Monday Briefs | 6 September 2010 | Issue 297

A weekly update on regulatory changes, events and information relevant to the legal profession

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NEWS

Law Society's response to the national legal profession reform consultation

The public consultation on the proposed national legal profession reforms finished on Friday 13 August 2010. This marked the close of a three month period during which the draft National Law and Rules were subject to comprehensive scrutiny by the Law Society of NSW, including all policy and regulatory committees.

The Law Society of NSW has also worked closely with all constituent bodies of the Law Council of Australia, and many of the issues raised in the Law Council's submission reflect the concerns of Law Society members.

The Law Society of NSW has consistently expressed its support for national regulation of the legal profession which is effective and affordable, and which provides for the consistent application of national standards at a State and Territory level.

While elements of the proposed scheme move regulation closer to this goal, there are other elements which need to be reconsidered. Importantly, the Law Society is keen to ensure that the proposed reforms do not add any unnecessary regulatory burden to solicitors and practices. There is also continuing uncertainty about funding of the new system which will only be alleviated when the Taskforce publishes its funding proposals.

Read the Law Society's response to the national legal profession reform consultation.

It is anticipated that the National Legal Profession Reform Taskforce will report to the Standing Committee of Attorneys General and the Council of Australian Governments with its final recommendations before the end of the year.

New service for members to improve profitability

To help practices improve their performance and profitability, the Law Society and consulting firm FMRC Legal have combined to bring the new Legal Business Monitor to the NSW legal profession.

The Legal Business Monitor is an easy-to-use online benchmarking application specifically designed for law practices.

Just enter data from your practice and set your benchmarks to view immediate results on a range of performance factors, such as the productivity of fee earners or the competitiveness of your charge rates.

More information, including annual subscription options, can be found on the Legal Business Monitor page of the Law Society's website. Discounts are available for Law Society members.

Law Society Standing Committees 2011 – Invitation

Solicitors practising in New South Wales are invited to submit expressions of interest for membership of 2011 standing committees for one year from 1 January 2011.

View the eligibility criteria, the list of committees and expression of interest form.

Completed forms must reach the Society no later than close of business on 29 October 2010.

Nominations for the 2010 President's Medal close 1 October

The President's medal is an annual award which recognises significant contributions made by a Law Society member to the law, the community or justice in New South Wales.

View the nomination process and eligibility criteria.

The 2010 award will be presented to the successful candidate on 28 October at the Annual Members Dinner to be held at the Art Gallery of NSW.

Sydney Family Law Courts' Liaison Meeting

The Family Court of Australia and Federal Magistrates Court will hold its next Family Law Liaison Meeting with the legal profession on Wednesday 8 September at 5pm. The meeting will be held in the Conference Room 1 on Level 8 Lionel Bowen Building, 99 Goulburn Street, Sydney.

The meeting provides a valuable opportunity for the Courts to brief the profession on recent developments in the Courts and hear the profession's views on issues. All practitioners are welcome to attend.

DOIC's NSW Client Reference Group seeks input from legal practitioners

The next meeting of the Department of Immigration and Citizenship's NSW Client Reference Group (CRG) will be held on 1 October 2010. The NSW CRG provides a forum for discussion, comment on and an exchange of ideas around the delivery of DIAC's services.

NSW legal practitioners are invited to attend a preliminary meeting on Tuesday 7 September from 5:30pm at Suite 1803, Level 18 Australia Square, 264 George Street, Sydney to raise issues they would like discussed at the CRG's October meeting.

RSVP your interest in attending by COB Monday 6 September to Catherine Winks: ph 8247 8247 or email cwinks@malyonlaw.com. If you are unable to attend but wish to have a matter raised, please email CRG member and solicitor/RMA Katie Malyon at kmalyon@malyonlaw.com.

Judicial Appointments

- Principal Registrar of the Supreme Court, Megan Greenwood, will be sworn in as a Magistrate of the Local Court of NSW on Monday 27 September.
- Deputy Senior Public Defender Andrew Haesler SC will be sworn in as a NSW District Court Judge at 9.30am on Monday 20 September in Court 21A John Maddison Tower, 86 Goulburn St Sydney.

