

# Fevau naturae

by Maria Ceresa, Executive Officer

Politicians. Real Estate Agents. Used car people. Lawyers. Journalists.

No-one likes them much - they are a miserable fact of life.

The talk is most of them are crooks - or so the story goes.

So in the great tradition of setting a thief to catch a thief, the Law Society has hired a journalist to front up as their Executive Officer. After 12 years in the Fourth Estate, I have been bumped sideways.

Some of you might have known me in my former life as The Australian's correspondent for the Northern Territory: as someone who covered you in court; or who sought your opinions on particular cases, or issues such as mandatory sentencing; or who you studiously avoided as I lurked on the distinctly odd edge of reporting the law.

In my new role, it is I who have to make myself available to the profession. I know at least some of you will enjoy the role reversal.

In fact my interstate colleagues welcomed me to the national meeting of Executive Officers as a "former reptile".

My initiation to the Northern Territory law society was to participate in the first ever

planning meeting of the Society. At this gathering your 12 councillors began the process of mapping the future for the profession in the Northern Territory. It is a future that takes into account issues such as national accreditation and approaches to competition policy, as well as issues that affect the particular circumstances of the profession here in the Territory. It is no easy task, but copies of the document the council has developed are available to members and will be discussed in *Balance*. It is exciting and progressive, and one of my jobs will be to promote this planning document and seek feedback - positive and negative - from membership.

A fundamental issue I have been charged to address is that of the image of the profession - and I hope my media skills will be useful in this regard.

However, this is not to be a fuzzy self-serving, congratulatory approach to imagining the law and its practitioners as being warm and cuddly, albeit slightly misunderstood professionals. It is not just a matter of "image control" or "spin doctoring". Clearly we must emphasise the vital role the profession plays within a civil society; but neither should we be afraid of criticism - and indeed self-criticism. I would actively seek input from the profession on how we might positively



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promote your work and the cause of justice serves.

Of particular importance to me in my work servicing the needs and aspirations of the profession "South of the Berrimah Line" the earliest opportunity I hope to meet and with the membership in Alice Springs, Katherine, Nhulunbuy and - praise the Lord - Maningrid

On a lighter note, the council has asked that least some of my work be devoted to organising more social functions. For the time being reserve on this matter and await any and all submissions.

## Complaining about Lawyers

The council of the Law Society will seek a review of the Legal Practitioners Act to increase powers and allow the publishing of successful complaint findings against members of the profession.

The move to increase the society's powers in matters of competence and expand the penalty options, is in line with the adoption of National Conduct Rules by societies across Australia. Council vice president Mr Alan Lindsay identified two areas of the Act in need of reform.

"We need to make sure we have got enough power to deal with issues of professional competence," he said.

"We also need to look at expanding the range of penalties and disciplinary measures available to the society," he said.

At the moment the council may conciliate or impose small fines.

The range of penalty options being canvassed include conditions on practice, supervision, counselling, re-education and mediation as well as the publishing of findings.

To enable the public reporting of successful complaints the confidentiality provisions of the Act will require amendment and a reporting protocol must be developed.

As part of the streamlining of complaints procedures, Mr Lindsay said the council requires that lawyers making complaints about their colleagues cite the rule or regulation or principle breached.

"We won't investigate the complaint until the complainant has done that for us. The aim is to focus the complainant on what the real issues are and that in turn limits and speeds up the reply," he said.

"The Law Society does not want to get involved in delays resulting from squabbles within the profession. We want to put our scarce resources into important matters of conduct," he said. The 1999 Law Society strategic plan aims to improve standards of professional competence, adopt the Model Conduct Rules and review remedies available to deal with unprofessional conduct.

## Mock justice 1999

The judiciary is used to delivering judgement from on high. Imagine how the bench would feel if counsel, solicitors, witnesses from both sides and the accused sought to cross examine and challenge the judge to justify each point of the sentence.

That was the experience of one judge's associate and seven lawyers when they each passed judgement on eight cases in the preliminary round of this year's annual mock trial school competition.

They may have been volunteers but from the back of the Court room they sounded like the real thing and some of their mannerisms and

language were reminiscent of certain Northern Territory judges and magistrates.

The students also rose to the occasion with or witness giving her evidence with a perfect German accent.

There are 10 teams competing in the annual competition this year. The non-scoring preliminary round was held at the Darwin Magistrates Court and at the Alice Springs Law Courts building on March 10.

The case *George Jungle v the Conservative Commission* traversed issues of liability, statutory authorities, due care and contributory negligence.

The competition has been co-ordinated in the Northern Territory since 1989.

It has been funded by the Northern Territory Education Department and the Law Society Public Purposes Trust and Qantas has supplied flights for those making it through to the grand final.

The teams competing this year in the Darwin region include Kormilda College, St John College, Dripstone High School, Nightcliff High School, Darwin High School, Sanders High School and Katherine High School. The Alice Springs region will be represented by Philip's College, Our Lady of the Sacred Heart College and Centralian College.

The winners of both regions will face each other in the grand final to be held in Alice Springs on June 23.

Good luck to all the schools, coaches and judges competing in this year's competition.