FERAE NATURAE

A number of thoughts jurisprudential have been occupying the mind of your temporary Wild Thing for the past few weeks. The common thread of these thoughts is change. The winds of change are blowing through the landscape of the new millennium and the legal profession cannot hide from the blast of those winds.

Victoria has a reformist attorney-general, the Hon. Rob Hulls MLA. One of the matters Mr Hulls has in his sights is the abolition of the age old rule that advocates have immunity from being sued for negligent acts performed by them in court. If butchers, bakers and candlestick makers can be sued for their acts of negligence asks Mr Hulls, why not advocates? At first blush a proposition with which it is hard to quibble. The immunity arose in a very different social, historical and professional circumstances to those prevailing today. Surely says Mr Hulls, it is an anachronism with which we can do without. We have learnt to live without any number of things from the Middle Ages: cod-pieces, ducking-stools and bubonic plague to name but three, why not advocates' immunity?

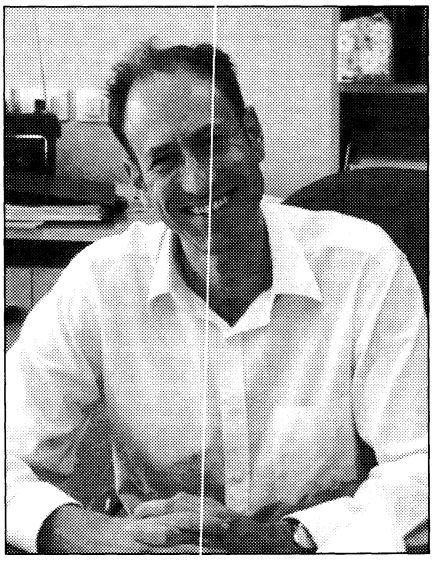
Things, of course, are never as simple as they appear. The sad trend of modern litigation, both civil and criminal, is towards trials of ever-increasing length and complexity. Might not one of the consequences of the abolition of the immunity be that every advocate in every case will be looking over the shoulder and see there a potentially disgruntled client and for that reason will ask every conceivable question and pursue every conceivable issue — just to be safe — in short chase every metaphorical rabbit down every metaphorical burrow. Inevitably cases will become longer and costs will increase.

No doubt Mr Hulls will be seeking to pass on his views to other Attorneys-General throughout the nation and we will hear more on this topic in the coming months. Food for thought. The views of members in regards to this complex issue would be welcomed.

A powerful tornado of change emanated from the School of Economics at the University of Chigaco some years ago. Economic rationalism is abroad in the land and of course the Legal Profession is not immune to its influences. Competition policy is the mantra of the times. The pro's and con's of the regulated market as opposed to the unrestricted one are endlessly debated by economists, politicians and now lawyers.

One particular restriction on solicitors' practices of long standing is the prohibition imposed by section 136 of the *Legal Practitioners Act* which prevents lawyers sharing the profits of their practices with non-lawyers. The question I pose for you dear readers is whether or not this restriction on competition can be justified in these de-regulated times. Are we soon to enter the era of the *multidisciplinary practice*.

Unlike husbands in "The Seven Year Itch" *the danger period for complaints against solicitors is between 15 and 17 years after admission.*



Stewart Brown, Executive Officer

A *multidisciplinary practice*, for the uninitiated, is one where lawyers and non-lawyers work together on cases on which can be brought to bear the skills and techniques of more than one professional discipline. To descend for a moment into the economic jargon of the times, the benefits to "*consumers*" of "*multidisciplinary practices*" is that they have available to them "*integrated professional services*" at "*one point of sale*" resulting in reduced "*transaction costs*".

The family lawyer of the future may be sharing an office with a psychologist or mediator. Solicitors may be engaged in selling real estate and arranging auctions. Those of you dear readers, with connections in the Cayman Islands or Bermuda may be hanging out shingles with accountants and financial consultants. The permutations are endless.

The Law Council of Australia supports the concept of *multidisciplinary practices* provided that there is a maintenance of lawyers' ethical and professional standards, including the maintenance of client confidentiality and that there continues to be a high level of protection for consumers. In theory there should be no restriction on the type of business structure through which a legal practice may be operated unless that restriction is in the public interest. The days of legal practice in the Territory being restricted to partnerships of lawyers or unlimited liability corporations may be numbered.