Media

Law Society of NSW

- Law Access and Coroner's investigator recognised at Awards, *1 September*

- Counter terrorism law extended for three years, *2 September* (Att Gen)
- Laws to protect witnesses extended, *1 September* (Att Gen)
- Global conference celebrates 30 years of the Land and Environment Court, *1 September (*NSW Att Gen)
- Call for nominations for the Australian Young Environmental Lawyer of the Year Award, *31 August* (Law Council of Aust)
- Research Paper: An Analysis of Repeat Imprisonment Trends in Australia using Prisoner Census Data from 1994 to 2007, Aug 2010 (cat no. 1351.0.55.031) *30 August* (ABS)
- University backs move to Justice Precinct in the city, *27 August,* (NSW Att Gen)

LEGAL & POLICY

High Court Judgments

- Spencer v Commonwealth of Australia, 1 September 2010 (Practice and procedure – Federal Court of Australia – Summary judgment)
- Public Trustee of Queensland v Fortress Credit Corportation (Aus) 11 Pty Ltd & ORS, 1 September 2010 (Corporations – Charge – Registration)

Changes to Legal Aid NSW policies

Civil Law Consumer Protection policy

Legal Aid NSW has made a number of amendments to its Civil Law Consumer Protection policy to accommodate the introduction of the new national consumer protection framework introduced on 1 July 2010.

Changes include the alignment of the policies relating to State and Commonwealth consumer protection matters, and the introduction of a policy in relation to external dispute resolution. For further details, please see Policy Bulletin No. 8/10.

Family Law Policy – Care and Protection

There are changes to the Family Law Policy relating to ADR in care and protection matters. See Policy Bulletin No. 7/10 for the details.

Commonwealth Criminal, Civil and Family Law Policy

There are some changes to the Legal Aid NSW Commonwealth Civil, Criminal and Family Law Policy. See Policy Bulletin No. 9/10 for more details.

Submissions

Law Society of NSW

- Review of Vendor Disclosure for Residential Property Sales in NSW by Matt Brown MP
- Annual Review of Regulatory Burdens of Business - the inclusion of lawyers within the migration agent regulatory framework
- Inquiry into the exercise and functions of the MAA, MAC, LCSA and LCSAC

EDUCATION & EVENTS

Young Lawyers CLEs

September CLE Seminars

- Property Acquisition and Development, Wed 8, 5:30pm
- Advanced Criminal Law: Sentencing, Wed 15, 5:30pm
- Advocacy One Day Seminar, Sat 18, 9.30am
- Foolkit: Legal Research and Online Tools, Tues 21, 1pm
- How to Cope When the ACCC Comes Knocking, Wed 22, 5:30pm
- Drafting International Arbitration Clauses and Observations, Tues 28, 1pm

October CLE Seminars

- Migration Law: Perspectives from both Sides of the Bar Table, Tues 12, 5:30pm
- Using International Law Effectively in Australian Courts, Wed 13, 5:30pm
- Essentials of Child Support: What you Need to Know, Thurs 14, 5:30pm
- Land and Environment Court of NSW, Tues 19, 1pm
- The Use of Trusts for Business & Investment Restructuring, Tues 26, 1pm
- The Fair Work Act in Review and How to Effect a Fair Dismissal, Wed 27, 1pm
- Save the Date: Evidence Act One Day Seminar, Sat 30, 9.30am

CLE DVDs Available

- Developments in Discrimination Law in the Workplace – DVD and Paper (HR21/1186)
- An Introduction to the New Australian Consumer Law (L87/1187)
- Evidence Act Updates and Hypotheticals (CR92/1188)
- The Cross Border Protection of Children in a Changing World: The Hague Children Conventions – DVD and Paper (FL64/1189)
- Coastal Planning and Development in New South Wales – DVD and Paper (EN34/1190)
- Intellectual Property Law Update – Domestic and International Perspectives – DVD and Paper (PRO75/1191)

For more information please contact Young Lawyers on 9926 0270, fax 9926 0282 or email ylgeneral@lawsociety.com.au or purchase online.

The College of Law Seminars & Programs

- National Consumer Credit Protection Legislation, Part 1, Tues 7 September, 5pm to 6pm
- The New Arbitration Regime, Wed 8 September, 9am to 12.30pm
- Islamic Finance – Challenges and Opportunities, Thurs 9 September, 9am to 11am
- Live Web conference - Estate Planning and Superannuation, Thurs 9 September, 1pm to 2pm
- Commercial Negotiation Strategies for Lawyers, Fri 10 September, 9am to 4.30pm

Legal Practice Management Courses 2010

Unrestricted Practising Certificate Partners Course (2-9 and 10-34 partner firms) – Friday 22, Saturday 23 and Saturday 30 October.

Applications are now being accepted for all remaining 2010 courses. Enrol now.

Final Conveyancing Online Course for 2010

Enrolments for the final 2010 online course for Conveyancing Procedures will close on 11 October. The eight week course starts on 18 October 2010. It costs $360 for Law Society members and covers NSW residential conveyancing procedures. It is aimed at legal support staff or solicitors who are new to the area of conveyancing.

