

# From the Law Council

## Law Council Supports Streamlining Suggestion for Criminal Cases

The Law Council of Australia has strongly supported consideration of suggestions by a senior Australian judge that defendants pleading not guilty in criminal trials be required to detail their defence well before the trial, in order to improve the fairness of the criminal justice system.

The Council has also gone further, advocating that pre-trial briefs by both the defence and prosecution in criminal trials should also be considered, in order that less time be spent in court arguing on points which are not central to the dispute.

Says Law Council President, Bret Walker, SC, "The Law Council fully endorses Justice Trevor Olsson's suggestion that criminal trial defendants be required to detail the issues raised by their defence, in much the same way that the prosecution currently does, or should. This may save time in criminal court cases, in that both parties would know what the other side was going to say, and non-disputable points could be agreed upon quickly, rather than being

subject to laborious court room debate or tedious oral evidence".

"But it is not just the defence who should be asked. The prosecution should also consider reforming its trial methods, by more freely accepting summary admissions, instead of wading through days of non-contentious evidence".

"There should be consideration of earlier and more liberal disclosure of prosecution briefs and other material to the defence, so eventually you could have pre-trial narrowing of issues, especially upon agreed facts or admissions. This should substantially cut down the amount of time involved in criminal court cases".

Mr Walker went on to say, "The principal aims of any criminal court case should be fairness and truth, but realistic economies in the criminal justice system should also be considered within those boundaries. The Law Council applauds Justice Olsson's willingness to raise such a difficult and complex issue. This is another good example of the judiciary actively driving justice reform itself."


## Lawyers Right Behind New Technology

Australian lawyers are actively supporting the use of new technology in the justice system, the Law Council has said. But it has stressed that new technology for the courts should always be carefully tested for its appropriateness and, most importantly, its fairness to litigants, before being introduced as a tool of justice.

President. Bret Walker, SC, said that Australia's courts are leading the world in using new technology in the court room, and that this technology is beginning to reap savings to the community in terms of the cost of justice.

"As an example, the use of video conferencing allows lawyers, litigants and remote witnesses to participate in court cases without having to travel overseas, interstate or interstate, and the holding of documents on computers allows lawyers to cut down on paperwork and research time. Each of these applications alone may save lawyers and their clients vast quantities of time and money."

"It should also be remembered that while technology is part of a lawyer's tool-kit, it should never be considered a replacement for the trained legal mind. The legal process must remain one of human justice and not be IT driven."



The regular wine column from *Jeany's* will return next month. In the meantime, readers are reminded that fine wines, spirits and gastronomic delights are always to be found at *Jeany's*.