL COMPLAINTS IVAN HARE
PAGE 2	CHALLENGING THE FSA – FIELDGLEN LTD AND FORD V FSA AND ANOTHER DANIEL THORNTON
PAGE 4	THE BANKING ACT 2009 – LIMITING THE NEED FOR URGENT GOVERNMENT INTERVENTION JONATHAN LEWIS
PAGE 6	LEGAL UPDATE KENNETH HAMER
PAGE 7	BOOK REVIEW KENNETH HAMER

JUDICIAL COMPLAINTS

As well as expressly reassuring readers that it does not “adversely affect the existing constitutional principle of the rule of law”, the Constitutional Reform Act 2005 provides for the Lord Chancellor and the Lord Chief Justice to make regulations dealing with the investigation and determination of allegations of misconduct by judicial office holders. The Judicial Discipline (Prescribed Procedures) Regulations 2006 provide the detail and set up the Office for Judicial Complaints (OJC).

The OJC has now been in operation since April 2006. It produces an annual report and statements of the outcome of investigations. However, its own role is limited by a number of factors. First, complaints relating to magistrates or tribunal members have to be made first to the relevant Tribunal President or Magistrates’ Advisory Committee. In the former case, the President may decide to nominate a designated judicial office holder to carry out an investigation or do so himself. However, where the complaint is one of a

series of related complaints or involves allegations of discrimination or is otherwise particularly serious, it shall be referred to the OJC rather than being resolved within the Tribunal. Similarly, where there is no President of the relevant Tribunal, the complaint will proceed directly to the OJC. In the case of magistrates, the Advisory Committee will refer the matter to the OJC where they are satisfied there may be a case for formal disciplinary action.

Secondly, the OJC may not investigate complaints which are about a judicial decision or judicial case management and raise no question of misconduct (Reg 14(b) of the Judicial Discipline (Prescribed Procedures) Regulations 2006). This limitation is plainly intended to ensure that complaints to the OJC do not become another avenue for disgruntled litigants to dispute the substance or outcome of their litigation. In many cases, the dividing line will be clear: a complaint about a judge’s private life (if thought to be relevant) need not have had an impact on any individual case to call into question the judge’s suitability for office. A much-reported and lamentable example was provided by the unorthodox domestic arrangements of Immigration Judge Khan, Judge J and Judge Khan’s cleaner (who was both an illegal immigrant and the judge’s lover). Equally, misuse of judicial office may not have affected the outcome of any litigation: a magistrate who responds to a Fixed Penalty Notice for failure to display a valid tax disc on his car by appending the letters JP to his name in correspondence and making reference to his office (another example from the OJC website) is obviously unfit.

However, this limitation may present difficulties of line-drawing: at what point does a judge’s conduct of a trial cross the boundary and become a matter of appeal rather than complaint. The distinction is in any event not well understood by those who make complaints to the OJC: in 2007/08, 61% of the 1437 complaints made were found to fall outside the OJC’s jurisdiction on this ground. The conduct of Mr Justice Peter Smith in the case of *Howell v Lees Millais* [2007] EWCA Civ 720 provides a notorious example of where both an appeal and disciplinary proceedings were considered proper. In that case, Peter Smith J had expressed in strong terms his disappointment at not being recruited by the law firm Addleshaw Goddard and refused to recuse himself when trustees (who included a partner from the firm)

sought directions from the court. With judicial understatement, the Court of Appeal found it “a most unusual case” in which the judge had expressed himself in writing with “some animosity” towards the relevant partner, proceeded to cross-examine him in court and gave evidence of his own which was not provided to the other parties. The judge’s response to the application to recuse himself was described as “intemperate” and was in any event wrong and was overturned. After referral to the OJC, the Lord Chancellor decided that a reprimand was an appropriate disciplinary sanction.

Thirdly, the OJC does not impose sanctions or always carry out its own investigations. In all cases, the decision on sanction will be that of the Lord Chancellor and the Lord Chief Justice. In some cases, a more senior judge will be nominated to carry out the investigation.