For information and an enrolment form, please see the course information sheet or call 9926 0245.

Events

Event	Date and Location
International Arbitration in Australia and Beyond, International Chamber of Commerce. Places are still available. Register your interest today. Enquiries:drs@iccasia.com.sg.	13 - 14 September NSW Business Chamber 140 Arthur Street, North Sydney
'Developments in the Legal Landscape in Singapore'. Legal practitioners and law students are invited to join Singapore's Chief Justice Chan Sek Keong and Judge of Appeal Justice VK Rajah for this information session. More details and registration.	Tuesday 14 September, 6.30pm Park Hyatt Melbourne 1 Parliament Square
An evening with former South African Constitutional Court Judge, Albie Sachs in conversation with Bob Debus. Bob Debus will launch 'The Strange Alchemy of Life and Law' by Albie Sachs. View further details and registration.	Wednesday 15 September, 5.30pm Freehills, MLC Centre 19 Martin Place, Sydney
How Much Will We Earn & When Will We Get Paid? (ALPMA) This workshop provides practical advice and tips to increase profitability and improve the cash flow of your law firm.	Thursday 16 September, 12.30pm Wotton + Kearney 88 Phillip Street, Sydney
Mediation: the philosophy of the consensus; advanced negotiation techniques in dispute management; achieving a successful outcome, a seminar hosted by the Commercial Law Association with guest speaker the Hon Sir Laurence Street AC KCMG QC. CLA members $59; non-members $99 (lunch included)	Friday 24 September, 12.30pm Coles Room, Mitchell Wing, NSW State Library

Register online.	
Financial Review International Dispute Resolution Conference 2010 will bring together litigators, in-house legal counsel, plus executives from the large corporates to debate the benefits and challenges of dispute resolution. Register online (10% discount for Law Society members).	Friday 15 October Four Seasons Hotel, Sydney
Future of Law and Development Studies, International Trade Law and Developing Countries: inaugural conference hosted by The Law and Development Institute. Complete an online registration. Enquiries to administrator@lawanddevelopment.net or 040 236 1009.	Saturday 16 October Sydney Convention and Exhibition Centre, Darling Harbour, Sydney

Regional events and CLE

View the online CLE & Events Calendar for all regional listings.

NEW LISTINGS

- City of Sydney:
  Immigration Law – Recent Developments, Wed 22 September, 5:30pm, Level 3, 115 Pitt St Sydney
  Reading and Understanding a Balance Sheet, Wed 29 September, 5:30pm, Level 3, 115 Pitt St Sydney

REMINDERS

- City of Sydney: Relocation of business and loss of profit claims in resumptions, Wed 8 September, 5:30pm
- Wollongong & District: 65th Annual General Meeting, Tues 7 September, 12.30pm, Cucina Nostra Restaurant, 114 Corrimal St.
- North & North West: Seminar, Annual General Meeting & Dinner, Sat 11 September, 9.15am, Petersens Winery, Dangarsleigh Road, Armidale.
- South West Slopes: Free MCLE Seminar: The Lawyer's Guide to Sanity, Profitability & Wellbeing, Wagga Wagga, Thurs 16 Sept, 9am.
- St George Sutherland: Free MCLE Seminar: The Lawyers Guide to Sanity, Profitability & Wellbeing, 28 October, 9am.

Also see Rural Regional and Remote vacancies

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Get ready for Platinum privileges

The Law Society of NSW has teamed up with American Express to bring you a Card with superior benefits to reward your lifestyle. Now's a great time to become a Law Society of NSW Platinum Credit Card member.

You could enjoy an introductory offer of 20,000 bonus points! Simply apply now via the Law Society of NSW website, be approved by 31 December 2010, spend $500 on your new Platinum Credit Card within the first two months – and the points are yours.

You'll get a host of special benefits, like a preferential annual Card fee, no annual Supplementary Card fees, and complimentary enrolment in a choice of award-winning reward programs.

Apply for the Law Society of NSW Platinum Credit Card. Read more about the American Express Platinum Credit Card.

Law Society Precedents Update

The following suites have been updated:

- Conveyancing
- Bankruptcy & Insolvency Forms
- Wills & Power of Attorney
- Unit & Discretionary Trusts
- Family Law

Precedents Licensees can download the updates at precedents.lawsociety.com.au. Alternatively, please contact the Precedents Administrator on 9926 0278.

New advertising opportunities – Law Society Journal

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The Journal is now offering advertising on its contents page and special rates are also available on inside cover double page advertisements.

For a deal to suit you, contact Catherine Garcia at Catherine.garcia@lawsociety.com.au, phone 9926 0297 or visit the Law Society website.