

BALANCE

LAW SOCIETY NORTHERN TERRITORY

Edition 5/2011

RRP \$18
(includes GST)

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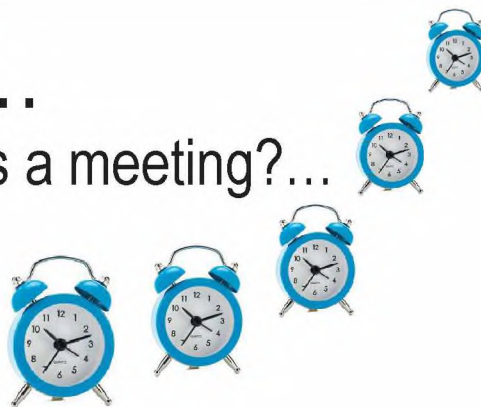
There is no health without mental health

What time is it?...

Where am I?... Did I miss a meeting?...

I am chairing what???

Peggy Cheong,
President,
Law Society Northern Territory



I recall that I was initially recruited by Mrs. Josephine Stone, the professional standards officer at the Law Society some years ago. I was told that it was important for the Society to have a variety of practitioners on the Society's Ethics Committee and Mrs. Stone suggested that I would be 'ideal' as a committee member. I did indicate that I knew little about ethics and ethical issues, but she was adamant that I could 'pick it up as I go'. Not many people said "no" to Mrs. Stone and I didn't either.

That is how I became involved in the Society's business. The first few Ethics Committee meetings and the various complaints and issues that the committee had to consider were interesting. I felt completely out of my depth but then with time and help from other more experienced committee members, I found that I did "pick it up as I went". I also came to realise the important role of the Society as regulator of the legal profession. This is an important function and to this day, I continue to be a part of and chair the Society's Ethics Committee.

The Ethics Committee has the task of dealing with complaints, mostly from consumers i.e. the general public, against legal practitioners. For this task the Committee is greatly assisted by our professional standards officer (PSO) who deals with all complaints on a preliminary basis. She is also responsible for liaising between the complainants and practitioners in relation to such complaints. The PSO then investigates the complaint based upon the nature and details of the

complaint from the complainant, the response(s) from the practitioner and if necessary, the practitioner's files for his or her client. Following such investigation, the PSO prepares a report to the Ethics Committee, which then considers and discusses the report, and recommends the next steps or further action (if any) in relation to the complaint. Therefore, the role of the PSO is crucial to the practical and deliberative function of this Committee.

The Ethics Committee meets once a month, usually, and if there are more complaints to deal with, additional meetings may be scheduled. The committee is not determinative and is not exercising a delegated function under the Legal Practitioners Act (the LPA). If the Committee recommends the dismissal of a complaint, then the dismissal is effected by the CEO of the Society exercising the function of the Council by delegation and the complainant and practitioner are advised accordingly. If disciplinary action is recommended by the Committee, then the practitioner will be provided with a chance to respond to the Committee's recommendations which may include suggested penalties before the recommendations are considered by the Council. Only the Council has the power to take disciplinary action and the recommendations of the Ethics Committee are advisory only.

Ethics Committee membership aside, I cannot recall when my next transition, to the Law Society Council occurred. I

think I have a former president, Duncan McConnel, to thank for my becoming a Councillor of the Society. This too was interesting and participation in the operation and decision making process of the Society was satisfying as I felt, at that time, that I was, in some small way, contributing something towards the promotion of and regulation of the legal profession in the Northern Territory.

Then from Councillor, I moved into the Law Society Executive and became the Secretary. From Secretary, I then became Vice President for a couple of years, *Et Voilà!*... here I am, now the President of the Law Society. It is an honour to become the President, but at the same time it is a bit overwhelming as I want to do my best for the Northern Territory legal profession, but am not sure if I would be able to actually meet my own and others, my peers, expectations. I am sure that the role of the President in the current economic, social and legal climate will be a challenge.

In addition to the Society's Council, the Committees of the Council were put together to consider specific issues or particular areas of legal practice. If Councillors had to do the work of all the committees, then they would have little or no time for anything else or their own personal practice. I always smile when I think about being a member of any particular committee. On a personal level, I seemed to have become part of a number of committees that I did not remember putting my hand up for. I have ended up chairing a number of committees that I do not



recall putting up my hand for either. I put it down to the elves, or that I missed that special meeting, failed to take a step back quick enough, and before I knew it, I was "it". Although I am sometimes surprised and complain bitterly about being "it", I don't think I really mind, as I am still chairing about three or four committees at the present time. They are fun, and sometimes it is at the committee level that the important work gets done.