The outcomes of complaints which have been upheld and are posted on the OJC’s website are disappointingly opaque in relation to the details of judicial misconduct. There is only one example of a District Judge being removed from office for inappropriate, petulant and rude behaviour towards solicitors. What does emerge is that magistrates are overwhelmingly the most likely to be found guilty of judicial misconduct and that the most common types of upheld complaints relate to administrative failings or false claims to expenses.

If dissatisfied with the OJC’s decision, a complainant may seek redress from the Judicial Appointments and Conduct Ombudsman (also established in April 2006). The Ombudsman has expressed general satisfaction with the functioning of the OJC while upholding approximately half the complaints about it (mostly on the grounds of delay and failure to inform complainants of progress).

Despite the new mechanisms, for most practitioners the best answer to the question “How do you complain about a judge’s conduct?” is likely to remain: “You don’t”.

Ivan Hare
 Blackstone Chambers

CHALLENGING THE FSA – FIELDGLEN LTD AND FORD V FSA AND ANOTHER

It is very rare for the FSA to be challenged in the courts over the use of its investigation powers and even rarer for such a challenge to get as far as a judicial determination.

In *Fieldglen Limited & Stewart Ford v Financial Services Authority & the Joint Administrators of Keydata Investment Services Limited* [2009] EWHC 1939 (Ch), the claimants attempted unsuccessfully to prevent the FSA obtaining data from a computer server. This related to the FSA’s investigation into Keydata and its chief executive, Mr Ford. The investigation concerned, amongst other things, investment products offered by Keydata which invested in corporate bonds issued by a Luxembourg special purpose vehicle called SLS Capital SA. This vehicle was controlled by Mr David Elias who is reported to have died in Singapore on 8 May 2009. On 8 June 2009, Keydata was placed into administration and two partners of PricewaterhouseCoopers LLP appointed as joint administrators. Shortly after the commencement of the administration, the administrators discovered that the assets which underpinned the bonds issued by SLS may have been misappropriated, and the matter was referred to the Serious Fraud Office.

Investigators were appointed by the FSA under s168(5) Financial Services and Markets Act 2000 (the Act) some time prior to the administration. It was the use of powers by these investigators concerning a computer server purchased by Fieldglen (known as the Fieldglen server) that was the subject of challenge.

The FSA investigators were told of the existence of the Fieldglen server by the SFO. On Monday 6 July 2009 the SFO told the FSA that on the previous Friday, 3 July, the SFO had received a telephone call from a representative of Keydata who had informed the SFO that Keydata had in its possession a computer server held on behalf of a third party, allegedly at the request of Mr Elias. The SFO officer said that the representative of Keydata had told the SFO that information had been stored on the server so that it would not be found in any investigation. The SFO had contacted the administrators who then obtained possession of the server later that same day. The joint administrators removed the server from Keydata’s offices with the agreement of Mr Ford’s solicitors but had agreed not to access the server in any way without further agreement.

Mr Ford told the joint administrators that the information on the server was all his private information and/or belonged to a third party and that none of it related to Keydata. He described some of the contents as relating to his personal dealings with SLS, including an agreement he entered into with SLS to acquire assets from SLS. The FSA investigators took the view that this description meant that the information contained on the server fell within the scope of the FSA’s investigation into Mr Ford and Keydata. The investigators therefore wished to

examine the server themselves, particularly as the FSA had concerns that Mr Ford had not been open with the FSA about the extent of his knowledge about the SLS bonds and whether there were problems in relation to them (a matter that the court recorded as being strongly denied by Mr Ford). The FSA investigators therefore considered it appropriate for them to obtain the information on the server using the FSA's statutory powers.

Accordingly, on 10 July 2009, a notice was served on one of the joint administrators who had physical possession of the server. The notice required him "to provide the information and/or records set out below" by 9.30am that day. The information required was specified as "All information held on an IT server and all related information obtained by you from the offices of Keydata Investment Services Ltd on Friday 3 July 2009." The joint administrators considered that the most practical and feasible way of complying with the notice was to deliver the Fieldglen server to the FSA, which they duly did. At the same time, the FSA investigators informed Mr Ford's solicitors that they had obtained the Fieldglen server.

