



City of Sydney Law Society



A Regional Society of the Law Society of NSW

April - May 2008

IMPORTANT LEGAL SEMINARS FOR THE BUSY PRACTITIONER

- FREE FOR MEMBERS -

Our Upcoming Seminars

- **9 April 2008** - Tips for Solicitors on the Uniform Civil Procedure Rules
- **16 April 2008** - Local Court Pleas Made Easy with Written Submissions and Tips and Tricks for the Motor Transport Legislation
- **23 April 2008** - The Duty to Maintain Strata Common Property
- **30 April 2008** - Industrial Relations Reforms – What next? Is New Zealand the New Answer?
- **7 May 2008** – Implied Terms in Contracts. The How Question?
- **14 May 2008** – Is Dragon the Answer?
- **21 May 2008** – Avoiding Risks in Conveyancing
- **28 May 2008** – Working with Counsel for Best Results
- **4 June 2008** – Small Firms Practice Forum – What Concerns You?

Seminars are Spot Talk Seminars; COMPLIMENTARY TO CSLS Members. They are held on Wednesdays at 5:30pm for an hour normally. Non-members are welcome but at a cost of \$25 if a Law Society Member and \$35 for non-members (unless otherwise specified). The Forum is free to all legal practitioners. **Refreshments provided and opportunity to meet like minded practitioners.**

APRIL 2008

- SAVE TIME -

TIPS FOR SOLICITORS ON THE UNIFORM CIVIL PROCEDURE RULES

Our speaker Mark Southwick, a very busy barrister, shares his considerable experience on frequently overlooked aspects of U.C.P rules

When: Wednesday 9 April 2008

Time: 5:30pm - 6:30pm

Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney (between Park and Bathurst Streets)

Speaker: MARK SOUTHWICK, Barrister, Blackstone Chambers

Chair: Ken Harkness, CSLS Secretary, 1 MCLE point

- SOURCE OF WORK -

LOCAL COURT PLEAS MADE EASY WITH WRITTEN SUBMISSIONS AND TIPS AND TRICKS FOR THE MOTOR TRANSPORT LEGISLATION

A practical talk by a barrister of 20 years experience, a former solicitor and a criminal law specialist, on making your pleas more effective

When: Wednesday 16 April 2008

Time: 5:30pm – 7pm

Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney (between Park and Bathurst Streets)

Speaker: KEN STEWART, an experienced barrister, Lachlan Macquarie Chambers

Chair: Anthony Restuccia, CSLS President 1.5 MCLE points

THE DUTY TO MAINTAIN STRATA COMMON PROPERTY

Common property repairs often involves large sums and high emotions. Disputes are frequent. Advising clients requires a good knowledge of the extent of common property and the "anti-slum" provisions of the legislation.

When: Wednesday 23 April 2008

Time: 5:30pm – 6:30pm

Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney (between Park and Bathurst Streets)

Speaker: MARCUS YOUNG, Barrister of considerable experience, University Chambers

Chair Ken Harkness, CSLS Secretary 1 MCLE point

- CHANGE AFFECTS US ALL -

INDUSTRIAL RELATIONS REFORMS WHAT NEXT? IS NEW ZEALAND THE ANSWER?

Work Choices are being scrapped, however many of the IR reforms proposed by the Rudd Government were debated in New Zealand in the late nineties as the newly elected Clark Government grappled with NZ's equivalent of Work Choices. The result was the Employment Relations of 2000.

Our experienced speaker, Georgina Gowland, will:

- give a snapshot of where Federal IR laws currently stand
- address the proposed substantive reforms particularly the National Employment Standards, and
- discuss the New Zealand experience, eg good faith bargaining, flexible working arrangements and a duty of mutual trust

When: Wednesday 30 April 2008

Time: 5:30pm – 6:30pm

Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney (between Park and Bathurst Streets)

Speaker: GEORGINA GOWLAND is undertaking post graduate studies in employment law at Sydney University and making submissions to Government on the proposed National Employment Standards. She has practiced in New Zealand and Hong Kong and was the Chair of the Human Resources Committee of the Australia and New Zealand Chamber of Commerce in Japan. Currently she chairs Workplace Practices Committee of Women Lawyers Association of NSW

Chair Gerard Dupal, CSLS Committee, 1 MCLE point

- KEEP UP TO DATE -

IMPLIED TERMS IN CONTRACTS – THE HOW QUESTION?

