Debrief

The members of NSW Young Lawyers are all legal practitioners under the age of 36 or in their first 5 years of practice, and all law students

JUNE 2006

2006 Mid Year Assembly
Break-out discussion session

2006 Mid Year Assembly
Karoke on Saturday Evening

2006 Mid Year Assembly
Executive Councillors enjoying an early Saturday morning

Prez Sez

In May, I attended a meeting of the Law Council of Australia's Young Lawyers Committee. The Committee is made up of representatives from Young Lawyer and Young Bar organisations across Australia, as well as the President of the Australian Law Students Association. At the meeting we discussed a variety of issues including bullying, graduate opportunities, working conditions and discrimination. One thing which was clear, was that the issues and challenges facing young lawyers in NSW are the same as those facing other young lawyers across the country. Unfortunately, young lawyers, Australia wide, are confronted by bullying and discrimination, which in some cases is so extreme it leads to the young lawyer in question resigning from law all together. A lack of graduate positions is also evident in all States and Territories.

So, what is NSW Young Lawyers doing in relation to tackling these issues? In relation to careers, over the past few years we have held seminars outlining alternative careers in law, covering areas such as in-house legal work, government roles and working for non-for-profit organisations. This year we are undertaking a major overhaul of the Careers website. We are updating the links to relevant sites and setting up a Dream Jobs archive. Another area which has experienced a flurry of activity this year, is the promotion of legal jobs via Committee email lists. This enables lawyers who are interested in practicing in a particular area, to access information about jobs in that area of practice. This year I have also focussed on establishing ties with other young professional organisations, often holding joint networking functions with these organisations which offers not only the opportunity to meet other young professionals, but also gives young lawyer members the opportunity to hone their networking skills.

In relation to bullying and discrimination, the NSW Young Lawyer Committees act as forums for informal mentoring and many of our Committee members form solid friendships with other Committee members, creating a support network of practitioners within the same field. These networks not only offer legal support but also act as a form of emotional support and offer guidance as to what is acceptable behavior and what is not.

Young Lawyers Survey with Australian Financial Review

One further initiative I will mention, is a survey for young lawyers, which we are conducting in association with the Australian Financial Review. The survey addresses a variety of issues facing young lawyers and I encourage each and everyone one of you to participate. The survey can be accessed at: http://www.fairfaxbr.com.au/nswyl and is open until 14 July 2006. One lucky randomly selected participant in the survey will win a dozen bottle of wine.

Susannah Maclaren, President
president@younglawyers.com.au

Young Lawyers forge Inter-Pacific Links

The Inter-Pacific Bar Association held it's annual conference in Sydney from 30 April - 3 May. Each year the IPBA sponsors a group of young solicitors from a variety of countries to attend the conference. As part of the IPBA Scholars programme, Susannah Maclaren was invited to give a speech to the Scholars on the Opportunities and Challenges for Young Lawyers in Australia and executive members of NSW Young Lawyers also attended the welcome reception for the scholars. During their stay the Scholars visited the Supreme and Federal courts as well as the Environmental Defenders Office. NSW Young Lawyers also held a farewell drinks function at the Arthouse Hotel for the Scholars.

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THIS ISSUE

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NSW Young Lawyers
A Fresh Perspective

Young Lawyers engage in Shadowy Behaviour

Can you imagine being watched every moment of your day? And can you imagine doing so voluntarily? Well, aside from contestants on Big Brother, this experience was enjoyed by more than a dozen lawyers who kindly volunteered to be part of the Young Lawyers Shadowing Program. This involved 15 students in years 10 and 11 at High School being matched with a lawyer and accompanying them over five consecutive days to get some first hand insights into life as a lawyer. The students came from high schools all over Sydney, including Macquarie Fields, Bankstown and Alexandria.

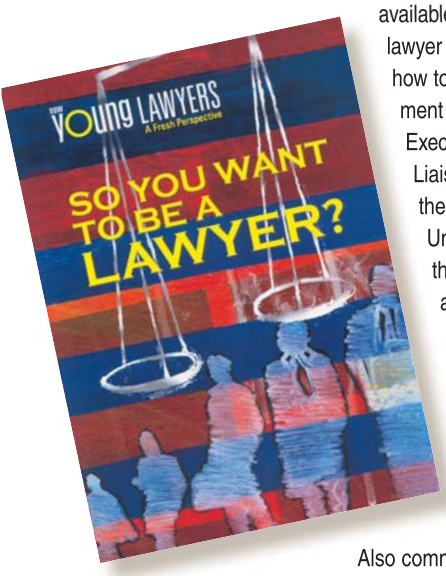
On 2 June 2006 all participants were acknowledged at a special presentation evening where the students had the opportunity to meet special guest Judge Colin Phegan of the NSW District Court. The Shadowing Program was organised by Young Lawyers Councillor Philippe Doyle Gray.

