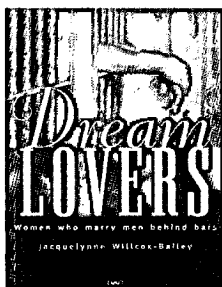


Book Reviews



Dream Lovers: Women Who Marry Men Behind Bars,
By Jacquelynne Willcox-Bailey,
Wakefield Press,
Kent Town, SA 1997
\$14.95

AS THE GREAT PHILOSOPHER Kant remarked, no straight thing can ever be carved from the crooked timber of humanity. This is an understatement. You'd think, for example, that educated middle class women would steer clear of drug addicted violent criminals, but this is far from being always the case. No notorious serial killer is without his female admirers, and many receive proposals of marriage.

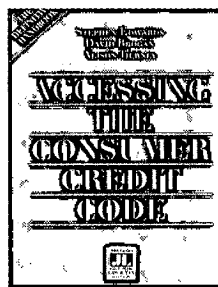
In this fascinating book, the author interviews middle class women who fall in love with prisoners: not the minor felons who predominate in any prison system, but murderers and the like. She also interviews the objects of their affections, and in fact gets to know them better than their lovers. She allows the interviews to speak for themselves.

Commentary, indeed, would be redundant. I thought I knew all about Man's capacity for self-deception, but some of the protagonists of this book left me agape. The most startling story is that of two evangelical Christian sisters, one of whom is brutally murdered by her loved one three days after his release, and the other is very nearly murdered by hers - he having been imprisoned for the murder of his first wife. Having waded in her sister's blood and her own, she still thinks it has all been a positive experience, which has drawn her and her attempted murderer closer together, emotionally if not physically.

What possesses women to behave in this fashion? For the prisoners, the advantages are clear: for the women themselves, less so. Perhaps they relish the role of saviour; they take pride in being non-judgmental, that is to say perverse and contrary in their judgements. At the heart of it all is grandiosity, a desire to be both different and important.

This is a short book, with no claims to 'scientific' status, but it repays careful reading by all those who are interested in the subject of human folly.

Reviewed by Dr Theodore Dalrymple



Accessing the Credit Code
By Stephen Edwards,
David Brogan and Alison
Tierney, FT Law and Tax
Melbourne Vic 1996
\$58.50

ALL PRACTITIONERS WILL have to be wary of the new Consumer Credit Code. It has every prospect of affecting many more areas of work than the previous legislation.

When it started on 1 November 1996, the new Code (part of a uniform national scheme) replaced the *Credit Act 1994*. The old legislation was really a matter of concern only for providers of non-business credit of under \$20,000.00. The new scheme has no financial limit. It affects credit for non-commercial purposes ('personal', 'domestic', 'household' or 'residential strata') and covers mortgages, consumer leases, guarantees and credit related insurance.

The jurisdiction covering the Code will remain primarily the New South Wales Commercial Tribunal, but it is only a matter of time before that Tribunal is swallowed by the proposed New South Wales Administrative Decisions Tribunal.

The new Act, and the Code to which it is annexed, make many changes. Credit is specifically defined (a debt created and then deferred), licensing is abolished, interest rates regulation is largely abolished and unjust contracts provisions are inserted. In particular, there is an over commitment provision. It provides relief where 'a credit provider knew ... or could have ascertained by reasonable enquiry of the debtor ...' that a debtor could not repay or repay without hardship.

Most people would need some help with the Code and this book certainly provides it. Its authors are well known in the field. They include one of our own, Sydney barrister David Brogan, well known in the Commercial Tribunal, in seminars on the subject and as a writer.

The book follows the Code but is far more than an annotated Act. The layout commences with the section of the Code, sets out relevant transitional considerations, provides an explanatory note and detailed comment, then deals with special issues arising from the section. Finally, 'relevant regulations' are

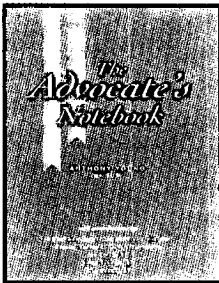
referred to, a table of 'related provisions' is set out and a heading called 'Practical Hints' is provided.

