

## Seminars

Obtain your CLE points NOW in areas relevant to your practice, keep up to date on Legislation, problem areas and possible solutions, Court of Appeal trends from senior and pre-eminent practitioners.

The CSLS offers CLE as a service to its members at very modest cost recovery prices.  
Refreshments provided and opportunities to meet like minded professionals.

**Seminars cost \$44 for CSLS members, \$55 for Law Society of NSW members, \$66 for non-members** (unless specified otherwise).  
**Register here to attend any seminar or event, a tax invoice will be sent to you.**  
Or contact Marianne on ph 9453 3511, fax 9453 3522, email [csls@optusnet.com.au](mailto:csls@optusnet.com.au).

**Venue for all seminars:** Sydney Mechanics School of Arts, Lvl 1, 280 Pitt St. Sydney (b/w Park & Bathurst)

### JUNE

**15 June 5.30 pm** **Uniform Civil Procedures Bill and Courtlink**  
CSLS has resolved that CLE fundamental to practice should be provided to members at cost recovery only.  
Cost for this seminar: \$22 for CSLS Members  
\$44 for Law Society of NSW Members  
\$55 for non-members.

**A must for all Solicitors!**

A practical overview of the Legislation, which consolidates civil procedure provisions. What are the new procedures and forms, and what remains unchanged (Probate, Admiralty).

CourtLink - providing centralised information, processing and retrieval for the NSW Supreme Court, District and Local Courts, Children's Court and the Sheriff's Office.

**Jenny Atkinson**  
*Strategic Policy Unit, Attorney General's Department*

**Stephen Olschlager**  
*Policy Manager, Legislation & Policy, Attorney General's Department*

Chair: Anthony Restuccia, CSLS Vice-President

**21 June 5.30pm** **Time of the essence clauses and relief against forfeiture pitfalls for conveyancers**  
Cost for this seminar: \$44 for CSLS Members  
\$55 for Law Society of NSW Members  
\$66 for non-members.

- Important principles to be applied when issuing a notice to complete
- The impact of not making a claim for compensation under standard clause 6 and 7
- What to look out for to protect your client against forfeiture of a deposit

**Stephen Climpson**  
*Barrister, Wentworth Chambers*

Chair: Nea Goodman, CSLS Treasurer

**28 June 5.30pm** **Guideline Judgements for high range drink driving**  
Cost for this seminar: \$44 for CSLS Members  
\$55 for Law Society of NSW Members  
\$66 for non-members.

Detailed analysis of the guideline judgement in respect to high range PCA. Including discussion about the following issues:

- Is the judgement binding?
- Positive features of the judgement
- How to do an effective plea in a high range PCA offence.

**Lionel Rattenbury**  
*Partner, Armstrong Legal*

Chair: Anthony Restuccia, CSLS Vice-President

**29 June 5.30pm** **Superannuation - what you have to know**  
Cost for this seminar: \$44 for CSLS Members  
\$55 for Law Society of NSW Members  
\$66 for non-members.

- Basis for Super choice
- Who is eligible?
- What employers have to do
- Which records apply
- Does the award allow making a choice?
- Co-contributions

**Paul Morris**  
*ATO Super Choice Program*

Chair: Anthony Restuccia, CSLS Vice-President

### JULY

**6 July 5:30-7:00pm** **Updating your Disclosure and Costs Agreement to comply with the Legal Profession Act 2004**  
CSLS has resolved that CLE fundamental to practice should be provided to members at cost recovery only.  
Cost for this seminar: \$22 for CSLS Members  
\$44 for Law Society of NSW Members  
\$55 for non-members.

**non-**

- The Act is likely to commence on 1 July 2005 and will affect all new matters after that date.
- The requirements for additional disclosure, exceptions to disclosure, changes to costs agreements, uplift fees and the effect of disclosure.
- Practical strategies on how to meet the new requirements.
- Billing and new time limits.
- Bring your existing disclosure or costs agreement for a practical approach to where amendments need to be made.
- Opportunities for discussion and questions.