In the Naidu case (2007) NSWCA 377, the Trial Judge sought to imply new terms into the employment contract. Whilst the Court of Appeal did not accept the implied terms in this case, it raises the important question of implied terms in contracts.

Our guest speaker, Mr Gerard Meehan is an expert in this field of contractual law, including the contractual duty of good faith, and the related construction, evidence and precedent issues.

When: Wednesday 7 May 2008

Time: 5:30pm – 6:30pm

**Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney
(between Park and Bathurst Streets)**

Speaker: GERARD MEEHAN, a barrister of nearly 20 year experience involved in a wide variety of commercial and civil litigation in higher courts. He practises in Melbourne and Sydney (Blackstone Chambers)

Chair Peter Kelso, CSLS Committee 1 MCLE point

- TEST IT -

IS DRAGON THE ANSWER?

Members will have the opportunity to observe and participate in a demonstration of the very latest speech recognition software with a vocabulary specially designed for the Australian Legal Profession. It is a time saving machine – tried and tested for many years and acknowledged as the world's No.1. See separate brochure.

When: Wednesday 14 May 2008

Time: 5:30pm – 6:30pm

**Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney
(between Park and Bathurst Streets)**

Speaker: SCOTT WINSTONE, NSW Manager of Voice Perfect Systems

Chair Ken Harkness, CSLS Secretary 1 MCLE point

There are real benefits in attending

**- ESSENTIAL FOR
PROPERTY PRACTITIONERS -**

AVOIDING RISKS IN CONVEYANCING

Find out why conveyancing is the main area of claims to LawCover and the essential guidelines to avoid the errors leading to claims in the Supreme Court. Important decisions of the Court of Appeal will be considered.

When: Wednesday 21 May 2008

Time: 5:30pm – 6:30pm

**Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney
(between Park and Bathurst Streets)**

Speaker: MATTHEW DICKER, a barrister experienced in property claims and civil and commercial litigation. An Oxford University postgraduate (Blackstone Chambers)

Chair Peter Rosier, CSLS Committee 1 MCLE point

- 40 YEARS OF EXPERIENCE -

WORKING WITH COUNSEL FOR THE BEST RESULTS

Sooner or later, we all end up briefing Counsel. Much time can be wasted preparing a poor brief and misunderstandings can and do occur in working with barristers. Know the right way.

Our speaker Maurice May has been a solicitor for over 40 years conducting his own extensive litigation practice until recently. His knowledge and experience is considerable and practical.

When: Wednesday 28 May 2008

Time: 5:30pm – 6:30pm

Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney (between Park and Bathurst Streets)

Speaker: MAURICE MAY, a solicitor and now consultant to Slater & Gordon, Solicitors

Chair Anthony Restuccia, CSLS President 1 MCLE point

SMALL FIRMS PRACTICE FORUM - What Concerns You?

When: Wednesday 4 June 2008

Time: 5:30pm – 7:15pm

Where: Sydney Mechanics School of Arts, Level 1, 280 Pitt Street Sydney (between Park and Bathurst Streets)

Among topics to be considered we will discuss the crucial RIGHT TO KNOW - the effective use of SUBPEONAS and FREEDOM OF INFORMATION legislation discussed with experienced practitioners. Why is bullying still a problem? Is Law Society marketing effective? Substance abuse?

Do you have concerns about other matters? In law? In practice? In your office? Come and join us

Chair Gerard Dupal, CSLS Committe 1.5 MCLE points

FREE FOR ALL SOLICITORS

[REGISTER HERE](#)

Send an email to Ann Parisi at info@sydneycitylawyers.com.au
or complete the registration form and post or fax
to the address at the end of the registration form.

A tax invoice will be sent to you.

Register early, seating limited. Did you include a membership application?

REGISTRATION FORM (please tick your attendance)

9 April 2008 – Tips for Solicitors on the Uniform Civil Procedure Rules

CSLS Memb: Free; Law Soc Memb:\$25; Non Memb: \$35

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14 May 2008 – Is Dragon the Answer?

