

# President's Column

## Baring the Soul

Legal practitioners appearing as counsel in the Federal Court have been asked to bare their souls. The Court has determined that legal practitioners appearing before the Court as counsel shall not wear wigs. Robes themselves, bar jackets and jaboes are still to be worn. The direction follows extensive consultation between the Chief Justice of the Federal Court and the various Law Societies and Bar Associations. The direction is a reflection of the Federal Court's largely civil jurisdiction.

Given the variability of airconditioning the decision will be somewhat of a relief for many practitioners in the tropics. No doubt the decision will also provide some solace to those commentators who have criticised the dress rules of the profession as being idiosyncratic and irrelevant.

## Legal Education

The Vice Chancellor of the Northern Territory has determined that a number of faculties at the University are to merge. Included in the mergers are the faculties of Law, Arts and Business which are to be merged into one faculty - "FLAB".

This has been of concern to the Law Society as the Law Society believes it is important that the good academic and professional standards which have been set by the Law Faculty to date should be maintained. Indeed, because of these concerns the Law Society resolved to oppose the merger negotiations that have been entered into with the Vice Chancellor. Regrettably, these negotiations were unable to stop the proposed merger. However, agreement is still being sought in relation to the following matters:

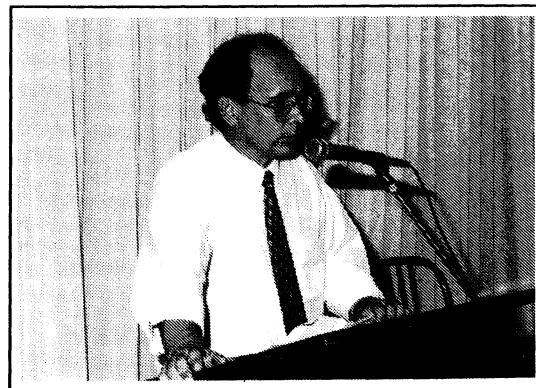
1. For the first 3 to 6 years the Dean of the merged Faculty is to be an academic from the Law Faculty;
2. Preservation of the titles of 'Faculty of Law' and 'Dean of Law';
3. A separate law building should be maintained;
4. Certain matters should be determined by the Law Faculty Board (or by an Advisory Board comprised of law academics and professionals), without interference and without the need for approval from a broader Faculty Board, including those relating to the following:
  - i) The law degree structure;
  - ii) Course structures;

- ii) The Aboriginal pre law program
  - iv) The Centre for Southeast Asian law
  - v) Course offerings;
  - vi) Relationship with the profession;
  - vii) Allocation of budget monies within the Law Faculty;
  - viii) Appointment of law academic staff (the present Business Faculty law staff should not be transferred to the Law Faculty);
  - ix) Appointment of core administrative staff (and the dedication of some administrative staff purely to law to ensure dedicated, quality service to students);
  - x) Allocation of teaching to law staff;
  - xi) Law Faculty rules and policies (these are governed by University and professional requirements);
  - xii) Methods of assessment and the award of grades to students.
5. A separate library allocation for the Law Faculty.
  6. A separate Law Faculty Board or Advisory Board, with the majority of members being law academics and law professionals.

In essence, the Law Society is concerned to ensure that the Law Faculty Board or Advisory Board retain control over matters that are central to the maintenance of Law Degree standards and content.

If such an agreement cannot be finalised and implemented it may be that the Law Society, will have to make recommendations that the Law Degree undertaken within the merged Faculty Law, Arts and Business of the NTU cease to be recognised as a professional qualification.

The involvement of the legal profession in the education of persons wishing to practise law has a history that extends back over many centuries. It still continues to be extremely important that the studies undertaken and the standards achieved satisfy all professional pedagogical requirements. This is particularly so with the development of a national legal services market. It is most important that the standards and content of the Northern Territory University Law Degree match that of other universities. The reduction in standards which has occurred or which is



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occurring in other disciplines in pursuit of maximising the number of graduates or accommodating fashionable philosophical trends in assessment or content of subject matter should not be imported into the study of law. It is also important that the Law Degree remains portable and that graduates seeking admission interstate will not be disadvantaged.

## Practitioners Professional Indemnity Insurance

As a service to practitioners the Society writes to those whose professional indemnity insurance is about to expire or has expired to remind them of their obligation under the Legal Practitioners Act (NT) to provide the Society with proof that they are insured. This enables practitioners to retain their Practising Certificates and ensures they are able to renew their Practising Certificates by 30 September each year.

The Law Society endeavours to exclude from the reminder list those practitioners who have provided the required certificate of insurance soon after the expiry date of their previous certificate.

Over the years that this procedure has been instituted, the response rate has dramatically improved. However, some practitioners have required 3 consecutive reminders, over a period of months, before they have responded - if they respond at all. This has been a time consuming and costly exercise and the procedure now is to issue one first and final reminder.

It is important that practitioners do respond promptly to such reminders. It is the responsibility of each practitioner to ensure that their insurance is maintained and that the Law Society is duly notified of renewals of insurance cover.