Dutch Bar Association vs International Accounting Firms

April *Balance* reported on a matter before the Dutch courts where Price Waterhouse and Arthur Andersen & Co challenged the Dutch Bar Association's regulations prohibiting multi-disciplinary partnerships. The regulations were being tested under European Union rules on the free provision of services.

De Rebus, South African attorneys' journal, reports the outcome of that challenge in its April issue.

The District Court of Amsterdam said in its judgment that the Dutch Bar Association's regulations were not, in this case, excessive and were based on principal differences between accountants and advocates. Further, the court found that the Bar's regulations were justifiable in that they served the public interest.

The court made the point that the accountancy profession had no legal privilege and concerned itself with monitoring accounts with a view to the interest of others rather than itself. Alternatively, advocates were primarily obliged to be guided by the interests of their clients.

Dutch Bar Association President, Tony Hudycoper, said in welcoming the decision,"It underlies the full independence which the lawyer has to carry out his profession. Accountancy is a highly respected profession as well, but in respect of its professional rules, is incompatible with advocacy. These differences would create a permanent conflict of interest should both practices be fully integrated."

Lawyers Ordered to Cut the Waffle

Great Britain

Long winded lawyers must curb their verbosity and meet tight trial timetables or pay the cost of delays, under an initiative launched by the Lord Chief Justice to shorten civil cases.

Lord Taylor of Gosforth outlined a series of measures signalling the end of the current system in which the pace of civil justice is dictated by lawyers while indulgent judges take a back seat. Instead judges have been told to take a tight control of the length of trials, set timetables for proceedings and fix limits on lawyers' speeches and the use of cross-examination.

"Time is money and wasted time in court means higher charges for litigants and for the taxpayer," Lord Taylor said. "It also means that everyone else in the queue has to wait longer for justice".

Much less time will be spent in oral advocacy and cross-examination, with more emphasis on written argument. "What we are trying to do is to change the whole culture which applies in civil litigation - the whole ethos of it," Lord taylor said. The Bar Council and the Law Society gave a broad welcome to the initiative.

Lord Taylor said that judges had to be more interventionist, becoming trial managers and ensuring that they had a bigger say in how cases were run. If solicitors and barristers failed to comply with curt deadlines, the judge could issue appropriate orders for costs against the side that had dragged its feet.

Lawyers would not be allowed to charge clients for work that had wasted the courts' time. In cases of gross inefficiency, individual lawyers might be made personally liable for costs.

Lord Taylor said that many current judges had suffered as junior barristers from the tyranny of severe judges in the 1950s and 1960s and did not want to be as "nasty to people as those judges were to them." But instead they had become too indulgent, allowing lawyers to go on as long as they liked. "They have got to be more taut and selective of the amount of material we allow into curt and the time for playing about with it."

He hoped that the new policy would result in a more "hands on" approach by judges and a more business-like approach to litigation by solicitors and the Bar in the conduct of the trial and in the run-up to the trial.

The changes include:

(i) Judicial control over cases at each stage leading up to and including the trial;

(ii) To cut the length of advocates' opening and closing speeches, cross-examinations and reading from law books

(iii) Witnesses in most cases to give their main evidence as written statements, not orally , under cross-examination

(iv) Pre-trial hearings in bigger cases to last more than 10 days, with outline arguments submitted in advance;

(v) Strict requirements on each side to get documents to court on time

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Afrikaans or English?

South Africa

April *De Rebus* also reports the decision of its Law Society to continue the use of Afrikaans language in its journal.

The issue, which was publically aired in the letters page of *De Rebus*, attracted a strong response from its readers, both for and against a move towards the publication being written entirely in English.

The decision, based on a desire to alienate as few readers as possible was made after extensive public research. Recognising that many of their readers, in particular the new entrants to the profession from KwaZulu and Eastern Cape provinces, do not have access to Afrikaans, the policy of the journal is now to commission all new columns in English. There remains however, a proviso that unsolicited contributions to regular columns, as well as letters to the editor should as far as possible, be published in the language in which they are received.