

Motions and Mentions

Counsel Liability for Costs!

The Chief Justice has issued the following Practice Note:

"PRACTICE NOTE NO. 61
NOTIFYING COURT OF COMPROMISE, ETC.

The Supreme Court Rules 1970 have been amended by adding Part 33 rule 88 as follows -

8B The parties to proceedings commenced in the Court shall, where it is a fact that -

- (a) there is an agreement for compromise or settlement of the proceedings;
- (b) the proceedings are discontinued; or
- (c) an appearance or defence is withdrawn, forthwith notify the Registrar of the fact.

The observance of the rule is required so that only "live" cases are listed for call-overs, conferences and hearings.

It is the duty of counsel and solicitors to observe the requirements of the rule. They will usually be ordered to pay personally any costs thrown away by default in observance of the rule. " □

Law Council of Australia Federal Litigation Section

Membership of one or other of the various Sections of the Law Council of Australia provides a unique opportunity to practitioners through pro bono work to assist in the development of the Australian legal system and to promote the profession which serves it. The Federal Litigation Section is of particular interest to members of the profession who are involved in practice and litigation in federal jurisdictions (other than the criminal law and family law jurisdictions).

The Section was launched at the 1987 Perth Legal Convention by the Chief Justice of Australia, Sir Anthony Mason. The Federal Litigation Section represents the interests of lawyers practising in the federal jurisdictions (except family and criminal law). It provides a forum in which all members of the legal profession can make their views known.

Section members biennially elect an Executive to head the Section. The current Executive comprises Pat Dalton QC - Melbourne (Chairman), Justice Malcolm Lee - Perth, Tony Templeman QC - Perth, Chris Pullin QC - Perth, Alex Chernov QC - Melbourne, Garry Downes QC - Sydney, John Richards - Melbourne and Ron Ashton - Brisbane.

The Executive considers a wide range of issues including questions relating to rules of practice of the High Court and Federal Court; constitutional matters; tenure of appointments; industrial and administrative law legislation; costs; defamation and contempt laws. In addition, the Chairman participates in meetings of the liaison committees established as links between the Law Council and the High and Federal Courts.

Five important specialist committees assist the Executive. These are Administrative Law, Costs (Scales Review), Courts (Federal), Defamation Law and Industrial Law. They are constituted from members of the Section. The Committees have drafted numerous submissions which have been adopted by the Law Council and lodged with Government, the Administrative Review Council and other bodies as appropriate.

Members of the Section are kept informed of the activities of the Executive and Committees through the Section newsletter which is distributed to members quarterly.

The Section Executive invites members of the profession involved in federal practice and litigation to become members of the Section and to lend it their support and expertise.

For further information regarding the Section please contact Mrs. Val Basham-Mercer, Section Administrator, Law Council of Australia, GPO Box 1989 Canberra, or by phone on (062) 47.3788.

Fourth National Family Law Conference

The Fourth National Family Law Conference is to be held at the Gold Coast 18-21 July 1990. This will be followed by a Satellite Conference at Hamilton Island 23-24 July 1990.

The Conference has included for the first time the finals of the student moot competition which has been arranged in Australia and New Zealand and which is supported by the Law Council. A full court comprising the Hon. Justice Alistair Nicholson, Chief Justice of the Family Court, Australia; His Honour Judge Patrick Mahoney, Principal Family Court Judge, New Zealand; and His Honour Judge Michael Chrism, the Family Court, Hong Kong, will judge the Australasian final.

The Conference programme is specifically designed to deal with practical problems confronting Family Lawyers in all aspects of their practices. These issues shall be dealt with in a full programme blending plenary sessions with panel and practical application sessions. Key speakers have been invited from the U.S., New Zealand and Australia. Most speakers are new to the Australian scene and will provide exciting and stimulating sessions. An excellent social and accompanying persons' programme has also been arranged.

The Conference at Hamilton Island will include sessions on the role and objectives of the Family Law and Family Rights Section of Lawasia; the UN Charter on the Rights of the Child - its adoption, implementation and significance; and the role of Islamic Law in the Asian/Pacific region. Speakers for these sessions will include Professor Miran Siraj of the University of Malaysia and Mr. Brian Burdekin, the Australian Human Rights Commissioner. Other topics to be presented by overseas speakers will be on Adducing Fresh Evidence on Appeals; Enforcement of Custody Orders; The Hague Convention; and Appellate Advocacy.

To obtain a registration brochure or for further information contact: Ms. Gail Hawke, Capital Conferences, P.O. Box E345, Queen Victoria Terrace, Canberra A.C.T. 2600. Telephone (062) 85 2048 Facsimile (062) 85.2334. □

Law Foundation Travelling Fellowships

The Law Foundation of New South Wales is offering up to five travelling fellowships to people involved with the legal and justice systems, interested and capable of investigating and analysing developments or practices which could be helpful in N.S.W.