For their part, the students found attending court to be lots of fun, and a real 'eye opener'. They were also amazed at the amount of reading that lawyers do outside of court. Even more amazing is that some have become even keener to pursue a career in the law.

Student participants with Justice Phegan and Councillor Gray at the Shadowing presentation held on 2 June 2006, Law Society Building.

So you want to be a lawyer?

We are pleased to announce the inaugral launch of our students guide "So you want to be a lawyer?" recently at the MYA. This publication is designed to address many law students' and law graduates concerns regarding what options of employment are available to them, what it is like to work as a lawyer in various fields and importantly tips on how to draft a CV and cover letter for employment applications. NSW Young Lawyers Executive Councillor (responsible for Student Liaison), Tayanah Caldarella and Editor of the Guide is a final year law student at the University of Western Sydney and hopes that the Guide "will be of practical assistance for all NSW students, as well put students' minds at ease during a very daunting and time consuming process."



The Guide will be made available to students via the NSW Young Lawyers website and hard copies will be sent to University Law Students' Societies and Associations for distribution.

Also commencing in August will be the NSW Young Lawyers 'Roadshows', where Young Lawyers will visit law schools around the state to network with students and local legal communities within each district. Young Lawyers would like to see many regional delegates attend these and encourage you to be in contact with Tayanah in this regard. She can be contacted at Tayanah.Caldarella@younglawyers.com.au.

Floodgates open at Refugee Seminar

The Young Lawyers Human Rights Committee and the Refugee Advice and Casework Service (RACS) were overwhelmed by the attendance of more than 150 lawyers and law students at their 'Ministerial Legal Clinic' information evening on 1 June 2006.

The Ministerial Legal Clinic is designed to train teams of lawyers and law students to assist asylum seekers in preparing applications to the Minister for Immigration and Multicultural Affairs under section 417 of the Migration Act. Section 417 empowers the Minister to substitute a more favourable decision to the decision of the Refugee Review Tribunal in relation to an application for a protection visa. This represents the last avenue for asylum seekers to have their claims assessed, yet many asylum seekers urgently require legal assistance to ensure that their claims are set out clearly, correctly and fully.

Following the success of the information evening, two training sections are being held in June, so that the lawyer/student teams will be ready to assist with their first meetings with asylum seekers on 4th July 2006.

Human Rights Committee Chair, Louise Jardim said that she was 'really pleased that so many lawyers feel passionately about the rights of refugees, and the need to equip them with an effective voice in articulating their final right of appeal.'

Can lawyers be pasteurised? The Civil Litigation Committee on Advocates' Immunity

The subject of advocate's immunity from liability for negligence in respect of in-court work has recently been a matter of scrutiny by the High Court and by the media. In response, Governments have proposed to abolish or restrict this immunity. The Civil Litigation Committee has produced a very important submission on the subject of advocate's immunity. The research undertaken by the Committee indicated that the options for legislative reform proposed by the NSW Government could produce the unintended consequences of increasing the cost of litigation and decreasing access to justice.

While the Committee noted that the government is motivated by the need to provide better outcomes for litigants who have suffered at the hands of the few 'flagrantly incompetent' advocates, it determined that the proposed reforms would not resolve the problems of defensive advocacy and would have the broad undesirable consequences of raising both the overall complexity and costs of all trials.

The Committee suggested that the appropriate forum for determination of the legal issues of a case where counsel has been incompetent is by way of an appeal, rather than by way of a negligence suit. Alternatively, it proposed that a negligence suit against counsel should only be permitted if an appeal against the outcome of the original trial was successful.