On Monday 13 July 2009, Fieldglen and Mr Ford applied for a without notice injunction to prevent the FSA examining the server. An order was made on a short term holding basis by Briggs J and the matter considered on an inter partes basis by Richards J the following week. By the time the matter was considered by Richards J, it was clear that there was in fact a substantial amount of data on the Fieldglen server which related to Keydata and that was relevant to the FSA's investigation. However, Mr Ford and Fieldglen claimed that the server also contained personal and confidential information including material that was wholly unconnected with the investigation. There was no suggestion that any of the material was legally privileged. The claimants applied for the matter to be heard in private but this was dismissed by the court.

The claimants challenged the notice of 10 July on three grounds. The first challenge concerned the scope of section 171(2) of the Act. This provides that investigators may require "any person" to produce at a specified time and place any specified documents or documents of a specified description. This is a counterpart to section 171 (1) of the Act, which provides that investigators may require the person who is the subject of the investigation or any person connected with them to provide information. The claimants argued that "any person" was to be read restrictively with s171(1) to mean that it could only apply to those under investigation or connected parties and not to third parties. This peculiar submission was unsurprisingly rejected.

The second challenge was that the notice was defective in not specifying the correct statutory provisions. The notice stated that the requirement was being made pursuant to s171(2)(b) of the Act, a provision that does not exist. This was acknowledged by the FSA to be a typographical error and had been accepted as such by Mr Ford's solicitors at the time they first saw the notice. The investigators had intended the notice to refer to both sections 171(2) and 172(2)(b). (Section 172(2)(b) concerns the provision of information by persons who are neither the subject of the investigation or connected to them). However, the court held that there was no legal requirement for the notice to specify the statutory provisions relied upon. The judge placed particular reliance on s170(4)(a) of the Act which requires the notice of appointment of investigators to specify the provisions under which investigators were appointed and contrasted this with the lack of any such requirement to give notice when exercising powers.

The third ground of challenge was the most important and one of general application. The claimants submitted that the notice failed to satisfy the requirements of section 171(3) and 172(3). Section 171(3) provides that the investigator may issue a notice requiring the production of documents only "so far as the investigator concerned reasonably considers the production of the document to be relevant for the purposes of the investigation". The court considered that two points arise from this requirement. First, the issue is not whether the production of the document would be relevant for the purposes of the investigation, but whether the investigator reasonably considered that it would be. Secondly, the issue is not whether the investigator considered that the document was relevant for the purposes of the investigation, but whether the production of the document would be relevant, although the relevance of the document and the relevance of its production will, in many cases, be closely related. Section 172(3) provides that a requirement under section 172(2) may only be imposed "if the investigator is satisfied that the requirement is necessary or expedient for the purposes of the investigation."

Having considered the evidence, Richards J concluded that the decision to issue the notice was one that the investigators came to reasonably. At the very least, the investigators were entitled to require production of all documents which were, or appeared to be relevant to the investigation. The claimants were concerned to protect information that was not relevant to the FSA investigation and submitted that the investigators should be entitled to require no more than what was identified by the claimants or independent parties as being relevant.

Richards J considered that there was no real substance to this argument. He stated as follows:

“In circumstances where there was clearly relevant material on the server, where there was a conflict on the information available to the FSA as to the extent - or, indeed, existence - of such information, where it was the FSA which was in a position to know best the scope of its inquiries, it seems to me that [the investigator] could certainly reasonably consider that the production of the documents on the server was relevant to the purposes of the investigation. It may well prove to be the case that some of the documents on the server are irrelevant to the investigation. But, as it seems to me, that is a conclusion which can only be reached after the server has been fully interrogated and does not detract from a reasonable conclusion that all the documents should be provided.”

