

## By Michal Horvath

**T**his edition aims to peel away some of the mystery surrounding appeals, provide an overview of various appeal processes and, most importantly, give readers some pointers on when and how to appeal.

Simon Tisher's article focuses on interlocutory appeals. You may be surprised to hear that simply because a decision is wrong may not be sufficient grounds for leave to be granted. You will have to read Simon's article to find out more.

At the other end of the spectrum, if you are lucky enough, you might just get to the High Court one day. If so, you would do well to read Christopher Barry QC's article on special leave applications. Nothing inspires confidence like statistics. In this case, it is the 7% success rate of applications for special leave. The article may just reduce the odds of your case being branded 'an unsuitable vehicle' for an appeal.

Speaking of statistics, Travis Schultz and Tim McClymont provide us with a round-up of recent appeals throughout Australia. It seems that we should all be moving to NSW, where a successful appeal is more likely. Also, it would appear, the High Court has been kind to plaintiffs, allowing 70% of appeals to succeed over the last year.

Richard Douglas SC, in his article on fresh grounds of appeal, reminds us that parties are bound by their conduct

at a trial – but he helpfully lists the scenarios where we might just get around it on appeal.

In case you thought you would not have to remember administrative law after law school, think again. As Jnana Gumbert points out, more and more personal injuries claims are being made by administrators, where the rights of appeal are limited to an administrative ground of review. If this does not apply to your state now, it may well in the future.

Her article is complemented by the work of Mark Cleary, who deals with appeals on the questions of law from inferior courts and tribunals.

For our colleagues in the criminal arena, Patrick Mugliston examines issues surrounding DNA and appeals. It is scary – and yet amazing – to read that hundreds of appeals have succeeded using DNA evidence. There is also a thought-provoking article by Richard Edney, on possible reforms of criminal sentence appeals.

The edition would not be complete without Gerry Mullins' practical tips for appeal advocacy. One could do much worse than to adopt Justice Kirby's 10 pointers, reproduced in this article. ■

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This issue of Precedent is cited as (2007) 85 PRECEDENT. ISSN 1449-7719 © 2008 Australian Lawyers Alliance, ABN 96 086 880 499  
Trading as the Australian Lawyers Alliance, GPO Box 7052, Sydney 2001, DX 10126, Sydney Stock Exchange Phone: (02) 9258 7700 Fax: (02) 9258 7777  
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