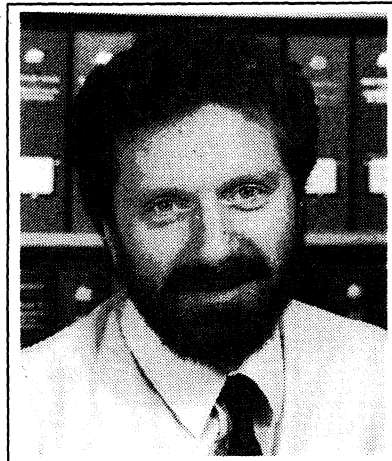


President's Column

Quality Work = Claims Prevention = Quality Work



Council of the Society will at its next meeting consider two proposals to administer our professional indemnity insurance scheme for 1996/97.

One of the proposals gives details concerning the number, type and reserves fixed for claims received in the 1995/96 year to date.

Unfortunately the claims history for 1995/96 is disappointing and this makes it very difficult for the Society to negotiate premiums of a reasonable level.

The Society cannot assist to any great extent in claims prevention. It is up to each practitioner to review the way they currently do things and ensure work quality checks are in place.

A large number of claims received relate to drafting errors in, or the failure to properly conduct, conveyancing matters. It is very difficult to contest the claims if there are no written instructions or diary notes to support a practitioner's case.

I ask that you all review the current way you practise and ensure claims prevention is a priority as this will usually mean quality work for clients.

By now you will be aware that it was necessary to cancel "The Mask" Ball, much to the disappointment of those who worked so hard to organise it and those who had purchased tickets. I should point out that Council's decision to organise a ball was only reached after receiving many requests from members to do so. My thanks to all those who attempted to make the ball a success.

As you can see from the front page, we have two excellent speakers visiting Darwin in August. Dr Gordon Hughes, who will give a CLE on Computer Law on Monday 26 August and Justice

Meagher of the NSW Court of Appeal who will deliver the Martin Kriewaldt Memorial Address on Thursday 29 August. I urge all practitioners to attend both these functions.

The Deputy Chief Executive of Sedgwick Ltd (our current PII brokers) recently wrote to me setting out details of the company's new "Judicial Delay Insurance" plan. Rather than attempt to summarise the information supplied, the following is an extract from their brochure:

"One of the least publicised sources of unexpected legal costs during a trial or formal proceedings is a forced adjournment, due to events befalling a key individual pivotal to proceedings, especially when this necessitates a retrial or rehearing. The additional costs that result can be substantial.

While only the death, sickness or disability of a judge or arbitrator is likely to prevent the delivery of the judgment and require a retrial or rehearing, this cover recognises that events befalling any of the individuals listed below, even before a trial or hearing has commenced, could necessitate their replacement with consequent increased costs and/or a short adjournment.

- Trial judge
- Arbitrator
- Barrister, advocate
- Expert or key witness.

Insurance can be arranged to indemnify the policy holder for the additional costs and expenses necessarily incurred up to the sum insured, as a result of the sickness, accidental injury or death of the insured person during the policy period.

The Sedgwick approach includes

- *the ability to provide cover not just for trial judges and arbitrators but also for barristers and the expert/key witnesses when appropriate;*
- *coverage can be effected to protect expenses in respect of an insured person prior to and during the legal process and until delivery of judgment;*
- *the option of insuring against adjournments in addition to retrials and rehearings;*
- *the option to include dismissal or resignation of the insured person through disgrace;*
- *should the case settle before inception of any coverage, no charge will be made. Furthermore, there will be a pro-rata return of premium (subject to an administration charge) for early conclusion.*

Both plaintiffs and defendants, whether individuals, corporate entities or public authorities, should consider such cover, particularly if the case is complex and likely to run for some time."

If you would like further information on the plan, please contact Cheryl Richardson or Dora Pilouras of Sedgwick Ltd on 1800 068 652.

BALANCE

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