A further point made was that the notice required the production of information but the joint administrators provided the server itself. Richards J held that the joint administrators were entitled to take the view that the most convenient way to provide the information was to provide the server itself rather than copy or download the information. The court similarly had little difficulty with the claims over the confidential nature of the information and the claimants’ rights under article 8 of the European Convention on Human Rights, holding that the statutory provisions override rights of confidentiality.

Having dismissed the application for an injunction on the grounds that there was no seriously arguable case, Richards J further held that the balance of convenience on the one hand of preserving the confidentiality of such private information as there may be on the server, as against the very considerable public interest in the speedy continuation by the FSA of the investigations already underway would lead him to conclude that an injunction should not be granted.

The FSA frequently obtains large volumes of documentary and electronic evidence in its investigations and has to assess this material for relevance. The *Fieldglen* decision supports the FSA’s ability to use its powers to obtain material that contains both relevant and irrelevant information and it is for the investigators, rather than the subject of the investigation, to sift the material for relevance. It also confirms that this is the case even where it could mean the FSA considering personal and confidential information.

Daniel Thornton
FSA

THE BANKING ACT 2009 – LIMITING THE NEED FOR URGENT GOVERNMENT INTERVENTION

Introduction to the Banking Act 2009

The Act is divided into eight parts. Different sections have come into force on a number of different dates, with a number of provisions only to come into force on 31 December 2009.

In general, parts 1 - 4 (as well as parts of part 7) came into force on 21 February 2009. Some sections of part 5 came into force on 4 August 2009, others only coming into force on 2 November 2009 and other sections yet to come into force. Part 6 relates to bank notes in Scotland and Northern Ireland and is not discussed below. Part 7 primarily came into force on 1 June 2009. Sections of part 8 (which primarily sets out definitions) came into force on 17 and 21 February 2009.

The Act introduced a permanent statutory regime for the regulation of banks, replacing the temporary, emergency measures introduced in 2008 to deal with such matters as the nationalisation of Northern Rock. In so doing, it amends the Financial Services and Markets Act 2000 as well as repeals and amends other legislation.

The key regulators are the Financial Services Authority (the “FSA”), the Treasury and the Bank of England.

It is of note that the legislation’s scope is wide, regulating all entities incorporated in the UK which have permission to accept deposits. It could catch insurance companies that have permission to carry on the regulated activity of accepting deposits.

Part 1: The Special Resolution Regime (“SRR”) (ss 1-89)

Where a bank has or is likely to encounter financial difficulties, SRR provides for three stabilisation options:

- **Private sector transfer:** The Bank of England may transfer all or part of the business of a failing bank by way of a share transfer and/or property transfer to a commercial purchaser. This option benefits from providing continuity in banking services.
- **Bridge bank transfer:** The Bank of England can establish a new bank and, through the use of property transfer instruments, can transfer all of part of a failing bank to it.
- **Temporary public ownership:** Shares in the failing bank are transferred (by way of Treasury share transfer

orders) to a company wholly-owned by the Treasury or to a nominee of the Treasury.

The regulation of the use of stabilisation powers is divided between the FSA and the Bank of England. The former decides whether a bank has met the “general conditions” that bring the SRR into effect and the latter implements and runs the SRR (other than in the case of temporary public ownership). The FSA has stated it is likely to subject a bank to heightened supervision before making use of SRR.

The SRR is largely seen as the most controversial aspect of the Act. The regulators are given wide ranging powers including, in certain circumstances, the power to override contractual law, property rights and other principles of the common law (for example, the use of property transfer instruments).

Part 2: Bank Insolvency (ss 90-135)

The Act creates a new bank insolvency procedure, which is largely based on the liquidation provisions in the Insolvency Act 1986. A qualified insolvency practitioner must be appointed as the bank liquidator.

The procedure can only be commenced by an order of the court (which has to be satisfied that the bank has eligible depositors) and the process is subject to general supervision of the court. The primary purposes of the procedure are to ensure that depositors’ accounts are transferred as soon as reasonably possible to another financial institution (or that depositors receive compensation for their losses) and to wind up the bank’s affairs so as to achieve the best results for the bank’s creditors as a whole. The Act is clear however that the interests of depositors take preference over those of general creditors.

