

Weighty agenda for CLS

At the time of publication, I will be in Canberra attending the bi-annual Conference of Law Societies (CLS). A number of interesting issues are on the agenda, including a progress report on Mutual Recognition legislation and discussion on moves towards national uniform admission standards.

It is interesting to note that the Northern Territory Government has seen fit to gazette the commencement of the

Mutual Recognition Act in the Northern Territory notwithstanding that in some other jurisdictions the legislation has yet to be passed, much less commenced. The principle of mutual-ity, therefore, appears to have faded from relevance.

Legal costs is an issue regularly discussed at the forum and is to be raised again in a number of contexts including, in particular, the prospect of contingency fee arrangements. It should be stressed that contingency fees as foreshadowed are not as commonly understood, but involve a costs uplift principle -- that is, a percentage increase in the fees otherwise chargeable to take account of the contingency.

Other aspects such as contingency funds (much the same as our own Legal Aid Contingency Fund) and pro bono schemes are also on the agenda.

The issues of Queen's Counsel and court dress will be discussed at the

conference and, no doubt, at the Law Council of Australia meeting scheduled for the day after the CLS.

I will report on the outcome of those meetings in the next issue.

On a completely different matter, most firms should have received a bulletin in relation to cost and fee sharing arrangements with non-practitioners. I have received a number of reports of such recently and it seems necessary to remind practitioners that arrangements of that nature are contrary to sections 132 and 136 of the *Legal Practitioners Act*, and contrary to the Professional Conduct Rules. Rule 8.4, in particular, deals with these arrangements.

I would strongly urge practitioners to read the sections mentioned above and the Professional Conduct Rules to ensure that such arrangements (and possible subsequent disciplinary proceedings) are avoided.

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