Free to members and non-members

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28 May 2008 – Working with Counsel for Best Results

CSLS Memb: Free; Law Soc Memb:\$25; Non Memb: \$35

4 June 2008 – Small Firms Practice Forum – What Concerns You?

FREE to members and non members

**NEW MEMBER. I wish to take up immediate membership of CSLS and include
my completed application form and the membership fee of \$80.00 (Group
discounts available, contact us for details). My membership will be valid until
30 June 2008, when a renewal notice will be sent to all members. There are
generally 4 meetings or seminars a month (except December - January)**

**I ATTACH A LIST OF NAMES OF ALL THOSE INCLUDED ON THIS REGISTRATION
FORM**

Prices are inclusive of GST. A tax invoice/receipt will be sent to you.

COMPLETE REGISTRATION DETAILS

Name: _____ Title: _____

Firm: _____

Address: _____

Phone: _____ Fax: _____

Email: _____ DX _____

PAYMENT METHOD: (please complete and forward by fax or post)

(TICK ONE)

Visa MasterCard Bankcard Cheque (Payable to City of Sydney Law Society)

I enclose payment of \$ _____

Credit card No: _____

Expires: _____ / _____

Cardholder name (please print): _____

Cardholder signature: _____

Please return this Registration Form with payment to:

City of Sydney Law Society (ABN 88 377 230 477)

GPO Box 1907, Sydney NSW 2001 Phone 9266 0012 Fax 9266 0062

Email info@sydneycitylawyers.com.au

For membership application, complete form and return with payment

NEW APPLICATION/RENEWAL OF MEMBERSHIP

complete and tick details below:

New Renewal

Full name: _____

Practising Non-practising

Law Society of NSW member? Yes No

Date of admission as Legal Practitioner: _____

Practising as: Solicitor Barrister Judicial officer

Firm Name: _____

Firm Address: _____

Private address: _____

Telephone: _____ Fax: _____

Mobile: _____

Signature: _____

Email: _____ DX _____

Please tick the box as appropriate

Individual Membership \$80

Group discount 10% (applicable when 3 or more solicitors from the same firm join together)

Newly admitted Solicitor (1-2 years) \$40

Newly admitted Solicitor (3-4 years) \$60

CHEQUE HEREWITH OR CREDIT CARD DETAILS COMPLETED ABOVE

Please tick this box if you do not wish to have your contact details listed on our publicly accessible website.

I am interested in having CSLS mini-website

FREE DEMONSTRATION SEMINAR

14 MAY 2008



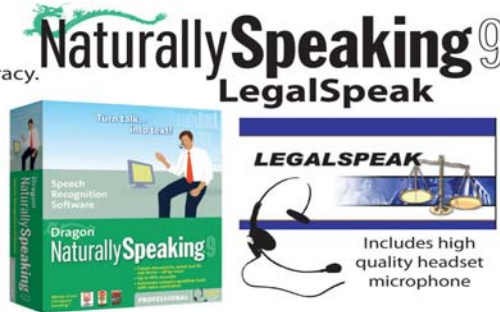
Voice Perfect Sydney
Suite 604, 301 George Street
Sydney, New South Wales 2000

Dragon NaturallySpeaking 9 Professional + LegalSpeak

This is your chance to get a 33% saving on the world's leading speech recognition software complete with the only vocabulary designed for the Australian legal professional.

- Create briefs, emails, legal opinions and other documents without using the keyboard.
- Dragon NaturallySpeaking 9 achieves up to 99% accuracy.
- Speech recognition allows you to create documents up to 4 times faster than typing!
- LegalSpeak contains thousands of terms used within the Australian legal system.
- Supports most popular programs, including Word, Excel, Outlook and more.

Only \$1,258 (inc. GST)
Save \$626



Olympus DS-4000 digital recorder + AS-4000 transcription kit

The Olympus DS-4000 is a top-of-the-range digital voice recorder designed for the professional; combined with the AS-4000 transcription kit you have a complete, portable transcription system.

- Includes a 32MB xD memory card, allowing over 11 hours of recording time.
- Supports xD memory cards up to 1GB in size (enabling 350+ hours recording time)
- Programmable buttons allow one touch operation.
- Features included voice activated recording, digital editing & automated file transfers
- The AS-4000 offers transcriptionists hands free operation.

Only \$1,098 (inc. GST)
Save \$150



These offers must end on Friday 30th May 2008, make sure you don't miss out!