Part 3: Bank Administration (ss 136-168)

The new bank administration procedure is designed to support a commercial purchaser or a bridge bank to acquire the failing bank and, once such support is no longer required, to keep the bank alive as a going concern. The first objective takes priority over the second. If it is not possible to keep the failing bank going, the procedure seeks to achieve a better realisation for the bank’s creditors as a whole than would be likely in a winding up.

Only the Bank of England can apply for the requisite court order to implement the procedure. In order for that order to be granted, a number of notification requirements must be met.

Part 4: Financial Services Compensation Regime (“FSCR”) (ss 169-180)

The Treasury is empowered to make regulations permitting the FSCR to impose levies to build up contingency funds in advance of any possible defaults. The Treasury is also empowered to require the scheme to contribute to the costs incurred in making use of the stabilisation powers and can also make loans from the National Loans Fund to the scheme.

Part 5: Inter-Bank Payment Systems (ss 181-206)

This part enables the Bank of England to oversee certain systems for payments between financial institutions. An interbank payment system is an arrangement which enables the transfer of money between participant financial institutions that does not include internal bank systems or correspondent banking arrangements.

If the Treasury is satisfied that any deficiencies in a system or disruption of its operation would be likely to threaten the stability of or confidence in the financial system, it can make a recognition order whereby that system is designated as a “recognised system”. The Bank may require a recognised system, *inter alia*, to adhere to certain principles or to change system rules. Further, the Bank has the power to appoint inspectors to evaluate the operation of a recognised system and may even apply for a warrant to enter the premises at which the system is operated.

Part 7: Miscellaneous (ss 228-256)

This part provides for expenditure incurred by the Treasury in connection with the giving of financial assistance to or in respect of banks or other financial institutions to be paid from money provided by Parliament. “Financial assistance” is defined in part 8 as including giving guarantees or indemnities and any other kind of financial assistance (actual or contingent).

Conclusion

The Act aims to limit the need for government intervention which might have unintended consequences. It will arguably move the handling of banking crises out of the hands of politicians and into those of regulators. Given that the Act is designed to tackle rare - one hopes - and serious failings of banks, it is unlikely that there will be many occasions on which it will be considered by the courts. Similarly, it is unlikely to generate much regulatory work for practitioners.

Jonathan Lewis
Henderson Chambers

LEGAL UPDATE

- *Yusuf v The Royal Pharmaceutical Society of Great Britain* [2009] EWHC 867 (Admin)
- *Varma v General Medical Council* [2008] EWHC 753 (Admin)
- *Abdalla v Health Professions Council* [2009] EWHC 3498 (Admin)

These three cases involved hearings held in the absence of the practitioner. In *Yusuf*, after reviewing the decision of the Court of Appeal in *Hayward* [2001] QB 862, approved on appeal by the House of Lords, sub nom *R v Jones (Anthony)* [2003] 1 AC 1, and applied to disciplinary proceedings of professional bodies by the Privy Council in *Tait v The Royal College of Veterinary Surgeons* [2003] UKPC 34, Munby J held that the chairman of the disciplinary committee of The Royal Pharmaceutical Society of Great Britain had correctly identified the key issue as being whether the appellant had voluntarily chosen not to attend. Munby J said that the committee was properly alert to the need to exercise its discretion to proceed in the appellant's absence with the utmost caution. The committee was entitled to find, as it did, that the appellant had voluntarily chosen neither to appear nor to be represented. It then proceeded to exercise its discretion, having directed itself impeccably in law.

A similar approach was taken in *Varma*, a decision of Forbes J. The panel had properly borne in mind that it had to balance the appellant's private rights against the public interest of having serious allegations properly investigated. The panel had justifiably treated the appellant's failure to attend the hearing as a voluntary election not to be present. In *Abdalla*, the appellant, a radiographer, claimed that the committee's decision to proceed in her absence was in breach of her rights under Article 6(1) of the ECHR; alternatively, it was a breach of natural justice for the committee to proceed in her absence. Sullivan J rejected this argument, saying that if she chose not to avail herself of the opportunity to attend the hearing then the committee was entitled to proceed in her absence. The court held that lack of funds to pay for legal representation would not justify any further adjournment where there was no realistic prospect that the position would change in the reasonably near future.

