



**Queensland Law Society Vincents'
Symposium 2008
Brisbane Convention and Exhibition
Centre, South Bank
Thursday, 6 March 2008, 8:50am**

I am very pleased, as always, to have the opportunity to address you. While the legal profession has disparate elements – the practising profession, the non-practising profession, academics, corporate lawyers, the judiciary – there is a supervening unity which explains why, for example, a law society most of whose members would never enter the courthouse, would invite a judge to open their annual conference. We judges greatly appreciate the profession's courteous acknowledgement of our role.

As your Chief Justice, I am grateful for your enduring respect of the office, and your apparent acceptance that something worthwhile may be expected of me.

This morning's plenary session concerns major change in the profession. Unsurprisingly, having recently passed a decade in my particular role, I have been asked a number of times to reflect on the major changes in the legal system which have occurred over the last 10 years. Some have immediately come to mind: the gender composition of the courts; the increased incidence of litigants without legal representation; the introduction of broader technological support; the substantial remodelling of the regime for the maintenance of professional ethical

standards; in the court, the increasing embrace of mediation, and for those civil cases which must proceed to adjudication, an inexorable retreat from oral advocacy to written presentations. The list goes on. I was grateful to be given the opportunity to address some of those matters in the February edition of 'Proctor'.

There are three particular features about which I wish to speak briefly this morning.

The first, which I have not yet mentioned, is the profession's pro bono commitment, especially marked over the last decade. I am enormously appreciative of this. QPILCH has done very good work, but pro bono work broadly characterizes the commitment of the Queensland profession. There is a related recent development in the Supreme and District Courts in Brisbane.

With the increasing incidence of unrepresented litigants, we determined to explore, over the last 12-18 months, the practicability of establishing a citizens' advice bureau service, in the first place in Brisbane, modelled on the facility which has operated effectively for some years in

the United Kingdom. I was very pleased when the Attorney-General adopted this proposal, which is now appropriately funded by executive government. The initiative is called “accessCourts”, and includes a free-of-charge professional advice service run by QPILCH from the metropolitan courthouse, and a network of trained volunteers who assist persons involved in court proceedings through the process.

The Attorney-General launched the service in the Banco Court at the Christmas Greetings ceremony on 12 December 2007. It operates from offices on level one of the District Courthouse in Brisbane on Tuesday, Wednesday and Thursday from 9.30am to 12.30pm, and 2pm to 5pm.

To run this service, QPILCH employs a solicitor coordinator and a paralegal. The Department of Justice’s community legal services programme has provided funding until 30 June this year, and given the strong support of the judiciary and the department, we are hoping that funding will continue.

This service is the first of its kind in Australia, and probably the first such service ever outside the United Kingdom. As I have mentioned, it is modelled on the highly successful Citizens' Advice Bureau which operates from the Royal Courts of Justice in London.

The service is supervised by a reference group, which oversees the operation, training and evaluation of what is being done. Our former colleague the Hon Martin Moynihan AO chairs the reference group, and its other members include a magistrate, a barrister, a senior litigation solicitor, a forensic scientist, an academic and a social worker.

The solicitor will assist litigants in person by providing legal advice, drafting documents, researching issues, suggesting options for resolution, and referring appropriate cases for further advice to, say, pro bono streams within the professional associations.

The parameters of the service have been very carefully crafted, with precise delineation of areas of responsibility and liability.

We not infrequently acknowledge inaccessibility to justice on the civil side, because of considerations of cost and complexity, as the largest persistent problem besetting our legal system. It is fanciful to think that legal aid will in forthcoming years be more readily available to alleviate this problem. This accessCourts project is, in a progressive way, an attempt to address the problem to some degree, and it is an initiative for which the Attorney-General and executive government deserve warm commendation. I also thank the profession for its present, and I hope prospective, support of this important development.

The second Court matter I mention is developments in technology. We offer these to assist you and your clients to better outcomes. I have read in the national press of things happening in this arena in New South Wales and Victoria. But in many instances, Queensland has been a forerunner in such developments. In many ways Queensland has been ahead of the game, and for relatively small investments has used IT to enhance service delivery. This jurisdiction has benefited greatly from the foresight and innovation of specialists like Mr

Ashley Hill and Ms Jo Sherman. Let me offer some examples.

