

Manage your lawyer: be firm

This column by Paul Brennan (a Queensland solicitor) was originally printed in the Sunshine Coast Daily on Saturday 6 November.

I never realised why people tended to dislike lawyers until I married one. Argumentative, prone to making smart comments and costly, too.

If you are sick of changing lawyers, or you live with one 24 hours a day like me, the solution is to build a "relationship".

I hear you say, "Shouldn't the lawyer be doing this as part of the service?" Hey, these are lawyers we are dealing with here!

Do not just stay and moan. That will affect your business. Your choice is to either sack 'em or lower your expectations.

After years of moaning about lawyers, the best way of lowering your expectations is to accept that

all along you were the problem (I did not say this was going to be easy).

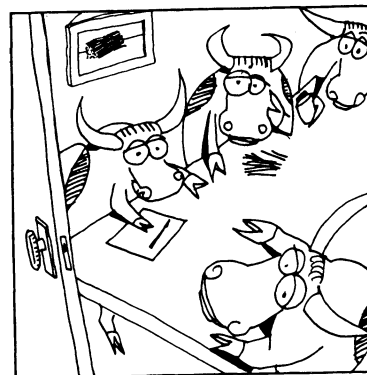
Now here are six questions that may help you down this road:

1. Are your matters always urgent?
2. Does the material become non-urgent once the ball is in your court?
3. Is the quality and/or service never really up to scratch?
4. Do you invariably complain about the bill?
5. Do you then call the lawyers and try to get him to repeat steps 1 and 2? Followed by your steps 3 and 4.
6. Do you then in exasperation look for a new lawyer?

Does any of this sound familiar?

Legal services can be: cheap/quick/excellent. You can have any two of these, but not all three. Cheap and excellent, but not quick. Excellent and quick, but not cheap. You get

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the idea. If your solicitor is consistently delivering all three, be suspicious and look for an angle, eg he is sleeping with your wife.

I hope this helps. Otherwise, keep on sacking - you never know one day your prince will come.①

Catfish moves to the Bar

Ian Morris, a partner at Hunt and Hunt, is leaving the firm to join the Independent Bar.①

Mabo (No 2) to Yorta Yorta - turning the full circle cont...

Northern Territory.

³⁰ See also *Wilson v Anderson* (2002) 213 CLR 401 ("Wilson HC").

³¹ *Ward HC* at [469]. Determinations have now been made by the Full Court in respect of the WA and NT areas. For the NT area see *Attorney-General (Northern Territory) v Ward* [2003] FCAFC 283.

³² See section 223(1)(b), NTA.

³³ No submissions to the High Court were made on this issue in *Ward HC*: see [64].

³⁴ *Ward HC* at [14].

³⁵ *Ward HC* at [18].

³⁶ S.223(1)(a), NTA.

³⁷ S 223(1)(b), NTA.

³⁸ *Ward HC* [18], [64].

³⁹ *Ward HC* at [18], [19], [21], [64], [468(7)].

⁴⁰ *Ward HC* at [32].

⁴¹ *Larrakia Peoples v Northern Territory* (No D6033 of 2001).

⁴² *Rubibi Community v Western Australia* (No EAG 6006 of 1998).

⁴³ *Gawirrin Gumana & Ors v Northern Territory* (No D6035 of 2002).

⁴⁴ *Yorta Yorta Community v Victoria* [1999] 4(1) AILR 91; [1998] 1606 FCA (18 December 1998) ("Yorta Yorta") at [121], also [36], [63] and [118].

⁴⁵ *Yorta Yorta* at [60].

⁴⁶ *Yorta Yorta* at [129].

⁴⁷ *Yorta Yorta* at [121], again citing *Mabo (No 2)* per Brennan J at 60.

⁴⁸ *Yorta Yorta HC* at [12].

⁴⁹ *Yorta Yorta HC* at [46].

⁵⁰ *Yorta Yorta HC* at [47].

⁵¹ *Yorta Yorta HC* at [50].

⁵² *Yorta Yorta HC* at [53].

⁵³ *Yorta Yorta HC* at [83], [86].

⁵⁴ *Yorta Yorta HC* at [87].

⁵⁵ *Yorta Yorta HC* at [89].

⁵⁶ *Yorta Yorta HC* at [77].

⁵⁷ *Yorta Yorta HC* at [63]. See Merkel J's approach in *Yarmirr FC* at [401]-[410].

⁵⁸ *Yorta Yorta HC* at [89].

⁵⁹ *Mabo (No 2)* at 69.4.

Diary dates

9 December - Law Society Christmas Drinks from 5.30pm at the Novotel Atrium, Darwin.

10 December - Law Society Christmas Drinks from 5pm at Sean's Bar, Alice Springs.

10 December - Supreme Court Christmas drinks.

21 December - NTWLA Christmas Drinks from 5pm at DOJ, Darwin.

31 January 2005 - Opening of the Legal Year in Darwin.

2 February 2005 - Opening of the Legal Year in Alice Springs.

Justice John Dowd has accepted an invitation to be the Law Society's guest speaker at the Opening of the Legal Year lunches in 2005.