

Reading — 1985

The Legal Education and Reading program of the Bar Association of New South Wales moved into a new phase early this year. This was the culmination of many years' effort.

Two principal changes were introduced.

The first involved amendments to the Bar Rules published by the association; more especially, Rule 97 et seq. These "Reading Rules" were amended to formalise the supervision of Readers by their Masters and to lay the foundations for the second change.

The second change involved the introduction of a semester system of lectures, seminars and workshops designed to provide an intensive program of practical instruction for Readers in their first three months of practice.

The first semester program commenced immediately following the Supreme Court's first admission ceremony (in February) this year. The second semester program commenced (in August) on the Tuesday following the Court's admission ceremony after the mid-year vacation.

The admission dates of February 14, 1986 and August 8, 1986 have been chosen by the Barristers Admission Board as preferred admission dates for barristers intending to practise, and the Reading programs will commence immediately following those dates.

Our hope is that persons intending to commence practice at the New South Wales Bar will make their plans so as to fit in with the Association's lecture programs.

The amendments to the Reading Rules appear to have been well accepted by Masters and Readers alike. The few misunderstandings which have arisen have had their origins, more often than not, in a failure to consult the terms of the Reading Rules.

Under the new Rules a Reader still undertakes, as was formerly, a reading period of twelve months. The first three of those months would, in most cases, now coincide with one or other of our two lecture programs. That ties in with the terms of the new Rule 98(b).

This rule, which has been the subject of some misunderstanding, provides: "a Reader (as a requirement of the Reading Program) shall not, during a period of three months commencing on the date of his enrolment in the Reading Program, appear in any Court or Tribunal other than with, or with the approval of, or on behalf of, his Master".

The object of the Rule is not to prevent Readers from earning an income at the outset of their practice, as some unkind souls have hastily assumed.

The object is to ensure that Readers, for the protection of the public as well as for their own protection, do not undertake Court appearances for which they have insufficient experience.

The Rule closely reflects its own object. There is no absolute prohibition; Readers are placed under the supervision of their Masters. There is no limitation on the nature or frequency of appearances which might be undertaken by a Reader under the supervision of his or her Master.

There is no limitation on a Reader undertaking chamber work; the Rule is directed at appearances in Courts and Tribunals. Readers have a "right" to expect that they will be supervised by sympathetic Masters.

The duties of a Master have been, and will continue to be, assumed by a wide range of experienced counsel.

The Reading Rules have always been administered on the basis that appropriate arrangements can be made to accommodate the special circumstances of individual Masters and Readers. The new Rules (by Rules 97 and 100) continue this tradition.

There have, however, been some ambitious attempts on the part of a limited number of Readers to seek extensive dispensations in respect of various parts of the new Reading Program.

While all applications for dispensations with all or part of the Reading requirements are dealt with sympathetically by the Reading Committee (and the Council of the Association) dispensations have been granted only sparingly and usually only on the condition that the Applicant make up that part of the program with which he or she may, at a particular time, be unable to comply.

While full credit is, and must be, given for a Reader's earlier experiences as a solicitor or in other areas of practice, the mere recitation of those experiences is not of itself enough to justify a dispensation.

In each case the best procedure, for all concerned, is for an applicant for dispensation to talk to the Association's Education Officer (Helen Barrett) as a preliminary, if need be, to a written application addressed to the Chairman of the Reading Committee (currently O'Keefe QC).

In all cases, whether relative to dispensations or otherwise, it is essential to the continuing success of the Reading Program that Readers and Masters feel free to consult and inform the Association as to their particular problems.

The service which the Association provides, through its Reading Program, depends on the co-operation of all parties involved, at whatever level. We have been fortunate in the assistance voluntarily given to the Association by its members.

Members of the judiciary and senior and junior counsel have contributed considerable time and effort, most notably, in the provision of lectures, seminars and workshops and accompanying notes.

Approximately 18 Judges, Registrars, Deputy Registrars, Magistrates and the Prothonotary together with some 47 Senior Counsel and 52 Junior Counsel have participated in our lecture program to date. The program continues to expand.

From this program (and seminar programs soon to be announced) the Association may ultimately publish a series of notes of practical significance for advocates. Certainly there appears to be a demand for the notes so far produced for the benefit of Readers.

The publication of these notes (and, the Association hopes, the use of video tapes from time to time) will help extend the reach of the Association's educational services.