



City of Sydney Law Society



A Regional Society of the Law Society of NSW

18 October  
2005

## 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)

### NOVEMBER '05

#### Crime: A practical guide: Pleas to sentence in the Local Court

**When:** Tue 8 November, 5:30pm to 7:00 pm

**Where:** Sydney Mechanics School of Arts, Lvl 1, 280 Pitt Street, Sydney

**Speaker:** **MAGISTRATE ROGER BROWN**

This is your opportunity to find out how to keep the bench interested in your plea, incl.

- Sentencing options
- Reference and written submissions
- Advice to clients before pleading guilty
- s. 21A aggravating and mitigating factors

Chair: Nea Goodman, CSLS Treasurer

#### Conflict of Interest for Lawyers

**When:** Tue 15 November, 5:30pm to 7:00 pm

**Where:** Sydney Mechanics School of Arts, Lvl 1, 280 Pitt Street, Sydney

**Speakers:** **BRUCE McDERMOTT**, Law Cover

**STEVE MARKS**, Legal Services Commissioner

Don't miss this opportunity to hear the latest case law relating to conflict of interest for lawyers.

Background:

Solicitors acting in a "perceived" or "potential" conflict situation was a topic of interest arising out of the HIH Royal Commission. As a result, the Legal Services Commissioner expressed a view that the public's perception of legal practitioners acting in conflict of interest situations was damaging the profession's reputation and perhaps the current

principles needed review. A working party met on several occasions and a report was released late last year, and the new principles will be discussed at this seminar, including how it relates to recent case law.

Chair: Nea Goodman, CSLS Treasurer

## Costs Disclosure, Cost Agreements

**CLE Fundamental to legal practice is provided at minimal cost to CSLS members as a service. This seminar costs just \$22 for CSLS members, \$33 for Law Society of NSW members, \$44 for non-members.**

**When:** Wed 16 November, 5:30pm to 7:00 pm

**Where:** Sydney Mechanics School of Arts, Lvl 1, 280 Pitt Street, Sydney

**Speakers:** **PHILLIPA ALEXANDER**, Costs Partners

**PETA SOLOMON**, Costs Partners

This seminar will cover:

### **Solicitor Client Costs:**

- Review of disclosure and costs agreements under the Legal Profession Act 2004 incorporating the amendments to the Act and Regulations.
- Billing requirements
- Effective time recording and benchmarking.

### **Party Party Costs:**

- Changes to party party assessment
- Obtaining the best costs order for your client
- Interest on costs.

Also, comparison of cost regimes in NSW and other states.

Chair: Nea Goodman, CSLS Treasurer

## Annual Dinner

**When:** Thu 17 November, 6:30pm: Pre dinner drinks, 7:00pm: Dinner

**Where:** Swissotel Sydney, 68 Market Street (above Myers).

**Cost: \$85 per person**

**Guest of Honor: Chief Justice of NSW, The Hon JAMES J SPIGELMAN**

Join us for this festive event, where we will honor our Past Presidents.

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Or contact Marianne on ph 9453 3511, fax 9453 3522, email [cls@optusnet.com.au](mailto:cls@optusnet.com.au).

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

# Newsletter

**President:** Victor Berger [vberger@legalmbb.com.au](mailto:vberger@legalmbb.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:** PO Box 523, Forestville NSW 2087 Ph 9453 3511 Fax 9453 3522 Email [csls@optusnet.com.au](mailto:csls@optusnet.com.au)

## *Presidents Message*

### **Law Society Elections - Make your vote count**

The Law Society Ballot closes on 24 October, 2005 at 4pm. Traditionally only a small percentage of members vote. Before you abandon the opportunity to make your vote count, consider the recent articles in Friday's Australian.

If you have lost your ballot paper, a fresh one can be obtained from Charles Cawley, Secretary of the Law Society of NSW on 9926 0333.

CSLS supports and recommends to you, its executive members standing for election to the Law Society Council, because they have exhibited outstanding commitment in the service of CSLS over many years. Their collective dedication has served CSLS and you, its members, well. They will continue to exhibit these qualities when elected to serve you on our governing body, the Law Society Council. I urge you all to vote

**NEA GOODMAN**, Past President, current Treasurer  
**ANTHONY RESTUCCIA**, Vice President  
**PAMELA SUTTOR**, Past President

### **CSLS Annual General Meeting: 17 November 2005 at 5:30pm**

The CSLS AGM will be followed by the Annual Dinner.

Date: Thursday 17 November 2005, 5.30pm  
Venue: Swissotel, 68 Market Street, Sydney (above Myers).

Members are invited to nominate for positions on the CSLS Committee - fresh blood, new ideas and committed workers are welcome. Contact CSLS secretariat for nomination forms.

The AGM is followed by our annual dinner. This year, the **Chief Justice of NSW, His Honour James J Spigelman**, will be our speaker and Guest of Honour. I look forward to seeing you all there. Book your ticket now for just \$85 (use the "register here" link above or express your interest by return email).

