

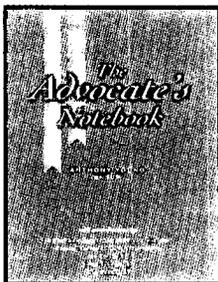
referred to, a table of 'related provisions' is set out and a heading called 'Practical Hints' is provided.

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