

Lawyers' Daydream

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Sir

A group of Plaintiff's lawyers were talking recently, during an adjournment, about the pleasures of personal injury law. Helping people reconstruct their lives, guiding them through the compensation mine field, securing their financial future and counselling them in the more general ways denied to the GPs in their 5-minute Medicare blocks. I imagine our commercial colleagues get similar satisfaction helping businessmen grow richer.

After discussing the pleasures, we got around to discussing the pain. Those 'difficult clients' we all meet from time to time. That small percentage of injured people who seek the assistance of doctors and lawyers and just can't help going through the process on an uneven keel. We all had examples. Apparently, when you deal with thousands of injured people, over time you will meet a few 'unusual' ones, to put it politely.

One story involved a difficult medical negligence case, a sad case in which the doctors and lawyers all helped as best they could. Unfortunately the husband of the plaintiff (who was her most important witness) made threatening comments about the defendant's witnesses, exaggerated, attempted to fabricate evidence and following the verdict left threatening messages on junior counsel's answering machine!

Our group came up with a solution... the Client Complaint Commissioner. This would solve our profession's problems economically and fairly. You can see it now...

'Dear Commissioner,

We write to complain about Mrs Bloggs. We have requested in writing on three occasions to supply taxation returns and an identification photograph for the motor accidents insurer and she has failed to answer my correspondence.

Please investigate and obtain her response.'

or

'Dear Sir,

My client, Mr Doe, refused to take my advice and the advice of counsel to settle his claim for the \$100,000 offered, despite his being made aware of the difficulties as to liability and the insurers' having film of him working during a period that he claimed to be incapacitated. He gave inconsistent histories to various doctors and failed to disclose an earlier back injury until confronted with subpoenaed material. He was awarded \$10,000 by the court which will not cover the medical expenses, costs, counsel's fees and disbursements and we will be considerably out of pocket. Please investigate why Mr Doe did this and arrange for him to pay the fees due.'

Perhaps, to make it easier to complain about our clients, the Commissioner could develop a standard sheet, enabling us to simply tick the boxes:

- ☐ Failure to attend a medical appointment
- ☐ Failure to notify change of address
- ☐ Failure to accept advice
- ☐ Failure to listen to what is said in conference
- ☐ Arranging unnecessary appointments
- ☐ Arguing with defendant's medical examiners
- ☐ Failure to pay disbursements when required.

That would be a winner!

One idea that emerged from the 'think tank' was the developing of a 'Dud Detector' (set up like an airport walk-through detector) at the entrance to legal offices, programmed to warn of unreliable clients, prior to taking instructions. What a time saver!

If there is sufficient support for these initiatives, we thought the Society might pursue them as a major project for 1998.

Robert Bryden

"Bush Talks" - HREOC

Australia's Human Rights Commissioner, Chris Sidoti, launched the Commission's "Bush Talks" campaign on 18 March 1998 in Tamworth, NSW.

The first phase of the campaign is a program of national consultations on human rights in regional, rural and remote Australia.

The second phase, in 1999 and 2000, will be a series of projects to address the key human rights issues and concerns identified this year.

The Commission was founded in 1986 and has reported on numerous human rights issues with particular implications for people outside the major cities – homeless children, mental illness, racist violence, pay equity for women, indigenous disadvantage. This work, however, has hardly scratched the surface of human rights issues in the bush.

The Human Rights and Equal Opportunities Commission is currently asking what human rights problems face people living outside main population centres.

The consultations draw first on the experience of key organisations representing the interests and concerns of employers and workers, local governments, people with disabilities and people from non-English speaking backgrounds, children and women, farmers and indigenous people and others to identify the major human rights concerns in the bush.

Access to this process can be gained by advising the Commission, city, shire or municipal councils, trade union or associations or other representative organisations of issues and concerns.

The Commission can be contacted via e-mail on bushtalkj@hreoc.gov.au, mail at GPO Box 5218, Sydney NSW 1042, or by telephone on 1300 369 530. The Commission's home page can be accessed on <http://www.hreoc.gov.au>.