

## Supreme Court Rules

In the summer issue of *Bar News* a short article appeared dealing with the Bar's opposition to amendments to the Supreme Court Rules inserting Part 72 (Arbitration) and amending Part 39 (Court Experts). That article has been criticised in that its author asserted the new rules to be innovative but did not refer to certain legislative antecedents. In February the Association sought disallowance of the rules by Parliament and provided the Attorney General with detailed written submissions in support of its position. Copies were provided to the Chief Justice and to the shadow Attorney General. The Bar was circulated advising members of the step which had been taken and inviting them to read a copy of the Bar's submissions by arrangement with the Registrar. It was then indicated that there would be a full report on the matter in this issue of *Bar News*.

In the course of a speech to the Commercial Law Association, Mr Justice Rogers was critical of the Bar's submissions. The Chief Justice has also been critical of the Bar's position in correspondence with the Attorney General and the President.

On 9 April 1986 the shadow Attorney General moved the Legislative Assembly to disallow the rules. The motion was debated on 10 April 1986 and lost as the Government opposed it.

It is not possible to set out all of this material. Readers will find a summary of the Bar's submissions and a summary of the points made by Mr Justice Rogers in his speech in this issue. As this is of necessity selective, a file of all relevant material and correspondence including a copy of Hansard will be placed in the Bar Library for inspection by all interested members.

## Common Law Bottleneck

If you were wondering why your common law case didn't get a start in the Supreme Court last month, consider the following statistics.

In February 1986 out of 279 cases fixed for hearing 36 (12.9 per cent) were not reached. This compares favourably with the figures for January-February 1985 (the term started a little earlier) when out of 266 cases listed only 37 (14 per cent) were not reached.

March is a different picture. In March 1985, 209 cases were listed and 32 (15.3 per cent) were not reached. In March 1986 283 cases were listed and 70 (about 24.75 per cent) failed to get on. It is believed that the April figures will demonstrate an equally poor, if not worse, situation.

Of the cases listed for hearing in February 1986, 26 were adjourned, 133 were settled (either before the date of hearing, at the doorstep of Court or after the matter commenced) and 84 were heard. In March 28 were adjourned, 123 settled and 62 were heard.

Jury cases headed the list of not-reached matters (20 and 41 for February and March respectively) followed by motor vehicle cases (9 and 11 respectively) and other non-jury cases (7 and 18 respectively).

The Chief Judge at Common Law, Mr Justice Slatery, is understood to be considering the figures with concern and attempting to devise a solution to increase the turnover. He is hampered, however, by the fact that two of his judges are, unfortunately, unavailable through illness. With the imminent retirement of Mr Justice Lusher the necessity for his immediate replacement is apparent to prevent the situation worsening.

Members of the Bar with suggestions as to how the situation might be improved should communicate with the Courts Liaison and Listing Committee (Gormly QC, Dent and Biscoe).

## Reading Lecture Notes for Sale

As a result of the reading programme, the Bar Association has acquired a collection of some 80 sets of reading notes covering almost every area of practice at the Bar.

These notes have been written by senior and junior members, Judges and Court Officers, all of whom have particular expertise in the areas covered by the papers.

The notes cover such aspects as practice and procedure and the running of cases in the various courts, drafting pleadings, chamber work generally, evidence, proof of documents, leading evidence, cross-examination, and major areas of practice as well as a host of specialist fields (e.g. defamation, adoption, freedom of information, trade practice, protective division, stamp duty and many more).

Complete sets of notes are now available to members of less than five years seniority at a cost of \$190 and to all other members and associate members at a cost of \$250. Individual papers may be purchased at a cost of \$10 (prices are subject to review from time to time).

Members are urged to take advantage of this offer. Enquiries should be directed to the Education Officer.

## Professor Younger to Lecture

The Legal Education Committee of the Bar Association is arranging for Professor Irving Younger, the eminent United States jurist and lecturer, to deliver a lecture on 10 June 1986 on the use and treatment of expert witnesses.

Professor Younger's techniques are both unusual and interesting and his skill as an educator has earned him world acclaim.

Further details concerning his visit will be circulated through Floor notice boards. The charge for attending his lecture, which will be of approximately two hours duration, will be \$10.