

The professional life and times of MUDDLEMORE AND LEARNED COUNSEL

"My dear Muddlemore, you do have a problem."

"Learned Counsel, it really wasn't my fault.

"My client had been involved in a car accident and had some pretty nasty injuries.

"I took instructions, wrote to the CTP insurers, told them I was acting, and gave them the current details of my client's injuries.

"It was obvious that my client was going to take a long time before his injuries stabilised enough to assess his claim, so, having dealt with the preliminaries, I put the file away and waited to hear from him.

"I promptly forgot about the matter.

"When my client rang asking what had happened to his claim, it was with a rather red face that, after relocating the tile, I had to admit to the client that the matter was well and truly out of time.

"What do I do now, Learned Counsel?"

"Muddlemore, dear fellow. First you must notify Law Claims and then we will look at the evidence that you have and see if there are any new material facts which have come to the

notice of your client in the last 12 months.

"If there are such facts, an extension of the limitation period can be applied for."

"Well, Learned Counsel, my client did tell me that he had an operation only six months ago which has had a major effect on his disabilities."

"Muddlemore! What a considerate client.

"Off you go and get a report from the surgeon, then come back with your draft claiming an extension which I will settle for you.

"Remember, Muddlemore, you must develop a system to make sure this sort of thing doesn't happen again and that you are reminded well in advance of the expiration of a limitation period.

"There are many systems available, even just a diary note, but you must do something.

"The fact that you didn't hear from your client does not relieve you of any obligations to protect the client's interest.

"He relies on you; not you on him.

"I think, Muddlemore, you may be lucky this time."

Representatives from Minet and Law Claims visited the Territory last month to talk to members of the profession about professional indemnity insurance, law claims, and how to go about avoiding the more common claims. David Berry from Minet and Patric Alderman from Law Claims used these tables to show practitioners in Darwin and Alice Springs the number and nature of claims, and how the NT compares with other states in terms of PI premiums, excess and so on.

COMPARISON OF SCHEMES

	NT	SA
Limit of Indemnity	500,000	750,000
Excess:		
SP	2,000	3,000
Minimum	2,000	3,000
Per Ptnr	1,500	1,500
Maximum	10,000	15,000
Penalty XS	Nil	Out of time (50%)
Premium (inc St Duty)	Per Practitioner 2,005	2,491

NT PII CLAIMS 1982-83

Type	No	%
Out of time	81	32
Commercial	51	20
Conveyancing	29	12
Litigation	40	16
Negligent Advice	6	2
Other	46	18
TOTAL	253	100

COMPARISON OF SCHEMES BY STATE

	Vic	NSW, WA Tas, ACT	QLD
Indemnity Limit	\$1m	\$1,100,000	\$500,000
Excess			
Sole Practitioner	\$2,500	\$3,000	\$5,500
Minimum	\$2,500	\$4,000	\$5,500
Per Partner	\$1,750	\$2,000	\$1,500
Maximum	\$25,000	\$50,000	\$22,000
Penalty Excess	(a) conflict interest (b) out of time (100%)	(a) acting for borrower & lender (b) out of time (100%)	(a) conflict of interest (b) out of time (200%)
Premium (inc Stamp Duty)	\$5,200/princ + \$1,700/emp	\$5,560/princ	6,469/princ

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