

# Summary of the Society's recent advocacy activities

The point was addressed by a New South Wales judge most recently in *Montenegro v Law Society of New South Wales*,<sup>8</sup> remarking that “drink driving offences, even those not involving personal injury or death, are considered seriously when deciding questions of professional fitness”, the concern being “that they may evince a disregard of lawful processes which is completely inimical to the observance of proper professional standards”. It may be, to this end, that the lawyer in this case—who had, *inter alia*, been caught drink driving on multiple occasions and lied to the police in an attempt to circumvent responsibility—should count himself fortunate to have avoided suspension.

Yet beyond potential disciplinary consequences, a lawyer's behaviour whilst under the influence of alcohol may present the profession badly to those present, and potentially the broader community. It is difficult, after all, to sustain a lasting respect for persons who cannot control their actions by reason of drunkenness. And as respect is a close relative to trust, one may well query whether the public (or even semi-public) consumption of excess alcohol by any lawyer can do the reputation of the legal profession any favours. So far as the quip “never trust a man who doesn't drink” is concerned here, it must be recalled that its author (W C Fields) died of an alcohol-related stomach haemorrhage!

<sup>1</sup> See, e.g. *Re Application for Admission as a Legal Practitioner* (2004) 90 SASR 551; *XY v Board of Examiners* [2005] VSC 250 (involving misbehaviour to which alcohol abuse contributed).

<sup>2</sup> Beaton Consulting, *Annual Professions Study* (2007).

<sup>3</sup> See, e.g. *Legal Practitioners Conduct Board v Nicholson* (2006) 243 LSJS 293 (lawyer who, as a result of alcohol addiction and depression, withdrew trust funds without authority and almost immediately repaid the moneys was suspended until further order).

<sup>4</sup> (1957) 97 CLR 279.

<sup>5</sup> Per Taylor and Fullagar JJ.

<sup>6</sup> See, e.g. *Waikato Bay of Plenty Lawyers' Standards Committee No 1 v Pou* [2014] NZLCDT 86 (third drink driving offence and driving while disqualified; two month suspension).

<sup>7</sup> See, e.g. *Auckland Standards Committee No 1 v Ravelich* [2011] NZLCDT 11 (seven month suspension); *Hawkes Bay Standards Committee v Beecham* [2012] NZLCDT 29 (two-year suspension).

<sup>8</sup> [2015] NSWSC 867 at [89] per Campbell J.

- ABC media on call for a seventh Judge
- Briefing with Lynne Walker
- Attendance at Law Council National Policy and Communications Forum
- Attendance at Conference of Regulatory Officers
- Submission to Attorney-General regarding Daniels Law
- Submission to Department of Attorney-General and Justice on Family and Domestic Violence Issues Paper
- Attendance with Dr Warren Mundy – Productivity Commission on Access to Justice
- Media briefings on Daniel's Law
- Hosted Christmas Drinks – Darwin and Alice Springs
- Comments to Law Council of Australia – 2016–17 Pre-Budget Submission
- Media Comment – Personal Violence Restraining Order Bill
- Attendance at Buy Local Plan and Legal Services Procurement Forum
- Attendance – Making Justice Work Forum
- Attendance at Criminal Justice Forum
- Further submissions to Department of Attorney-General and Justice – Daniel's Law
- Hosted Start at the Top Family Law Conference
- Publication of the *Little Red Book Second Edition*
- Attended Forum on Daniel's Law
- Attended briefing with Attorney-General's Department
- Attendance with Lynne Walker shadow Attorney-General
- Attended function: Lunch with the Opposition Leader
- Hosted Opening of Legal Year lunch – Darwin
- Launch of *Little Red Book* – Darwin
- Hosted Opening of Legal Year dinner – Alice Springs
- Launch of *Little Red Book* – Alice Springs
- Attended Law Institute of Victoria Annual Conference of Council
- Attended Opening of the Legislative Assembly