

Garry Downes Q.C. reports new developments in disaster litigation revealed at a recent conference of the U.I.A.

Strasbourg is practically at the geographic centre of Europe. It is in easy reach of Switzerland, Germany, Italy, Austria, Holland, Belgium and the remainder of France. It is also the political centre of Europe as the site of the European Parliament. Its European and worldwide influence will inevitably grow as the potential impact of the abolition of all trade barriers within the European Economic Community in 1992 comes to be appreciated. Strasbourg is a famous cathedral city, the capital of Alsace, and the centre of its wine and gastronomy. Strasbourg is also the location for an interesting international legal conference to be held in September 1990. The conference is to be conducted by the International Union of Lawyers or the Union Internationale des Avocats (the UIA).

So what is the UIA? The UIA was formed in 1927 by a group of Paris lawyers. It was orientated to the civil law and the French language. That was so for many years. However, the UIA has recently developed a much more international outlook. English has been introduced and is used at least as much as French. Common law issues are discussed both separately and in comparative law contexts. Its current president is Ian Hunter Q.C. from England. The Australian Bar Association is a constituent member of the UIA.

The UIA recently held its 33rd Congress at Interlaken in Switzerland. I attended the congress as the representative of the Australian Bar Association. It was a memorable experience.

The Congress took place in a spectacular setting, seemingly at the foot of the Jungfrau. The sessions of the Congress were held in the Grand Hotel Victoria Jungfrau and in a nearby convention centre.

Over a period of three days, in large plenary sessions, and in small working groups, a variety of topics were covered. On the first day I listened with interest to a full days plenary session (with simultaneous translation) on New Trends in Tort. I went to the session with the expectation that I would hear reports about the current authority of Junior Books Ltd. v. Veitchi Co. Limited [1983] 1 A.C. 520 and similar matters. However, that was not to be. Instead, I heard an interesting debate about disaster litigation: the Piper Alpha Oil platform fire, the Pan American crash and so forth. What emerged from the debate was a new type of litigation: one that depends, at least from the defendant's point of view, as much upon media merit, as upon legal merit. The idea is that groups of plaintiffs, lead by a small, but very experienced, group of solicitors embarrass defendants and their insurers into making substantial offers of settlement in response to media publicity emphasising the "immorality" of large corporations associated with the disasters forcing plaintiffs to wait a substantial time for the hearing of litigation calculated only to procure their "just and obvious entitlement". I have the feeling that members of the Bar do not play a great role in this kind of litigation. A variation of the litigation occurs when there is some, albeit tenuous, link with the United States

of America. In those circumstances the litigation is commenced in the USA. The purpose here is to achieve what was described as a mid-Atlantic settlement, namely, one in which the compensation is half way between European levels of compensation and the damages that might be awarded by a jury in the United States. Recent Australian asbestos litigation and potential AIDS litigation suggests to me that there may be lessons for us in this European model.

Many other topics were covered at the Congress. I also attended sessions on international arbitration and trial practice, including alternative dispute resolution in the USA, and the use of video links in hearings. There were also sessions on intellectual property, banking and many other topics.

The social programme was first class. It ranged from a pleasant day travelling by the highest railway in Europe to the Jungfrauoch, to a luncheon concert by the celebrated chamber group, I Salonisti.

The Interlaken Congress was one of the best organised and most interesting conferences I have attended. Undoubtedly, English is not as dominant in UIA as it is in the IBA. Neither is common law thinking. However, the genuine opportunity to experience different systems of law and the cultures in which they operate more than compensates for this.

The UIA has a number of active committees in which members can become active. I am now the Vice-President of the Working Group on International Litigation.

The Strasbourg Conference will be held from 10-13 September 1990. I have brochures for it for anyone interested. I urge members, however, to consider joining the UIA, whether or not you are considering attending the 1990 Conference. Joining the UIA will give you an introduction to its activities and enable you to share, from Australia, in the activities of an important international legal body. It will also permit you to attend conferences of the UIA at a discount about equal to the cost of membership. The UIA has Conferences every year, always at interesting places, and seminars much more frequently.

If you are interested, write to me at 7/180 Phillip Street, Sydney (DX399).

No Early Opening

The Bar Association asked South Sydney Council to consider opening the Domain Parking Station from 6.00 a.m. The Council's response was that it was unable to vary the existing operating hours because of the "substantial increase in operating and implementing costs involved with earlier openings including, the costs to Council to amend the software which operates the parking equipment and the additional staffing requirements involved. □