



WRITE TO US

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LETTERS



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Responsibilities of citizenship

The rights of EU citizens cannot be divorced from the duties that accompany them

I read Jonathan Goldsmith's article about the growing number of 'rights' (See [2011] *Gazette*, 30 June, 9) with interest. Can I ask what has happened to a person's responsibilities, which is the other side of the coin?

If EU citizens expect their rights to be honoured, then surely they should accept the responsibility of paying taxes and being aware of their neighbour's 'rights'. They should also accept that everyone should enjoy the benefit of a country's freedoms and not just try to enforce individual rights.

Yes, respect another's religion, but if this means noisy bells causing disturbance early on a Sunday morning (a frequent complaint I had as a teenager living opposite a church) whose rights should be respected? My right to have peace or the church's right to welcome its worshippers?

Jonathan mentions that the Chinese government does not accept 'rights'. But what is recognised by the Chinese individual is that they have to work, not just for their own support and self-respect, but for the honour of their country and their families.

I compare this with the civil servants and others in European countries who go on strike for their own ends – the fact that they have to work longer before they receive their pensions – when it is well known that most countries are suffering from debt and recession.

I am not saying that we should embrace the Chinese way of lack of rights; but it would be a step forward if we all recognised the responsibilities that go with rights.

Jennifer Margrave
Jennifer Margrave Solicitors, Guildford

Insurer confusion

The tedious discussions regarding whether referral fees are right in principle or unacceptably distort the market will undoubtedly continue *ad nauseam*. The views of the various parties are so entrenched that it seems unlikely an acceptable common ground will ever be reached. If the situation is to be changed, legislation will undoubtedly be required.

Whatever the rights and wrongs of the matter, there is one area where the market is being distorted. I had a client who came to see me on a personal injury matter and upon investigation it became apparent he had legal expenses insurance. The client was an intelligent man who gave me clear and concise instruction and (apparently) had no difficulty understanding my advice.

I explained the effect of the Insurance Companies (Legal Expenses Insurance) Regulations 1990 relating to the client's right to choice of solicitor. The client contacted the insurer to notify them of his claim and, in the course of a lengthy conversation he became very confused and in the end became convinced – as a result of what he had been told – that he had no choice but to use a panel solicitor, whatever the circumstances of his case and throughout all stages of the proceedings.

When I contacted the insurer the claim department agreed that I had given the client correct advice. At the least, the insurer had failed to give the client a clear understanding of his rights so that he knew where he

stood, and at worst the client had been misled. If this was an isolated incident then I would shrug it off, but it is not. It would appear as if the desire on the part of the insurer to secure the referral fee the panel solicitor will pay causes that insurer to give confusing or wrong advice.

I have no objection to the insurer doing its best to secure a high level of referral fee income (although I am opposed to referral fees in principle), but misleading their client is unacceptable. If a client chooses to use a panel solicitor, fine, but they should do so on a clear understanding of their rights and the commercial imperative of the insurer.

Howard Shelley
QualitySolicitors CMHT, Walsall

Extradition bias

Joshua Rozenberg appears not to have read the extradition treaty between the UK and US (See [2011] *Gazette*, 30 June, 8). He endorses the contention of Amy Jeffress, US department of justice attaché to the American Embassy in London, that the treaty is balanced by stating that the UK can demand a demonstration of suspicion corresponding to the US demonstration of probable cause.

Article 8 paragraph 3[c] is blatantly discriminatory, in stating that requests to the US must be supported by information providing a reasonable belief that the extraditee committed the offence; there is no corresponding clause giving the UK the right to see that there is a basis for reasonable

suspicion. Instead, the UK must accept the position of the US authorities without prying further.

It might be arguable that a lesser standard of proof is appropriate when the requesting country is seeking its own national.

However, doesn't the UK owe to its own subjects a duty to protect them from inappropriate charges?

The bias in favour of the US is so shriekingly obvious that the Joint Committee on Human Rights will need ear plugs to avoid noticing it.

Geoffrey Niman
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A man of Straw

As personal injury lawyers, we think it is a great shame and totally unfair that so many lawyers are criticising Jack Straw for discovering the existence of referral fees in 2011. After all, why should we expect the former justice secretary to be aware that referral fees have been the backbone of personal injury business for the last 15 years?

Just because he is the MP for Blackburn, a town with the largest cluster of claims management companies (registered or otherwise) in the country makes no difference.

We think he has been done an injustice!

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