Having waffled on for some time now, I think I should reflect on the challenges ahead for me and the Law Society. National Legal Profession Reform (NLPR) occupies much of the national agenda for lawyers at the present time. You may all be aware that Victoria has been chosen as the State that will implement the NLPR legislation. However, the NLPR Board/Commission will be situated in New South Wales. Although the two States are 'close', I am not sure that they are close enough for the Commission in New South Wales to then oversee the reform provisions being implemented in Victoria. Nevertheless, these decisions have been made and we will have to watch with interest how it all develops with time. From a Territory perspective, I believe that it is important to ensure that as a small jurisdiction, our legal profession does not get "swallowed" up by the interstate profession and the Society continues to retain a level of autonomy in relation to important matters of legal practice, such as professional indemnity insurance, trust accounts, funding, regulation and disciplinary issues.

In addition to NLPR, there is also the issue of the Australian Solicitor Conduct Rules (ASCR) for the legal profession. In terms of the Northern Territory, the Society is still in the consultative phase in relation to the adoption of the ASCR. It has been noted that there may be local practice rules to cover matters not in the ASCR and concerns have been raised in relation to same. In order to address local concerns, it

may be possible for some particular rule(s) that are not set out in the ASCR to be incorporated as local practice rules and have effect of rules so that breach of such rules would warrant further action by the Society. At present the Society is calling for submissions from the local profession in relation to the ASCR. These submissions have been asked to be provided to the Society by 31 January 2012. The Council will then consider the submissions and hopefully make a decision in relation to the ASCR by end of March 2012. It should be noted that any ASCR adopted by the Law Society is open to be challenged or disapproved by the Attorney-General within 12 months of adoption of same.

Overall I have had a very peaceful and quiet transition into the role of President since 12 October. My first official role as President was to introduce the speaker at the Mental Health Week Breakfast at Parliament House on 13 October. The breakfast was very well attended and the speaker, Mrs. Marie Jepson of the Tristian Jepson Memorial Foundation, was both interesting and informative. I was quite surprised at the level of depression noted in the legal profession, which includes law students.

Studies have shown that the legal profession is now possibly the most depressed profession in the country. What causes such depression is not known and the work of Ms Jepson and her foundation is aimed at bringing more awareness to these issues and encouraging legal professionals, including law students to seek help as soon as possible. Often with professional assistance and intervention, depressed lawyers and law students would have a much better chance of regaining their 'status quo' and learning to function better in their work and personal environment.

An interesting thought is whether the practice of law leads to lawyers becoming depressed or that people

who become lawyers have such personalities that would pre-dispose them to depressive conditions. Recently at a CPD conducted by Ms Cheryl Richardson, she indicated that studies have shown that people who are lawyers are usually perfectionist and this type of personality carries with it inherent stress and anxiety to get everything right (the first time, in most cases). Such perfectionist personality types are more prone to depression and distress, especially if their functioning does not meet their own goals or targets. The competitiveness of practice within the legal profession and the personality of lawyers may be a combination that leads to greater incidence of depression when compared to other professions. This is an ongoing issue that will have to be monitored and addressed by lawyers to ensure balanced and health, work / life arrangements.

Finally, I would like to offer my personal and the Law Society's sincere thanks to the Solicitor-General, Michael Grant QC, who was kind enough to give up his time on a Saturday morning to facilitate the new Council's strategic planning day on 29 October 2011. A lot of effort went into the organization for this day and my thanks to the CEO and Secretariat for making everything go so smoothly on that day. Once again, or as always, our Statutory Supervisor, Mr. Grant was superb. He was most helpful in directing discussions and making suggestions in relation to the business and objectives of the new Council. He was most vocal in relation to our annual Law Week event and in light of the planning day discussions the nature of Law Week for 2012 will be revised so that it is much more user friendly to the community and also a benefit to the profession generally. The Council and Secretariat hopes to build on the ideas and discussions we had at the planning day and move forward with actions towards the objectives and core business of the Society. ●

