

FERAE NATURAE

I had a query the other day from a woman who was completing a law degree in another state. The query was whether her degree would satisfy the academic requirements for admission to practise in the Northern Territory. After a brief chat I said that as far as I could see her degree would satisfy the requirements of the *Priestley 11*. I might as well have been talking double dutch or serbo-croatian.

She had no idea what I meant.

The *Priestley 11* are the eleven areas of study, a knowledge of which is the academic basis for admission to practise as a lawyer. In the Northern Territory they are set out in Rule 10 of the *Legal Practitioners Rules*. Readers will be familiar with each of them. They are the building blocks of a law degree: Torts and Contracts; Property and Equity and so on.

I myself remember weary hours in dusty lecture theatres hearing the drone of lecturers trying to teach me the rule in *Foss and Harbottle* and the intricacies of equity. It was all very dry. At the time it did not seem to have much to do with the actual nuts and bolts of the practice of the law nor, when I come to think of it now, much to do with advising a client about a tricky work health claim or a difficult assault charge or indeed the running of a busy practise in either Alice Springs or Darwin and certainly nothing to do with the difficulties of actually making a buck or allocating time in a legal practice.

The relevance of much academic training to the actual practise of the law has long been questioned. But the *Priestley 11* have remained more or less intact now for several generations of lawyers. It may not always remain so.

The Australasian Professional Legal Education Council or APLEC for short has suggested sweeping changes to the *Priestley 11*. APLEC has recently released a discussion paper in this regard. It has the rather forbidding title of *Statements of Competency for Entry Level Lawyers*. It makes interesting reading.

In essence APLEC has suggested a minimum of nine areas of study to replace the *Priestley 11*. These will encompass in broad brush, the skills, values and practical

abilities which each person, who wishes to practise as a lawyer, must have to be able to secure entry to the profession.

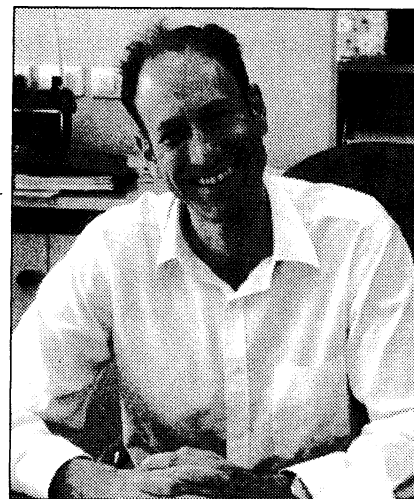
At admission would-be lawyers would have to be able to demonstrate competence in skills as set out under such headings as : *Problem Solving; Lawyer's Skills; Work Management & Business Skills* and *Trust & Office Accounting*. The new emphasis in legal training will be on practical and relevant skills delivered to the student in an innovative and flexible manner.

In practical areas would-be lawyers would have to demonstrate knowledge of three core subjects namely *Civil Litigation Practice; Commercial and Corporate Practice* and *Property Law Practice* as well as one each from two groups of optional subjects. Firstly one from *Administrative Law Practice; Criminal Law Practice* or *Family Law Practice* and secondly one from *Consumer Law Practice; Employment & Industrial Relations Practice; Planning and Environmental Law Practice* or *Wills and Estates Planning*. The essential ethos and values of the profession would be inculcated in candidates for admission by them having to study a subject to be entitled *Ethics and Professional Responsibility*.

These topics may become the APLEC 9, required in future as the basis for admission to practise. These are major changes and feedback has been invited from the profession by the Legal Practitioners' Admission Board which in turn will report to the Council of Chief Justices. A copy of the APLEC paper is available from the Law Society to any interested member.

In June of 1994 the Northern Territory Law Reform Committee reported on the need for a Suitors' Costs Fund in the Northern Territory. At that time the Committee noted that there was such a fund available to litigants in every other state and territory as well as in the Federal jurisdiction but not to litigants within the Northern Territory. That remains the case to this day.

The purpose of such suitors' costs funds will be well known to readers. It is to relieve litigants of the burden of costs imposed on them as a result of erroneous decisions made in respect of questions of law in lower courts and to compensate litigants for costs thrown away as a result of proceedings aborted through no fault of either party. The purpose



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is essentially to reimburse litigants for costs incurred by them through no fault of the parties to a particular piece of litigation.

The Law Reform Committee recommended that a suitors' cost fund be established in the Territory remarking in its report: *that the need to create a discrete and independently funded scheme which will reimburse litigants for costs incurred as a result of matters over which they have no control, is beyond question. This need has been given legislative recognition in all states in Australia.*

The recommendations of the Committee have languished. Perhaps it is time for the issue of a fund for the Northern Territory to be resurrected and in particular the question of how it is to be funded to be considered. Some readers may be aware of injustices that have been occasioned to litigants through the lack of such a fund and, if this is so, the Society would be grateful to hear of them and indeed to receive any submissions or comments from members in respect of the issue.

This is my last *Ferae Naturae* for *Balance*. Maria Ceresa resumes her duties as Executive Officer at the beginning of April. It has been an interesting and enjoyable six months for me. In that time I have had to come to grips with issues as diverse as National Competition Policy and the Travelling Practising Certificate Scheme but by far the most novel request came from the producer of a Danish television program. He was searching for solicitors in Australia who were having difficulty tracing lost Danish heirs to unclaimed estates. The show - I'm not sure if it ever made it past the drawing board - was to be called *Find A Fortune* and was to be televised live. So anybody out there looking for a potentially very, very rich Dane, Great or otherwise, please let me know and I'll put you in touch.