The Fellowships are awarded annually. Successful applicants will receive sufficient funds to meet the cost of air travel, ground transport, accommodation and meals.

Applications close on 31 July 1990. For further information, contact Terence Purcell, Director of the Foundation on 29.5621. □

Charitable Objects

Members of Ground Floor Windeyer Chambers raised over \$6,000.00 and purchased a Pulse Oximeter for The Childrens Hospital, Camperdown.

The Pulse Oximeter is a monitor which measures arterial haemoglobin oxygen saturation. It is completely non-invasive and reduces trauma to children undergoing surgery or in intensive care.

The project was co-ordinated by Dino Bertini in liaison with Mary Clarke of the Childrens Hospital Fund. The Floor members responded quickly and generously to the project, reaching their target in a few weeks. □

Law Conference: Sport and the Law

An International Law Conference to examine the powers and functions of the International Court of Arbitration for Sport. This is the Court in which the Australian pentathlete, Alex Watson, was reported last year as bringing appeal proceedings against his suspension arising out of the 1988 Seoul Olympics.

An International Law Conference which will be addressed by a member of the Court and which will bring together outstanding Australian and English speakers to examine and compare the importance and effect of law on the activities of sportsmen and women in Australia and England.

Scheduled for 20-25 January 1991, the venue is the Le Bristol Hotel, Villars, Switzerland, a four-star hotel with state of the art conference facilities and indoor swimming pool, squash court and gym and the conference will include a visit to the Court at Lausanne.

Attendance at these programmes will qualify N.S.W. legal practitioners for 10 MCLE UNITS respectively under the N.S.W. Law Society Mandatory Continuing Legal Education Scheme.

Because of the location, the necessity to finalise arrangements and the limited facilities, registration and accommodation bookings must be made by 31st July 1990. If space permits, subsequent registration will be subject to a late fee.

For further details including conference programme, list of speakers, registration form and information on accommodation available contact:

Ms. Anne Deighton	DX 377 SYDNEY
AZPH Pty. Limited	Telephone: (02) 232 8409
11/174 Phillip Street	Fax: (02) 232 7626
SYDNEY NSW 2000	

Loose Parts

It has been suggested to the Bar Council that loose parts of reports should be made available by senior practitioners to junior practitioners when the seniors have received their bound volumes, the idea being to make available to juniors reports which they might not be able to afford at an early stage of practice. It was suggested that the scheme be administered by the Bar Association, those senior members participating providing the loose parts for distribution by the Association staff. It was proposed that the juniors entitled to benefit from the scheme would be those up to 5 years' standing.

The Bar Council approves the scheme in principle, but has decided that the Association has neither the staff nor the facilities to administer the scheme. However, the Council commends to the individual floors - or perhaps groups of floors - the initiation of such a scheme for the benefit of their junior members. □

ILA Conference 1990

The 64th ILA Conference will be held at the Gold Coast during 19-25 August 1990. It will be preceded by a 2 day seminar in Cairns on 17-18 August dealing with environmental considerations. Topics at the Gold Coast Conference include Dispute Resolution in International Commercial matters, Regulation of International Capital Markets. To register, contact: The ILA 1990 Conference Secretariat, PO Box 226, Aspley, Queensland 4034. □

Win! Win! Win!

What is the moral of this story? Your editors are as fond of competitions as anyone else. We are offering a prize of one bottle of champagne for the discerning reader who provides us with the moral of this tale.

A solicitor whose accounts had been kept in a confused way, acting upon the advice of his counsel, refrained from giving evidence before the Solicitors Statutory Committee. He admitted the breaches and his counsel argued that the facts did not disclose professional misconduct. The argument failed and he was suspended from practice for a time.

He appealed. The Court of Appeal heard that the solicitor was anxious to enter the box and make a clean breast of things, and his only reason for not doing so had been counsel's advice.

Moffit P. led a unanimous Court in a scathing criticism of counsel, who was named, and whose advice he described as "incredible" and "unbelievably bad" and part of "an unfortunate course of events" making the case wholly exceptional and justifying orders upholding the appeal (with the appellant to pay the costs of the appeal), and for a new trial upon the same questions with or without amendment; *K.....v. Law Society of New South Wales N.S.W.C.A. U/R 11 December 1978.*

In April 1978 the solicitor had his wish. He entered the box, was cross-examined by M.J.R. Clarke Q.C. as he then was, and, on 1 November 1979 he was struck off: *Law Society Journal February 1980 p.7 at p.15.* □