Melbourne, Sydney, Perth,
Canberra, Adelaide, Brisbane
Auckland, Wellington, Christchurch

Phone +61 2 8270 9888
Fax +61 2 9299 0866

NEWSLETTER

President: Anthony (Rusty) Restuccia a_j_restuccia@yahoo.com.au

Mob 0419 698 753 Fax 9439 5914

Vice President: John Newton jnlaw@telstra.com

Treasurer: Nea Goodman nea.goodman@community.nsw.gov.au

Secretary: Ken Harkness k.harkness@kmhc.com.au

Secretariat: GPO Box 1907 Sydney 2001

Tel 9266 0012 Fax 9266 0062

Email info@sydneycitylawyers.com.au

www.sydneycitylawyers.com.au

President's Message

Annual Law Week Breakfast

Our annual Law Week Breakfast reflecting on "Alcohol, Adolescents and P.C.A" held on 31 March 2008 was again an enjoyable, well attended informative gathering at Wesley Centre under the friendly chairmanship of Justice Ruth McColl.

Our guest speaker A/Professor Starmer highlighted the risks caused by drugs and alcohol overuse in driving and difficulties in accurate drug testing.

Dr Stephen Jurd, a psychiatrist alerted us to the significance of the front lobe cortex in decision making.

We were honoured by the generosity of our three excellent guests.

Actions On Motions To The Law Society

On 22 February 2008 the President attended the Law Society's first Regional Presidents Conference for 2008.

The CSLS submitted 2 motions:-

The first was that the Law Society investigate action regarding advertising by the Public Trustee of "free Wills", on the basis that such advertisements are legally "false and misleading". This was amended by the meeting which "agreed that following feedback from the Conveyancing Advertising Campaign that a positive advertising campaign explaining the advantages of having solicitors prepare Wills, become Executors and arrange Probate be prepared in consultation with the Elder Law and Succession Committee. It was agreed that a positive campaign on behalf of solicitors would be more useful in countering the misleading Public Trustee Advertisement". A report is expected at the next meeting on 18 April 2008 to their resolution.

The second motion presented a recommendation the Law Society appoint an appropriately senior staff officer (in consultation with at least two

representative delegates of the Regional Presidents Meeting) to conduct a thorough major review of the role, function and resources of Regional Law Societies and to complete a report on this by 31 August, 2008".

The President of the Law Society, Mr Macken, believed that the review could be left to the CEO of the Law Society and accordingly the motion was amended to a "request that the CEO of the law Society conduct a review of the long term future of Regional Law Societies in respect of their roles, functions and resources to report for discussions to the Regional Presidents Conference to be held on Friday 20 June 2008". Carried.

This resolution is positive and worthwhile. Input is requested.

More News from the Regional Presidents Meeting

A discussion was held on the slow progress of the conveyancing advertisements being placed by the Law Society initially in the country areas and at major renovations to the Law Society Philip Street premises being considered.

Sole practitioners are now eligible for a 20% discount on application fees for specialist accreditation in the same way as that granted Government lawyers

Lawyers should note that vacancies presently exist for lawyers in Country regions. Interested? Contact me.

The Law Society is developing a Mental Health Education Program for lawyers having depression problems. Steve Mark, the Legal Services Commissioner wants lawyers to declare their mental health fitness annually.

A salutary article on the further reductions in an accused person's former rights is contained in the Law Society Journal for April 2008, page 60. It is also expected that the APEC Temporary Laws will be made permanent. Our CSLS Seminar on 19 March exposed the unwarranted trend towards a "police dominant" State.

Life Membership

Solicitors who have been or know of those who have been practising in the CBD for 30 years or more should contact me urgently.

2008 Renewals - Urgent

Unfortunately some members have forgotten to renew their current year's subscription. Please renew. It will greatly assist us.

The Dragon is free!! A free demonstration of the Dragon Naturally Speaking 9 speech recognition software will be presented on 14 May 2008.

Succession Act, 2006

The CSLS is arranging a Seminar. See article in the Law Society Journal, March 2008.

With every best wishes to you all,

ANTHONY RESTUCCIA
President

For Your Information

MINI WEBSITES FOR CSLS MEMBERS

Our Society is offering to host low cost "mini-websites" to sole practitioners, members and those firms where at least one partner is a member.