R (Thompson) v General Chiropractic Council [2008] EWHC 2499 (Admin)

The claimant challenged the decision of the committee to hold a substantive hearing when an expert witness, whom the claimant proposed to call, would not be available. The committee had been given a list of dates

of the expert's availability. Lloyd Jones J in granting judicial review analysed the issue as being one of procedural fairness. Whilst courts would be slow to interfere with case management decisions taken by a professional body, this was subject to the supervisory jurisdiction of the court to ensure that the parties were given a fair hearing. The evidence of the claimant's expert witness was crucial to his defence. The court made clear that it was expressing no view as to whether the proposed defence may or may not be valid, but it seemed to the court that it was a matter which was potentially relevant and which the claimant should be permitted to ventilate at the hearing before the committee.

Keazor v Law Society [2009] EWHC 267 (Admin)

The appellant's solicitor who had been a senior partner in his firm, argued unsuccessfully that recklessness should have been specified in the charges against him. The court (Maurice Kay LJ and Simon J) held that, although the Law Society was required to refer specifically to dishonesty in the formation of charges, there was no such requirement for recklessness. In any event, the solicitor had been given an opportunity to deal with the issue of recklessness at the tribunal.

Roomi v General Medical Council [2009] EWHC 2188 (Admin)

In this case Collins J allowed an appeal by the practitioner against the finding of impairment by reason of the deficient professional performance on the grounds that the finding by the panel went beyond the allegations contained in the notice of hearing. The appellant was able to call evidence to show that he had taken steps to improve his skills, and that evidence led the committee to decide that the deficiencies identified in the notice of allegation had been remedied. But the panel justified its finding of continuing deficiency on the basis of a failure by the practitioner to carry out regular or systematic medical and clinical audits. The judge said that the panel ought to have been advised that it could not properly rely on this matter unless it formed part of the allegations made against the practitioner. The whole hearing was on the basis that what was in issue was the practitioner's skill, nothing else.

Frankowicz v Poland ECtHR 16 December 2008 (Application number 53025/99)

The applicant, a gynaecologist, made critical remarks of another doctor in a medical report. He was charged with and found guilty of unethical conduct, in breach of the principle of professional solidarity, contrary to the

Polish Code of Medical Ethics. He claimed that there had been an interference with his right to freedom of expression, contrary to Article 10 of the ECHR, in that he should have the right to state his opinion on the treatment received by his patient. The court held that the applicant's Article 10 rights had been violated. An absolute prohibition of any criticism between doctors was likely to discourage doctors from providing patients with an objective opinion on their health and treatment, which could compromise the very purpose of the medical profession. The interference with the applicant's Article 10 rights was disproportionate.

Sarkodie-Gyan v Nursing and Midwifery Council [2009] EWHC 2131 (Admin)

The registrant appealed against the decision of the NMC's health committee finding that her fitness to practise was impaired. It was common ground that her appeal had to be allowed because of procedural irregularities in that the committee had wrongly combined the fact-finding stage with the impairment stage. The court emphasised that in a health case it was still necessary for the committee to apply the three stage process of fact-finding, impairment, and, if appropriate, sanction.

D'Souza v Law Society [2009] EWHC 2193 (Admin)

The Divisional Court (Thomas LJ and Coulson J) concluded that the decision of the Solicitors Disciplinary Tribunal on costs was fundamentally flawed because it failed to take account of the appellant's exceptional financial circumstances in arriving at the appropriate financial penalty and order for costs. After reviewing *Camancho v Law Society* [2004] EWHC 1675 (Admin) and *Merrick v Law Society* [2007] EWHC 2997 (Admin), the court said that these cases were authority for the proposition that the means of a defendant to tribunal proceedings may be a relevant consideration in calculating the appropriate sanction as to the level of fines and costs. This would usually arise when a solicitor was being suspended from practice or struck off; but there will be exceptional cases where, even though a solicitor is allowed to continue in practice, his income may be a relevant consideration both as to any costs sanction and in respect of any financial penalty that might be imposed.

