



**The Law Society  
of New South Wales**

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Our Ref: JC:RRB:LI:CO:2009(41)(6921)

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24 February 2009

Chief Magistrate Graeme Henson  
The Local Court  
Level 5, Downing Centre  
143-147 Liverpool Street  
SYDNEY NSW 2000

Dear Chief Magistrate,

**Re: Unqualified Persons appearing in the Local Court**

Thank you for your letter of 12 February 2009 expressing your concerns over the problems caused by non-solicitor employees appearing before the Local Court without adequate instructions.

I understand and appreciate the difficult situation in which your Honour was placed on this occasion, although, if I may say with respect, that your Honour dealt with the situation with admirable sensitivity and tact.

I appreciate that circumstances such as these create delays and put Magistrates in an unenviable position. I do not condone such actions. However, may I request your Honour to reconsider the matter for the following reasons.

1. Appearances in minor matters of this nature give a budding solicitor invaluable practical experience which can never be supplanted by theoretical knowledge. You will appreciate that practical experience gained prior to admission will make the newly admitted solicitor better able to perform his/her work with efficiency and courtesy as befits an officer of the court.
2. Appearances in non-contentious matters, as suggested above, by lay staff is cost effective from the client's perspective. In the present context of the high cost of litigation, any savings which can be made on costs would be extremely beneficial to the client.



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For these reasons, I submit that your Honour should continue with the current practice of permitting unqualified persons to appear, with the leave of the Court, only in non-contentious matters. If your Honour is in agreement with my submission, I will inform the profession by a note in "Monday Briefs" of the need for legal firms to adhere strictly to the Court's request that unqualified persons seeking leave to appear must be fully briefed as to all aspects of the matter in which that person seeks leave to appear. I can also publish any note or guideline which your Honour wishes to bring to the attention of the profession.

The Law Society will be pleased to discuss these issues with you, with particular emphasis on the duties of instructing solicitors.

Your comments on my suggestions will be most welcome.

Yours sincerely



**Joe Catanzariti**  
President