The cost is \$250 (plus GST) to establish and \$100 (plus GST) per year after the first year. The service will include:

- Home page (in one of 3 standard templates)
- Contact Us page (with an email sending option)
- About Us page Up to 2 pages – basic text and photos (not complicated)
- Up to 6 updates per year provided they are text changes only or otherwise not extensive

This charge would NOT include:

- Alternative templates Changes in template graphics or templates generally
- More than 2 extra pages Major or frequent changes
- Online forms Search function Other Links page

If you are interested, email our Website Editor, Ken Harkness, on k.harkness@kmhc.com.au or contact President Anthony Restuccia, Tel 0419 698 753 or 9438 5143

PRACTICE AND PROCEDURE CHANGES

Federal Magistrates Court

Commencing from 1 March 2008 the Federal Magistrates Court will adopt the same process as the Family Court - Compulsory Family Dispute Resolution - applications for orders under Part VII of the Family Law Act. Thus certificate required at point of filing unless exemption granted by Registrar. See Practice Direction at <http://www.fmc.gov.au/practice/hmtl/012008.html>

Copyright Council of Australia - Training Program 2008 17 June 2008, Sydney

Copyright essentials (\$115 - 11am - 1pm)

Creators Reputation Rights (\$95 2- 3:30pm)

Recent Developments (\$80 4 - 5pm)

19 June 2008, Sydney

Websites (\$150 2 - 5pm) covers getting clearances, liability for infringing material, links and linking web 2.0, copyright and user generated contents, latest cases on online contracting

Contact: Australia Copyright Council PO Box 1986 Strawberry Hills ph 8815 9777 or info@copyright.org.au

NEW PUBLICATIONS

Queensland Law Society has recently published two useful guides - downloadable from LSQ Homepage.

Information Kit for Multi Disciplinary Partnerships (version 5) (10 pages)

Information Kit for Incorporated Legal Practices (version 5) (19 pages)

Profitability and Law Firm Management - 2nd Ed (published 27.2.2008) (192 pages). By Andrew Otterburn. Price £44.95 (order from LS England and Wales)

Guide to improving profitability and efficiency of law firms - strategic management and financial accounting perspectives, insights from leading law firm managing partners, new case studies, impact on Legal Services Bill (UK), key figures and benchmarks from recent Law management Section Financial Benchmarking Surveys (UK), CD Rom of Lexcel self assessment forms and practice management standards, department business plans, partner perceptions questionnaire and questionnaire for staff, fee earners and partners, excel spreadsheets (easily customized) for financial management

Directory Of Solicitors And Barristers (UK)

Compiled from the Law Society of England and Wales database of solicitors practicing certificate, firms, barristers chambers, international solicitors, Law Society panels and more.As at July 2007 over 2,000 pages. Price £94.95. order from LS England and Wales

A NEW CASE OF INTEREST

DPP v Yigit (2008) NSWSC 35

Notices of suspension from the Roads and Traffic Authority were ambiguous specifying two inconsistent periods of suspension. It was held this was more than an "error of supererogatory explanation" as the notice must comply with statutory requirements and accordingly, the Magistrate's decision in dismissing the charge of driving whilst suspended was upheld by the Supreme Court

PRO BONO WORK

Anthony Restuccia, President City of Sydney Law Society was one of the main speakers at the Pro Bono Reception given by the Law Society for its Pro Bono Scheme Panel of Solicitors.The longest serving member, he detailed some experiences and offered the S.O.S (acronym) of the pro bono practitioners, the same to all with head ruling heart, avail the opportunities, and have a survivorship strategy."it is not glamorous work" he said "but it is personally rewarding".

He expressed opposition to moves by the Commonwealth Attorney General, to make pro bono work mandatory for all lawyers wanting to do Government work, a view similarly held by the Law Society President, Hugh Macken

- REMEMBER -

Small Firms are the backbone of the Law Society

- VERY URGENT -

Downing Centre Local Court Pro Bono Duty Solicitor Roster

Solicitors are invited to join the Roster and attend once a month

Inquiries: Anthony Restuccia Tel 0419 698 753

**Your Regional Law Society Serves You
Support your Regional Law Society**

**Email us your ideas and opinions
Attend our functions**

Send a letter to us

Invite others to join

Enquiries

City of Sydney Law Society Inc

Email info@sydneycitylawyers.com.au

GPO Box 1907 Sydney NSW 2001

Tel 9266 0012 Fax 9266 0062

www.sydneycitylawyers.com.au

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