**Phillipa Alexander**  
*Director Costs Partners*

Chair: Nea Goodman, CSLS Treasurer

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### NOTE OUR FOCUS GROUP MEETINGS AT THE END OF THIS NEWSLETTER

## Newsletter

**President:** Victor Berger [vberger@legalmmb.com.au](mailto:vberger@legalmmb.com.au)  
**Vice President:** Anthony (Rusty) Restuccia Mob. 0419 698 753  
**Treasurer & CLE Convener:** Nea Goodman [nea.goodman@community.nsw.gov.au](mailto:nea.goodman@community.nsw.gov.au)  
**Secretary:** Brian Maher [bmaher@pt.nsw.gov.au](mailto:bmaher@pt.nsw.gov.au)

**Secretariat:** c/MBB, 154 Elizabeth St, Sydney NSW 2000: DX 11606 Sydney Downtown  
Ph 9453 3511 Fax 9453 3522 Email [csls@optusnet.com.au](mailto:csls@optusnet.com.au)

**Presidents Message**  
I attended the Regional Presidents Meeting on Friday 22 April 2005. The Regional Presidents were addressed by the General Manager of Law Cover, representatives of Specialist Accreditation, Young Lawyers, LAP (Lawyers Assistance Program) and the Attorney General's Department in respect of CourtLink, eServices, Uniform Procedures. One hour was allocated for the regional presidents to have a general discussion amongst themselves. For its part the Law Society updated the Regional Presidents on voluntary membership, The National Legal Profession Model Law, Professional Standards Legislation, Money Laundering, Vendor Duty, eLodgement, Workers Compensation Costs Review, Child custody, Bill of Rights (private members bill, NSW), ATO - auditing of solicitors compliance.

The Regional Presidents rejected the CSLS motion on the carrying forward of surplus CLE points for 12 months. The Regional Presidents also raised the issue of opportunities to confer and interact with Law Society Elected directors.

I take the opportunity of thanking Kerrie Leotta, barrister, for stepping in at short notice for Glen Miller, SC, on Security for Payment at CSLS in April 2005.

In my discussions with other Regional Presidents, it is apparent to me that there is a lack of general knowledge as to the constitution of the Law Society, our governing body and its role. I propose therefore from time to time to publish information as to the functions, accounts, and directors generally. Each year members of the Law Society of NSW, and incorporated body, under ASIC elect directors, commonly referred to as councillors. Directors, under the constitution are elected as either CBD, suburban, country, Big Firm, Government, Corporate or "ordinary" directors. The allocation of director's positions reflect the make up of the legal profession, which is (as at April 2005):

Private Practice	14,095	70.4%
Government	2,115	10.6%
Corporate	2,929	14.6%
	20,018	

There is an overlap of Government and Corporate into Suburban solicitors 5,929 (29.6%), country 2,719 (13.58%) and City Solicitors 10,443 (52.2%).

**Victor Berger**  
**President**

**Court of Appeal Decision - Professional Conduct**  
**The Council of the Law Society - v - Graham [2005] NSWCA 127 (24.3.05)**  
The Court of Appeal held it is not necessarily professional misconduct to fail to provide the Law Society with an Accounts Report when renewing a practicing certificate and the appropriate remedy for the Law Society is to refuse to renew the Practising Certificate until the accounts are produced. As a practical matter, such failure could lead to the appointment of a manager to a Legal Practice!

**Legal Profession Act, 2004 (effective date anticipated to be 01.07.05)**  
CSLS members are urged to make themselves familiar with the Act assented to in December 2004, all 475 pages of it! The LPA 2004 makes significant change to the cost disclosure regime and will require amendments Cost Disclosure Agreements and letter of engagement to clients. One of the changes is that the words "Law Practice" is to appear on all trust cheques.

**CONTRACTS FOR SALE OF LAND**  
are returned for CSLS at discounted prices.  
Contact Kristan at L Rundle & Co on 9299 1828.  
Email [kmorris@rundle.com.au](mailto:kmorris@rundle.com.au)  
**Support your Regional Law Society**

**Guide to FSR & Legal Practice**  
The Law Council of Australia has published **Guide to FSR & Legal Practice** (48 pages), which is a comprehensive web based guide to assist the legal profession prepare for the new Financial Services Reform provisions. The Guide has links to relevant ASIC policy statements and guides such as *Licensing: The scope of licensing regime: Financial product advice and dealing - an ASIC Guide*, and *AFS Licensing Kit*. Individual lawyers may need a financial services license in respect to the provisions which came into operation from 11 March 2004. The Guide is an essential tool for legal practitioners and is designed to outline the impact that the licensing regime will have on the legal profession and assist practitioners comply with the legislation. The Guide can be accessed at [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au), follow the links to the guide.