The tables of related provisions are particularly helpful and should save a great deal of research time. The practical hints, however, are especially useful. These bullet pointed sections must have used the considerable and varied experience of the authors under the prior legislation to show how the section is likely to operate and how its operation fits in with the scheme of the Act.

The book is well balanced with both credit provider and credit consumer in mind. It is written in a direct fashion and presents as a true handbook which is surprisingly readable. The layout is very good and contributes to the high level of accessibility to the material.

This is an excellent book. Given the scope of the Code, it is worth examining the book to ensure some awareness of the impact on residential mortgages, personal loans and non-business leases. The new Code could be quite pervasive. Softback 483 pages.

Reviewed by Jeremy Gormly



The Advocate's Notebook
By Anthony Young
Prospect Publishing,
Sydney NSW 1997
pb. \$55.00.

A CAREER AS AN AUSTRALIAN advocate is rather like being a committed traveller: where one goes, when, with whom, by what route, how and why, all being the result of some initiative, the blessings of experience, and good dollops of luck.

Formal legal education is the prerequisite to the passport to set out to practice, a passport which until very recently was clearly stamped valid here and here, but not anywhere else. We can be grateful that the national mutual recognition legislation has removed a few barriers, reduced the necessity for visas to go from one Aussie court to another.

However, there is another potent barrier to travel, even within the territory always covered by the passport to practice: without a guidebook about the customs peculiar to each judicial and tribunal domain the risk of embarrassment, gaffes, seeming ineptitude and incompetence is high. As Ian Barker QC neatly puts it, 'a practice book of helpful hints for the guileless lawyer in a strange land' would help.

Anthony Young's notebook is a useful start to Barker's project. For those new to advocacy, and without the benefit of the quality of guide or mentor that comes from good legal family connections or a broom cupboard space in the 'best chambers', it is much better to have this book than to be without it. From A to Z (well almost, Adjournment to Waiver actually) it is a useful collection of principles, citations, and timely reminders to ward off harm. At the very least it will arm the novice against early ulcers and frighten away

some of the spirits of despair which come to rejoice in the early hours as Dr Hindsight ruthlessly delights to revisit the avoidable mistakes of yesterday.

The publishing of this *Advocate's Notebook* in 1997 is both an achievement and a challenge. There is nothing new about compiling such a notebook: there is a charming novelty and generosity in deciding to publish it. As Anthony Young so disarmingly admits, 'it seems ... a notebook would be of value to other practitioners; more importantly, since I have retired, it cannot be used against me'. Sharing widely the wisdom born of experience is always an achievement in our competitive profession.

Hence the challenge lies in persuading a group, say just a dozen advocates of reasonable experience and seniority to produce the Advocates' Guidebook - the Michelin, the Fodor, the Lonely Planet of the litigation traveller. All that's needed to make a useful start is to take a day at a barrister's national conference, pool the experiences from some thousands of trials, distil the essential learning, chew over what's essential and what isn't to stay out of trouble, savour some witty anecdotes, and then set out to describe the journey from conference to prehearing, from prehearing to trial, to judgment, to appeal - not forgetting, of course, the all important spice of costs.

The notebook gives the profession some sketches, and very useful ones, from which to plan and produce the whole map. The notebook is alphabetical, so 'resulting trusts' and 'secondary evidence of contents of written documents' are side by side. The guidebook will approach topics from an advocate's strategic, planned perspective. It will use a computer generated index to provide alphabetical entry, but its flow will match the litigator's travel needs. Necessarily the notebook reflects the opportunities afforded to one traveller; the guidebook will reflect the experiences of many.

A really good advocates' guidebook, a comprehensive, up to date, easily used, star rating guidebook would go further than answering the instant dilemma: it would prevent the very events which lead to the despair; it would help the new advocate to make informed choices, to better plan the trip, and better to complete it. And, of course, like all good guidebooks it would invite comment from users so that successive editions could be improved.

With a little bit of luck the challenge that Anthony Young has given to the Bar will be quickly accepted. Meantime buy his notebook, scribble your own painful learning all over it, and wait for the Guidebook committee to call for suggestions.

Reviewed by Hugh Selby