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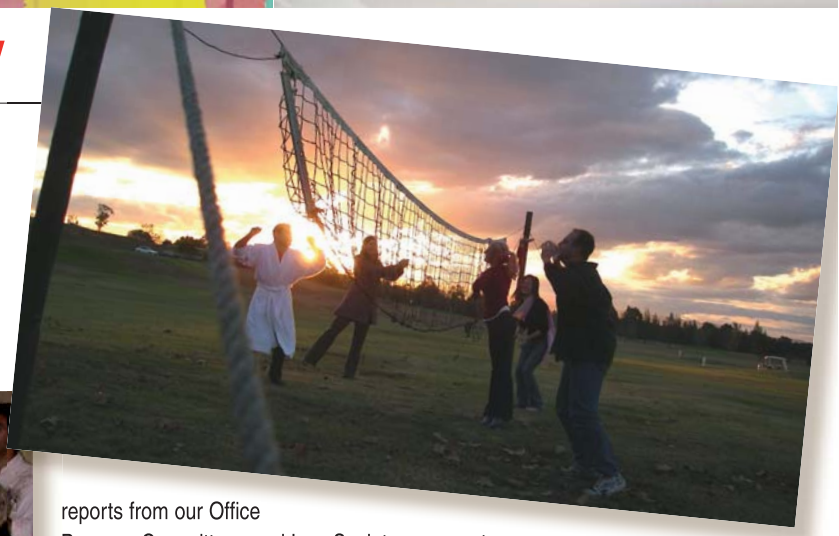
YOUNG LAWYERS MID YEAR ASSEMBLY

Location - Windsor

The Young Lawyers mid-year assembly was held, as usual, on the last weekend in May, this time in sunny, albeit brisk, Windsor, at the Sebel Hawkesbury Valley Resort. The Assembly was attended by Young Lawyers Office Bearers, Councillors, Committee Chairs, Law Society Committee representatives, regional delegates and Presidential Nominees. The Assembly meets to receive



reports from our Office Bearers, Committees and Law Society representatives, formulate policy, and to consider issues that affect young lawyers and our organisation. Many of these issues were raised in the context of two policy forums, which are discussed separately below. One of the highlights of the weekend was the Saturday evening dinner which was followed by Karaoke and the traditional "after dinner drinks".

Forum - Terrorism

The topic of terrorism presents a real challenge to the legal profession. As Susannah Maclaren puts it "Lawyers have a fundamental concern for human rights such as the presumption of innocence and the right to a fair trial. It is vital that young lawyers be fully informed of the implications of terrorism legislation". Therefore, it was timely that a showcase of the Mid Year Assembly was a forum on the topic of terrorism. Speakers included: Commander Warren Gray from the Australian Federal Police, Geoff McDonald (Assistant Secretary of the Security Law Branch of the Commonwealth Attorney-General's Department), Dr James Renwick (Barrister-at-law), and Stephen Hopper (Solicitor).

As Forum organiser Joshua Knackstredt said: "By bringing together speakers from both the governmental and the private arena, we're hoping that delegates' eyes will be opened to all of the issues surrounding terrorism, so that they can consider a range of informed opinions, and reach their own conclusions".

The speakers covered a range of topics including:

- the problem of terrorism - what the police deal with day to day,
- the policy behind the new anti-terrorism laws and their operation,
- an international comparison of approaches to terrorism and their historical development, and
- the effect of the laws on human rights and on the people directly affected.

The Forum sparked some pretty intense questioning and discussion from delegates, and both speakers and delegates were left with a broader appreciation of the legislation, its implications and the way it has been received in the community.

Forum - Industrial Relations

The Workchoices legislation has commanded a lot of media attention, as well as causing significant angst amongst employed Australians. The Industrial Relations forum at the Mid-Year Assembly was designed to de-mystify the legislation for practitioners not necessarily engaged in labour law, and to investigate whether popular concerns with the new laws are well-placed.

The forum commenced with presentations from two senior commentators. First, Ingmar Taylor, a noted IR Barrister, spoke about his role in the recent High Court Challenge taken by the States against the constitutionality of the Workchoices legislation. This was a fascinating insight into the tactics and personalities involved in the case.

Second, Dr. Joellen Riley, Senior Law Lecturer at the University of Sydney, and author of Employee Protection at Common Law, spoke about the impacts of Workchoices on the contract of employment. The Forum was then opened to questions from the floor, the answers to which generated a lot of discussion over the rest of the weekend.

Dream Job: Tim James,

Legal Adviser, Pfizer Australia

What do you do?

I work at Pfizer Australia as a legal adviser. Pfizer is Australia's largest provider of prescription medicines and consumer health-care products, and our animal health business is one of the largest in the country. I give advice on a range of legal and commercial issues to the more than 2,000 staff across Pfizer Australia and New Zealand. Among the current issues I'm working on are an acquisition of assets from another healthcare company, reviewing clinical trial agreements, helping to roll out a global company policy, advising on some intellectual property related legislation and assisting with some patent litigation.

Why did you choose to do the work you do?