**Victor Berger**  
President

City of Sydney Law Society  
**Annual General Meeting**

**When: Thu 17 November, 5:30pm**  
**Where: Oak Room, Swissotel, 68 Market Street, Sydney**

## CALL FOR NOMINATIONS

Members are invited to nominate for positions on the CSLS Committee, please request a nomination form from the Secretariat on [csls@optusnet.com.au](mailto:csls@optusnet.com.au) . Nominations must reach the Secretariat no later than 5pm on 11 November 2005.

### **Forum Report**

#### **Small Firms Forum**

The Small Firm Forum met as usual on the second Monday of the month. Issues raised on 10 October 2005 included the difficulty in complying with the Legal Profession Act, 2004 in respect to Cost Disclosure and Costs Agreement. It was observed that there are exemptions from the draconian disclosure requirements in respect to publicly listed companies and repeat clients.

It was also observed that the Act whilst providing that failure to comply with the Costs Regime of the Act means that the cost agreement is not enforceable, there is no provision for "*a substantial and genuine compliance*" to allow enforcement "*for a quantum merit claim for work done.*" In addition the cost of assessment of bills, and inconsistent assessors were discussed.

#### **Electronic Conveyancing in NSW**

A National Electronic Conveyancing System (NECS) is being developed. A national office has been established and Simon Libbis (until recently Registrar-General of South Australia) has been appointed executive director. The National Office has opened, operating at level 40, 140 William Street, Melbourne. The website is [www.necs.gov.au](http://www.necs.gov.au) . An interim steering committee has been established comprising representatives of inter alia the NSW Department of Lands and the Victorian Department of Sustainability & Environment. National Consultation forums will be established. Work on how risk should be shared among stakeholders will be considered in respect to the National Business Model together with compliance issues and regulatory requirements. A pilot is to be tested in Victoria shortly.

Questions on electronic conveyancing in NSW can be directed to the form at [www.lands.nsw.gov.au/ECNSW](http://www.lands.nsw.gov.au/ECNSW) .

#### **Chief Justice's Speech on Tort Reform - London**

The Chief Justice James Spigelman addressed the 14th Commonwealth Law Conference in London recently. His speech, "*Negligence: Is recovery for personal injury too generous?*" highlighted:

*"NSW reforms go well beyond anything that was recommended and occurred without a full appreciation of the extent to which judicial attitudes had already changed and were changing. A number of persons, including myself, have indicated that in various respects the statutory changes have gone too far.... Modest reduction in premiums that has occurred to date, contrast with the insurance company profits and their escalating share prices.... legal practitioners and their representative organisations have emphasised that many people with serious injuries are no longer able to receive any or adequate compensation..."*

Full text available at [www.lawlink.nsw.gov.au/sc](http://www.lawlink.nsw.gov.au/sc) (under Speeches)

District Court, Sydney Filing Statistics as cited in the Chief Justices' Speech:

#### **As at 30.6 - Filings**

2000/2001 - 17,500

2001/2002 - 19,000

2002/2003 - 8,500  
2003/2004 - 6,500  
2004/2005 - 5,500

**CONTRACTS FOR SALE OF LAND**  
are available from CSLS at discounted prices.  
Contact Kristan at L Rundle & Co on 9299 1828.  
Email [kmorris@lrundle.com.au](mailto:kmorris@lrundle.com.au)

**Support your Regional Law Society**

### ***Queensland - Independent Solicitor Certificate and Checklist***

The Queensland Law Society observing recent litigation against practitioners in South Australia published a checklist, and reminded practitioners to give detailed advice to clients and keep accurate file notes. The Independent Solicitor Certificate and Checklist for Solicitors can be downloaded at

[www.qls.com.au/wse/lwp/wcm/connect/QLS/For+the+Profession?resources+for+P...](http://www.qls.com.au/wse/lwp/wcm/connect/QLS/For+the+Profession?resources+for+P...) (or just see QLS site at Resources.

The QLS site also has downloadable REIQ Contracts for

- House and Land Contracts (Fifth Edition)
- Standard Conditions
- Commercial Land & Buildings Contract (Second Edition GST reprinting)
- Residential Lots in a Community Titles Scheme
- Commercial Lots in a Community Titles Scheme (First Edition)
- REIQ Disclosure Statement

### ***UK Professional Indemnity Insurance - Reductions 2005***

The Law Gazette, reported on 6 October 2005:

*Indemnity insurance premiums dropped by up to 1/5 in 2005 (although some firms involved with the Accident Group were turned away by insurers.) The fall in premiums came despite a doubling of the minimum indemnity cover with some firms receiving the extra \$1 million of cover required free. A further change was the minimum level of insurance rose to \$2 million and \$3 million for limited liability partnerships. Changes to the aggregation clause also meant many firms needed to buy top up layers of cover because of multiple claims stemming from the same risk will be treated as one higher value claim.*

*But a competitive market with more insurers entering the market for the first time meant most firms saved money, even though many were required to buy additional cover.*

(see Breaking News: Premiums fall, but TAG firms hit by Rachel Rothwell.  
[www.lawgazette.co.uk/news/breaking/view+newsarticle.law?GAZETTENEWS](http://www.lawgazette.co.uk/news/breaking/view+newsarticle.law?GAZETTENEWS) )

### **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.

**The CSLS gratefully acknowledges the support of the Commonwealth Bank**