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BOOK REVIEW

- *Companion to the Solicitors' Code of Conduct 2007, 2nd edition August 2009, by Peter Camp*
- *Solicitors and the Accounts Rules, A Compliance Handbook, 2nd Edition October 2009, by Peter Camp*

The Solicitors' Code of Conduct 2007 (the Code) came into force on 1 July 2007. The Code comprises three elements: core duties (contained in rule 1) which are fundamental rules; the rules (rules 2-25) which arise from the core duties; and guidance which is provided in respect of each of the rules. On 31 March 2009 the Code's rules and guidance notes were amended substantially to allow for partial implementation of the Legal Services Act 2007. Notably, the Code has been amended to cover the introduction of legal disciplinary practices and entity-based regulation. The *Companion to the Solicitors' Code of Conduct 2007, 2nd Edition August 2009*, by Peter Camp is designed to be read and used in conjunction with the Code, and identifies all the main changes to the Code since 1 July 2007.

Understanding and interpreting the Code is key to compliance. The second edition of the *Companion* provides dedicated commentary and guidance on the Code, and is an invaluable help for practitioners to understand the changes that have been made and how they apply in practice. The *Companion* is easy to navigate and is comprehensive. The *Companion* contains a chapter on each rule, following the same structure as the Code for easy cross-referencing. After an Introduction, it is divided into chapters corresponding with the rule numbers and headings contained in the Code. Each chapter helpfully ends with a section headed "Conclusion", which analyses the changes to the obligations contained in each rule. For example, the chapters on fee sharing (rule 8 of the Code) and framework of practice (rule 12 of the Code) conclude by drawing attention to amendments to the rules to reflect necessary changes and practice permitted by the Legal Services Act 2007. The chapters on publicity and referrals of business (rules 7 and 9 of the Code) have been updated to comply with amendments on cold calling and the Solicitors Regulation Authority's warning guidance on referrals and financial arrangements with introducers. In other instances where no significant changes to the obligations contained in the rules have occurred, the *Companion* identifies any extension of the scope of the obligations covered by the rules. Appendix 1 to the *Companion* contains a useful list of questions and answers and gives examples of problems dealing with issues of conflict of interests, confidentiality and disclosure.

Peter Camp is a solicitor and is the principal of his own training consultancy, Educational and Professional Services. He is the Visiting Professor of Legal Ethics at the College of Law and an editor of *Cordery on Solicitors*. Both the *Companion* and *Solicitors and the Accounts Rules, A Compliance Handbook*, contain a wealth of information. The 2nd edition (October 2009) of Peter Camp's *Compliance Handbook* explains the requirements of the Solicitors' Accounts Rules 1998, culminating in significant changes coming into force on 31st March 2009. This new edition of the *Handbook* reflects recent changes and is designed to help readers who have little or no knowledge of the Solicitors' Accounts Rules. It contains practical guidance on the application of the rules in specific circumstances and changes in money laundering to reflect the Money Laundering Regulations 2007, which came into force in December 2007. The *Handbook* highlights the key changes and suggests practical steps that firms can take to ensure that they remain compliant with the rules. Key points are illustrated throughout using practical examples.

Published by Law Society Publishing. *Companion to the Solicitors' Code of Conduct 2007*, price £34.95 (paperback, 160 pages). *Solicitors and the Accounts Rules, A Compliance Handbook*, price £49.95 (paperback, 336 pages). Copies can be obtained from the Law Society's Bookshop:

www.lawsociety.org.uk/bookshop.

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REQUEST FOR COMMENTS AND CONTRIBUTORS

We would welcome any comments on the Quarterly Bulletin and would also appreciate any contributions for inclusion in future editions. Please contact any of the members of the editorial committee with your suggestions. The editorial committee is:

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