



## **Complaints Against Lawyers – Discussion Paper**

By the time you read my column you will have received a copy of a Government Discussion paper titled "Complaints Against Lawyers".

A considerable number of the recommendations are in fact based on submissions made by the Society to the Government recommending changes to the Legal Practitioners Act.

It is a pity that the paper does not deal with all the problems currently encountered with the Act but it is a start.

I ask that you all read the paper and if you wish to comment, please let me have those comments by 14 February 1996 in order that a submission may be sent to the Attorney-General by 1 March 1996.

On 9 December 1995 I attended a meeting of the Law Council of Australia. One of the agenda items was to consider notice from the Law Society of Western Australia of its intention to move that clause 11(d) of the Constitution of the Law Council of Australia be deleted.

If the motion had been put and carried the result would have been to remove the tied or entrenched positions on the Law Council Executive.

Clause 11(d) of the constitution provides:-

Of the members of the Executive:

- (i) at least one member shall be a member of the New South Wales Bar Association, the Victorian Bar, the Bar Association of Queensland or the ACT Bar Association;
- (ii) at least one member shall be a member of the Law Society of New South Wales; and

(iii) at least one member shall be a member of the Law Institute of Victoria.

As you will be aware from comments by previous Presidents and myself in "Balance" it is difficult to understand why such rights exist in the constitution of an organisation which has prided itself on championing democratic rights.

In my view, such a provision is undemocratic.

Unfortunately the meeting agreed that the matter be deferred until the next meeting of the Law Council of Australia in March 1996.

It may be that the question will never be debated as on 14 December 1995 the Queensland Law Society notified the Law Council of Australia that its Council had resolved unanimously to withdraw from the Law Council of Australia.

I am informed that the action is being taken for economic reasons.

It is difficult to see how the Law Council of Australia can continue to operate in its current form as it is already suffering financial difficulties.

Subsequent to the meeting of the Law Council I met with representatives of our professional indemnity insurance brokers, Sedgwick and our lead underwriter.

Discussions indicated that underwriters may in future insist on practitioners attending a seminar on claims prevention as a prerequisite to obtaining insurance cover.

As I said in my November 1995 column, it is proposed to run claims prevention seminars in the Northern

Territory in February 1996.

It is interesting to note from an article in the December 1995 issue of the newsletter of the Law Society of Tasmania that their brokers have now finalized a scheme whereby firms will be able to obtain a discount on professional indemnity insurance premiums where practitioners in the firm have attained five points for attending CLE seminars.

This would appear to be a round about way of introducing mandatory continuing legal education.

While on reviews of acts dealing with the regulation of the legal profession I am happy to announce that Mark Woods, President of the Law Institute of Victoria, has accepted an invitation to be guest speaker at the opening of the 1996 Legal Year both in Darwin and Alice Springs.

Victorian practitioners have from some time now been the subject of attempts to bring them to heel and be subject to regulation and control much greater than that envisaged by any of the recent reports released following studies of the legal profession.

Proposed legislation, if introduced in Victoria could see several law institutes or societies responsible for the issue of practising certificates and regulation of the legal profession.

I am sure you will enjoy Mark's views on the future of the legal profession and invite you all to attend the luncheons at which he will speak.

Finally, on behalf of the Councilors, Secretariat of the Law Society and myself, I wish you all a prosperous and happy new year.