Before joining Pfizer I worked at Allens Arthur Robinson for nearly 3 and a half years. Prior to that I worked as a federal political staffer for 6 years while studying law. The pharmaceutical industry is one of the largest and most dynamic industries in the world. It is very tightly regulated and matters of government and politics have a strong bearing on the industry. Pfizer is the world's largest and most valuable company devoted to healthcare. I was approached to apply for my role and as I investigated the opportunity it became apparent that this role provided unique opportunities for growth, development and promotion. I had always been attracted to working within a business operating in a dynamic and challenging environment.

What do you consider your career highlights?

I recently attended a Pfizer legal conference at our global headquarters in New York. It was terrific to work with lawyers from across the globe on a range of issues. It was also my first time in New York – what a great city it is! It is a constant highlight for me being able to contribute to a company that is dedicated to helping people live healthier, longer and happier lives.

What factors influenced your career plans?

I've always had a strong interest in the law, particularly in so far as it is shaped by government and political dynamics. I think it's important to always have in mind where your career path may take you. I've also been fortunate to have worked with brilliant people who have encouraged me to look beyond present circumstances and see other opportunities.

Have you read a case lately and what was it?

H Lundbeck A/S v CMR of Patents [2006] FCA 163. This case strikes on a point of law concerning patent terms. Given Pfizer's very substantial investments in research and development the life of a patent is important to us.

What tips can you give young lawyers who want to do similar work?

Never underestimate the value of networking and getting involved. A broad range of contacts has been very helpful to me over the years. Many of those contacts have come my way through getting involved in organisations, such as NSW Young Lawyers. Never take anything or anyone for granted and treat every role and responsibility as a learning opportunity. Keep in touch with matters of government and current affairs as they often affect our lives more than we realise.

This issue of Debrief has been edited by Rob Stokes, Susannah Maclaren and Poppy Drekis. All expressions of opinion are published on the basis that they are not to be regarded as expressing the official opinion of NSW Young Lawyers. NSW Young Lawyers accepts no responsibility for the accuracy of any opinion or information contained in this publication. Readers should rely on their own inquiries in making any decisions.

2006 CLE SEMINARS

Evening and Lunchtime seminars in July

- Deposits and Penalties in Conveyancing Practice - Tuesday, 11th July 2006
- Role of Examiners and Lawyers at Examination Hearings - Tuesday, 18th July 2006
- Perspectives from the Bench: Criminal Law - Wednesday, 19th July 2006
- Shared Parental Responsibility and Relocation Matters - Tuesday, 25th July 2006
- 'Hanging out the Shingle' - Starting your own legal practice - Wednesday, 26th July 2006

To register, contact the Young Lawyers office on 9926 0270 if paying by credit; or fax your details to 9926 0282; or post your registration form and payment to NSW Young Lawyers, 170 Phillip Street, Sydney NSW 2000 or
DX 362 SYDNEY. For online registration go to cle.younglawyers.com.au

About the Bush

BushWeb is the Young Lawyers online Committee focused on issues confronting lawyers practicing in, or with an interest in, rural and regional areas. Following the Mid-Year Assembly the existing Committee Chair, Ray Clack, has retired, and two new Chairs have been appointed.
The new Chairs are Rachael Borg, who practices with Webb & Boland in Moree; and John Tomaras from Tzovaras Legal in Sydney.
They can both be contacted via email at: bushweb.chair@younglawyers.com.au.

Want CLE for Free?

Each month the Young Lawyers CLE Committee members get together to design the Young Lawyers CLE program. Experience has shown that some of the best CLE ideas come from the most unlikely of sources. Therefore, in an effort to make CLE even more dynamic and original, the CLE Committee is holding a competition to find the best suggestion for a Continuing Legal Education Seminar including suggested speakers, if possible (although not necessary to enter the competition).

It can be on any area of legal practice, and should ideally have broad appeal to a wide range of solicitors. Suggestions are welcome from any Young Lawyer, and should be emailed to Lester Fernandez, Chair of the CLE Committee at: cle.chair@younglawyers.com.au. The suggestions will be judged by the CLE Committee at their meeting on 31 July 2006. The best entry will win a $50 book voucher and a free admission to the CLE Seminar that it proposes.

Viva la Revolution! Coup for Young Lawyers on Law Society Council

It has recently been announced that the President of the NSW Law Society for 2007 will be NSW Young Lawyer, Geoff Dunlevy. Geoff has been a longstanding member of Young Lawyers and was Secretary in 2001. He was first elected to the Law Society Council in late 2001. In 2006 Geoff served as Junior Vice-President of the Law Society, and will start his term as President on 1 January 2007. This will be one of the rare occassions that the Law Society President will also be a Young Lawyer during their Presidential Term.