

# Bad news and more bad news

Have you ever wondered how the legal year is really ordered? Why is it that there is such a rush of visiting counsel at this time of year? And just what is the collective noun for Queens Counsel? A quarrel of QCs? A conflict of counsel?

It is, of course, the Dry Season, and the reason for such a rash of our litigious travelling certificate brethren might have something to do with justice, but has a lot more to do with the weather. Locals might be complaining bitterly about how bloody cold it is, but for Southerners it is paradise on earth. Not surprising given how totally miserable it is down there. But it causes me to wonder about the relationship between the climate and the disposition of the courts.

Discussions about the weather have always been a useful form of obfuscation for unpalatable dispatches and the introduction to this column is exactly that. I am afraid there is bad news and more bad news in relation to the cost of Professional Indemnity Insurance. Unfortunately most of the increase is out of the Law Society's control.

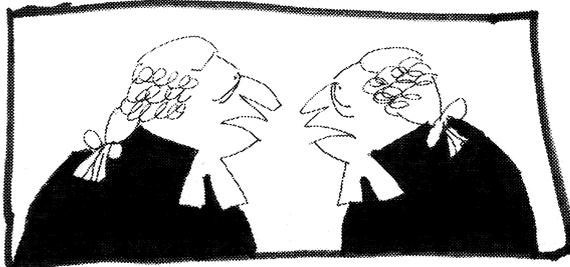
There are four main reasons for the expected hefty rise. They are: the GST impost of 10 per cent; additional to the GST is the Northern Territory government's increase in stamp duty from \$5 for the Master Policy to a 10 per cent cut of the entire premium pool (\$60,000); an increase in the minimum insurance cover from \$500,000 to \$750,000 and finally a difficult claims history.

There's nothing we can do about the GST. There is probably little that can be done about the NT government's intention to increase stamp duty from July 1 which looks set to result in an additional 10 per cent increase to your premium. At least these costs are deductible business expenses.

The decision to increase the limit from \$500,000 set in 1982 to \$750,000 brings the Northern Territory in line with the lowest limit of the other states and will help make the national travelling practising certificate a truly workable instrument. The change in the limit also reflects current judgements in the courts and fulfils our obligations to the community as a self-regulating profession.

For information about the cost of claims, I urge you to turn to page 22 and catch up on the latest from the brokers.

Saying all that, to the market we shall go and fight a good tough battle aimed at securing you the lowest damn premium that we can.



*A quarrel of QCs.*

They used to do it at dawn.

Seconds would be nominated, weapons chosen.

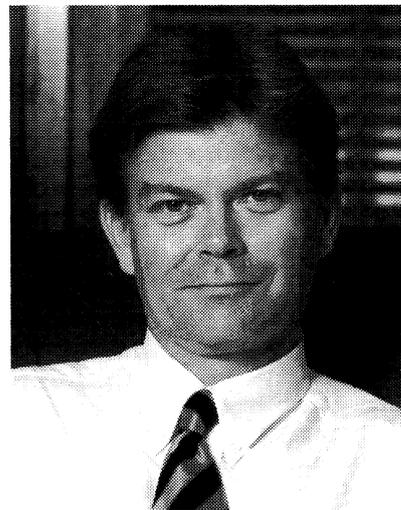
Twenty paces apart.

Shots fired.

Honour would be done.

Ah the good old days! When duelling was, if not legal, at least a semi-acceptable form of dispute resolution. Stupid, petty, old fashioned, inappropriate — call it what you will. Certainly, a pretty unproductive way of going about it.

It's a pity, then, that so many of our profession seek to sort out petty differences in such an antiquated way — that lawyers seek to use the Law Society as a form of proxy duelling for



*Mr Jon Tippett, President*

internecine spats rather than sort matters out between themselves. I am not referring to disputes arising from ethical matters such as conflicts of interest. I mean the petulant inconsequential hostilities of a personal nature.

In the last year the Law Society Council has noted a disturbing rise in the tendency of practitioners to turn to the Law Society to resolve trivial disputes. Quite apart from the costs in time and effort, it is tedious. It certainly achieves nothing for our clients, and even less for the reputation of the profession.

There's little Council can do except appealing for a certain level of maturity from the profession, and asking that people sort such matters out instead of running to the headmaster figure of Council to sort out the "Did", "Didn't", "Did", "Didn't" antics of too many of us.

It would be helpful if before turning to the Law Society that legal practitioners apply some professionalism and ask themselves whether there is anything that can be truly achieved by lodging an official complaint which could not be achieved by a conciliatory attitude and perhaps an apology. Another approach may be just to ignore rudeness of a legal opponent despite its potential to irritate and insult.

It's that or we could consider issuing pistols and nominating seconds. The lawn at the back of the Supreme Court would do.