**Tax: Basic Capital Gains Tax Issues for Legal Practitioners Guide**  
The Guide will assist lawyers to advise clients about CGT. Access the Guide at [www.ato.gov.au](http://www.ato.gov.au) (select "For Tax Professionals", on the drop down menu select "Your Tax Practice", then "industries and business types" then "industries, then "Legal practitioners essentials" then "Capital gains tax information", then "Basic CGT and tax issues for legal practitioners".

**National Practice: Professional Indemnity Insurance**  
Professional Indemnity insurance is part of the National Practice project, although not yet incorporated into the Model Provisions. Insurance is compulsory to hold a practicing certificate but the terms which the insurance must meet, the policies it is provided by and the means by which cover is available, vary between States and Territories. Work is being undertaken by the Law Council to harmonise standards of insurance between jurisdictions for the benefit of lawyers and consumers of legal services, simplify compliance and administrative requirements for interstate firms and lawyers who provide legal services across jurisdictions and to achieve reforms balancing adequate consumer protection against negligence, and ensuring stable, affordable PI cover for lawyers. Want to know more? Contact the Law Council of Australia at [mail@lawcouncil.asn.au](mailto:mail@lawcouncil.asn.au).

**Australian Institute of Administrative Law**  
The Australian Institute of Administrative Law focus is State and Commonwealth Administrative Law. The NSW Branch holds seminars from time to time and publishes a quarterly journal. There is an annual conference held at rotating capital cities. Membership inquiries to Pam Madafoglio, NSW Branch Secretary 9921 2490, or [pamela.madafoglio@minterrellison.com](mailto:pamela.madafoglio@minterrellison.com).

**Harvard Leadership Program 3-8 July 2005**  
One week of residential executive program presented by Professors from the Harvard Business School offering managerial and analytical tools for developing appropriate strategic responses. Contact 9247 2490 or email to [consult@andersonknight.com.au](mailto:consult@andersonknight.com.au).

**Uniform Civil Procedures Bill**  
Makes significant changes to practice across the Local Court, District Court and the Supreme Court. Members are urged to attend the CSLS CLE on the Uniform Procedures Bill. The CSLS believes that CLE on matters fundamental, essential to the practice of law should be at minimal cost to members. CLE on this topic is within those parameters.

### FOCUS GROUPS

**A criminal Law Focus Group** is proposed and expressions of interest are called for. Contact Nea Goodman or Anthony Restuccia direct (contact details above).

**CSLS Intellectual Property, Copyright, Trade Marks & Patents Focus Group**  
The first meeting of the IP Focus Group is set for **Tuesday 19 July 2005 from 1pm-2pm** at the offices of Milne Berry & Berger, Ground floor, 154 Elizabeth Street, Sydney. Speakers will be **Ian McDonald** of the Australian Copyright Council and **Paul Blanket** of First Impressions. Members interested in attending should contact the CSLS Secretariat on [csls@optusnet.com.au](mailto:csls@optusnet.com.au). Light refreshments will be served.

**Immigration Focus Group**  
The first meeting of the Immigration Focus Group will be held on **Thursday 28 July 2005 from 12.30pm to 1.00pm** at the offices of Milne Berry & Berger, Ground Floor, 154 Elizabeth Street, Sydney. The speaker will be **Peter Bollard** of Peter Bollard & Associates. Members interested in attending should contact the CSLS Secretariat on [csls@optusnet.com.au](mailto:csls@optusnet.com.au). Light refreshments will be served.

**CSLS Meetings**  
Meetings are generally held on the third Tuesday of the month. Members are invited to attend and raise issues for discussion. Contact the secretariat for meeting locations.

City of Sydney Law Society Inc | Email [csls@optusnet.com.au](mailto:csls@optusnet.com.au)  
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