These are heady proposals for change

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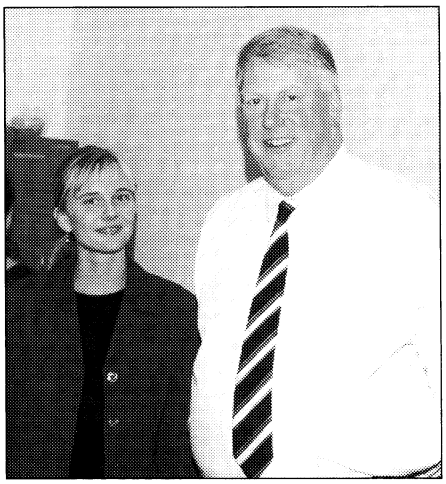
which will effect all legal practitioners in the Northern Territory. Once again the Society seeks the views of its members in respect of this issue.

The jury muster room has always caused your correspondent feelings of deep foreboding, reminding him as it does of previous forays into battle in criminal trials. I knew then that only too soon I would make the all too close acquaintance of twelve of the room's occupants and for that reason had no desire to cross its portals. That is my rather feeble and roundabout excuse for never until now having attended one of the Society's continuing legal education seminars. I challenge others in the same position to come up with a similarly creative excuse. Oh what we have missed.

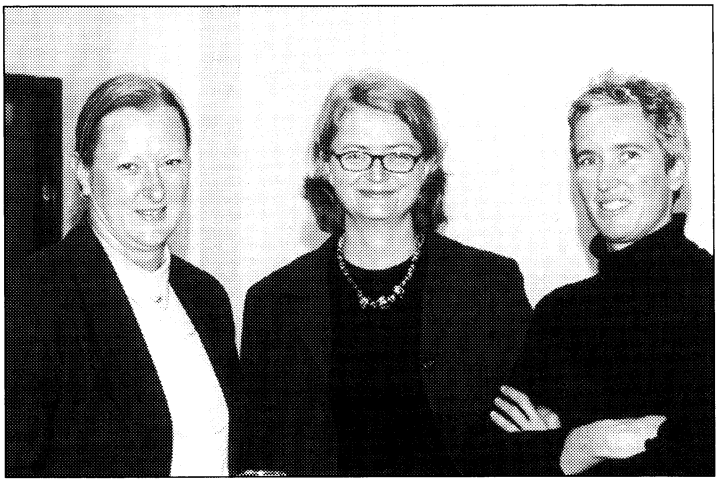
Wearing my new hat I went along to the last seminar on professional standards, ethics and trust accounts presented by John Mitchell and Ray Collins of the New South Wales Law Society and what an excellent seminar it was. Ray, who is manager for professional standards at the New South Wales Law Society had done some number crunching and provided these observations. Far more complaints made against male solicitors than against female ones. Statistically the highest numbers of complaints against sole practitioners in the suburbs and country areas. Unlike husbands in "*The Seven Year Itch*" the danger period is between 15 and 17 years after admission. A pronounced spike appears in the number of complaints concerning practitioners of this vintage. Anecdotally he observed that there seemed to be less complaints coming from areas where lawyers met regularly and who were co-operative with one another. Like the late Julius Sumner Miller I ask each of you : "why is this so?" More gastronomic titbits for your collective cerebellums.

As this is the last *Balance* for the year and as the Christmas decorations have appeared in Cavenagh Street I take this opportunity to wish all members of the Society the compliments of the season.

ALICE WELCOMES MICHAEL WARD SM

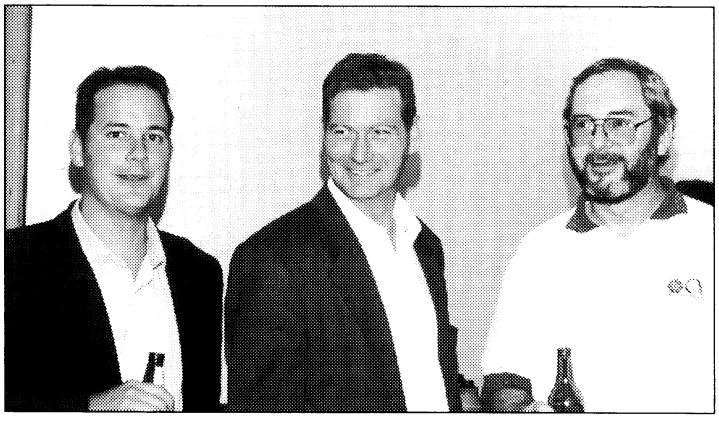


Joanne Fleer and Michael Ward SM



Cathy Deland SM, Katrina Budrikis and Teresa O'Sullivan

David Bamber, Lena Totani and George Georgiou



Rennie Anderson, Kevin Banbury and Peter Campbell