

Conduct During Arbitrations

The Bar Council has had referred to it a number of cases in which there has been excessive familiarity between members of the Bar acting as District Court Arbitrators and other barristers appearing in front of them. In some cases this has caused embarrassment to clients, solicitors or opponents from the Bar itself.

Members of the Bar sitting as arbitrators or appearing before them are reminded that, while the procedure is obviously less formal than that which takes place in a courtroom, care should be taken to avoid excessive informality. This is particularly the case where one counsel only is particularly well-known to the arbitrator because informality in such circumstances can give rise to an appearance of partiality on the part of the arbitrator. "In-jokes" passing between the arbitrator and counsel for one party are quite inappropriate to arbitrations. □

ACT Supreme Court

Practice Direction No 2 of 1994 Queen's Counsel - Senior Counsel

1. This Practice Direction applies to persons admitted to practise in the Australian Capital Territory, or entitled to practise in the ACT under the *Mutual Recognition Act*, and who practise solely as barristers.
2. In view of the moratorium placed by the Australian Capital Territory Executive upon the further appointment of Queen's Counsel, the Judges have decided that barristers who have been appointed Queen's Counsel for the Commonwealth or for a State or for another Territory should be accorded recognition similar to that accorded to Queen's Counsel for the Australian Capital Territory.
3. Queen's Counsel from outside the Territory may continue to robe as previously and may use within the Territory the title of Queen's Counsel. However, the title "Queen's Counsel for the Territory" may be used only by persons appointed to that office.
4. Queen's Counsel from outside the Territory who wish to be accorded the recognition proposed should observe the courtesy of notifying the Court by writing to the Registrar informing the Registrar of the fact and date of the appointment relied upon and asking that the records of the Court be noted accordingly.
5. Barristers appointed Senior Counsel in New South Wales will be accorded similar recognition. Schemes similar to that in New South Wales will be considered as the occasion arises.
6. Precedence of practitioners continues to be governed by the *Legal Practitioners Act* and appearances are to be announced according to the precedence laid down in the Act. (Issued 17 March 1994). □

Advocacy Seminar in Singapore

On Saturday, 19 February, the Asian-Pacific Liaison Committee, in conjunction with the Singapore Law Society, organised a very successful advocacy seminar at the Oriental Hotel in Singapore. The participants were John West, Ron Sackville, Henric Nicholas (who presented a paper by John Sackar who was unable to attend), Brian Donovan and David Bennett. Geoff Lindsay, a member of the committee, accompanied the group and acted as team manager. All participants paid their own fares and hotel expenses.

Each barrister presented a paper on some aspect of advocacy. The occasion was sponsored by the Singapore Law Society and each session was chaired by a Singapore lawyer.

It had been expected that about 50 or so people might attend. The actual attendance was 350, all of whom paid \$Sing.100, so the Singapore Law Society made a large profit out of the occasion (a Singapore dollar is worth very slightly less than an Australian dollar). The attendance represented about 15% of the lawyers in Singapore.

The Committee had planned to make a small sales pitch for the New South Wales Bar at the end of the session and had been worried how to do this in a reasonably subtle way. This problem was solved because the Chairman of the last session, Michael Hwang, made a speech about us that was far more commercial than anything the participants would have dared to say. He described from personal experience how expensive English silks were and how moderate Australian silks were in comparison, and exhorted all those present (fortified by the performances they had seen) to brief Australian rather than English silks in the future. □ DMJ Bennett QC

Operation of Amendments to Legal Profession Act 1987 - Counsel's Fees

Part 11 of the *Legal Profession Act* 1987 will come into force on 1 July 1994. Among other things, the provisions of Part 11 have a significant impact upon arrangements as to fees between barristers and solicitors.

In recognition of the significance of these changes, the legislation contains a provision designed to enable barristers to preclude the operation of the amendments to work done or in progress up to 30 June 1994. This provision is as follows:

Schedule 8

"Barristers' costs"

42. Part 11, as substituted by Schedule 3 to the *Legal Profession Reform Act* 1993, does not apply to barristers' costs for which a fee has been marked or a memorandum of fees has been rendered before the commencement of that substituted Part."

This provision is specifically brought to the attention of all practising members so that they may decide whether to render a memorandum of fees in current cases on or before 30 June 1994. □