In 2003, Queensland piloted the use of on-line hearing rooms to manage interlocutory applications in the planning and environment jurisdiction. We established the eChambers solution, but it did not prove particularly popular with practitioners and judges, so we did not persist with that. Then two years later, a single system called QWIC was adopted to manage criminal matters across the three State courts. As you may know, the civil case management system in the Magistrates Court facilitates electronic lodgement.

We are particularly proud of the eSearch service, which facilitates the searching on-line of civil files in the Supreme and District Courts. eSearch provides a wealth of information and saves court users considerable time in their dealings with court registries. Last year, there were more than 500,000 searches conducted using this free and easy service.

Then there is Wi-Fi. Queensland Courts were the first in Australia, and probably the world, to offer free broadband

wireless internet access within courtrooms. Lawyers can in this jurisdiction access the internet, stay in real time contact with colleagues back at the office, or connect to their office systems, in more than 120 courtrooms around the State.

In 2007, the Court of Appeal began producing electronic appeal books. This means large appeal books are routinely distilled into a single CD of searchable PDF documents provided to all parties. Judges use the electronic appeal books from pc's on the bench to enhance further the efficiency of the courtroom process.

I should add that pc's are also being installed in selected trial courtrooms so that complex matters may be heard electronically. These are set up in fixed locations, with a mobile solution also under development to allow electronic hearings to be conducted in any courtroom in Queensland – in situations where all evidence and documents will be presented and managed electronically. This initiative will allow Queensland practitioners confidently to prepare their cases electronically without the need to produce large volumes of printed material before the hearing.

You would be disappointed if I failed to mention the new metropolitan courthouse. As you know, the government is on-track for the construction of a new Supreme and District Courthouse in Brisbane, to be the metropolitan courthouse for all Queenslanders. The current cost estimate is approximately \$600 million. My point in mentioning this today is to confirm it will include state of the art technology in all courtrooms, allowing electronic hearings to be conducted on a daily basis if required. We hope this courthouse will be commissioned in the year 2011, which will mark the 150th anniversary of the Supreme Court. The project is now passing from the schematic to the detailed design phase. Some preliminary site works are expected later this year, maybe from July; and we look forward to the government's commitment to the substantial construction cost, at the Cabinet Budget Review Committee meeting in November.

I mention these aspects of technology lest you may have been unaware of some of them, and to emphasize that we are, in this jurisdiction, actively and continually exploring the optimal use of technology.

Cost has been the ultimate impediment to full access to justice. We respond to this in various ways. The responsible practitioner will keep his or her fees to reasonable levels. The compassionate practitioner will take on a lively pro bono commitment, which may these days extend to serious support of the accessCourts programme. In the courts, and with strong departmental support for which we are grateful, we are and must be alive to a feature of the contemporary situation which has great potential to reduce costs, and that is, the optimal use of ever more sophisticated technology.

I have spoken about assistance to unrepresented claimants and litigants, and technology. The third matter I specially mention is costs assessment. You know that late last year, the Uniform Civil Procedure Rules were amended to insert a new chapter dealing with costs. That established a new mechanism for assessment, by legal practitioners approved by the Director of Courts. The new regime covers both party and party and solicitor and client assessments. It has been operating now for three months or so, and no problem has been referred to me. At last count, 22 practitioners have been approved as costs assessors, including eight resident and practising out of

Brisbane. Four at the Gold Coast, two in Maryborough, one in Townsville and one in Cairns. I am gratified that the new system is operating satisfactorily. I have spoken previously about the reasoning behind the changes. Suffice for today, for me to repeat my view that this is a progressive development which will benefit litigants and the public. I use this opportunity to urge other practitioners interested in this field to consider applying for appointment as cost assessors.

The courts depend on the members of the profession for their critical evaluation of all these approaches. We greatly value your contributions, should you note an area not working well, or be able to suggest a better way forward in some particular respect. This is in the end a collaborative effort.

I conclude as I began: we are a united profession, of which the elements are self-supporting. The courts, in particular, are ever appreciative of the support of the profession, and I am privileged, as Chief Justice, to express that gratitude on behalf of all judicial officers in this State.

The comprehensive and challenging program for this conference itself inspires confidence in our Queensland profession. It will address a very broad range of subjects and specialties. I congratulate the organising committee, and applaud you, fellow practitioners, for your participation.

In wishing you all well for a productive and enjoyable conference, it is now my very great pleasure formally to open the QLS Vincents' Symposium 2008.