review Australia's extradition arrangements was being established. Justice Stewart who headed a Royal Commission to inquire into drugs noted in his 1983 Report that, like a lot of other bequests, Australia inherited 37 bilateral extradition treaties from Britain. He noted that these were old and that it was questionable whether the 37 countries would regard them as current. Ireland was one of the 37.

The episode does highlight the way in which seemingly dull and obscure issues of law and law reform can suddenly achieve prominence and the potential they have for political embarrassment if law reform is neglected.

class actions

Vasectomy means never having to say you're sorry.
Larry Adler, with apologies to Erich Segal

not a panacea. In February the Public Interest Advocacy Centre conducted a number of seminars in Sydney about the Dalkon Shield litigation in the United States. The Dalkon Shield is an inter-uterine contraceptive device which is the subject of the biggest product liability litigation in legal history. One of the seminars was held on February 25, at the Australian Law Reform Commission. Amongst the participants were Mr Jerome O'Neill and Mr Michael Pretl, US Attorneys, and Ms Emmilina Quintillan, a lawyer from the Phillipines. All three have been involved in the Dalkon Shield litigation.

One of the issues discussed at the seminars was the use of class actions and other multi-party procedures. Mr O'Neil and Mr Pretl argued that where a huge number of plaintiffs were claiming damages for personal injuries arising from the same set of circumstances, the class action procedure was likely to be impracticable. The reason for this was that, although the class action might serve to establish liability, the injuries suffered by each plaintiff would still have to be proved in a separate action. In dealing with the claims of women injuried through use of the Dalkon Shield, they had found it preferable to arrange the claims in groups and litigate each group in a consolidated action. They knew that the defendant manufacturers were unlikely to dispute the basic question of liability, but would argue in individual cases that the injuries alleged were attributable to some cause other than the Dalkon Shield. In this situation, it was tactically advantageous to put a group of plaintiffs allying similar injuries in front of one jury. Any suggestions by the defendants that causes other than the Dalkon Shield were responsible for the injuries started to wear thin once the jury had heard every plaintiff telling much the same story.

Yet class actions were not wholly useless in the Dalkon Shield litigation. A class action, brought on behalf of 'all the women in the world', to compel the manufacturers of the Dalkon Shield to advertise publicly the risks associated with using it had not been brought through to a verdict, but had had the desired result. The manufacturers had arranged publicity to avert further injuries as far as possible.

Mr O'Neil and Mr Pretl also spoke of another form of group procedure, available within the US Federal system and used in the Dalkon Shield litigation: namely, 'multi-district discovery'. Instead of each plaintiff having to call for discovery of documents on her own behalf and to input all the documents produced, a team of counsel appointed by one of the courts involved carried through the discovery on behalf of all plaintiffs who were prepared to use the procedure. In response to the application for discovery the Dalkon Shield manufacturers produced about 200000 documents, which were housed in two buildings, one of them built specially for the purpose on the manufacturer's premises. The advantages of co-operating in this procedure rather than 'going it alone' on discovery were self-evident.

The seminar raised other interesting questions as to the use of class actions and other group procedures in civil litigation. The ALRC's work on the Class Actions Reference is at present in abeyance due to lack of resources, but the useful points made at the seminar will be given careful consideration when work resumes. A further matter to be borne in mind will be the

recent statement by the NSW Law Society that contingent fees should be permissible in damages claims. If contingent fees were introduced, one of the principal obstacles to transplanting the class action procedure from the USA to Australia would be removed.

why litigate off-shore? The Public Interest Advocacy Centre acts for a number of Australian women in the Dalkon Shield litigation. This is one of a number of examples of Australian plaintiffs bringing product liability suits in the United States. Other examples include the Agent Orange and Debendox cases. Rather than the availability of the class action being the main attraction of litigation 'off-shore', it seems that the attractions include:

- the presence of a well endowed defendant in the chosen jurisdiction;
- the contingent fee arrangements which exist in the United States, enabling elimination of the 'downside risk'; and
- perhaps the size of damages awards made by United States courts.

Another factor mentioned at the seminar by Ms Quintillan as being an attraction to Fillipino litigants is the more liberal statute of limitations found in the United States.

It will be interesting to see if, as the trend for our manufacturing industry to go off-shore to our third world neighbours continues, this lucrative aspect of legal practice will also continue to emigrate, to the United States.

interpreters translated into the '80's

That woman speaks eighteen languages, and she can't say 'no' in any of them.

Dorothy Parker

The Federal Minister for Immigration and Ethnic Affairs, Mr Hurford, in March launched the most comprehensive national directory of translators, interpreters and language aids that has been created in Australia. The Directory, produced by the National Accreditation Authority for Translators and Interpreters (NAATI), has over 4,700 entries and lists by State and Territory those people accredited by NAATI. It covers 61 languages and provides the level of accreditation and the address of each person listed, together with contact telephone numbers.

The Chairperson of NAATI, Dr Peter Martin, said the Directory also included all interpreter/translator training courses in educational institutions approved by his organisation in Australia: 'The Directory will be a valuable tool for people and organisations requiring the services of qualified translators and interpreters', Mr Hurford said, adding that it should 'considerably improve community access to translating and interpreting'.

In the same month, Mr Hurford announced the installation of new equipment in Melbourne to upgrade the Telephone Interpreter Service (TIS). The new equipment will allow:

- twice as many calls to be handled;
- up to eight people to talk together;
- speed-dialling – using a memory bank – to link the caller to commonly-used services; and
- automatic transfer of calls to whichever TIS operator is free.

TIS was established in 1973 and provides an interpreting, information and referral service throughout Australia – 24 hours a day, every day of the year – for only the cost of a local phone call. Callers can be helped by TIS officers speaking more than 70 languages and in 1983-4 the Service handled 305,000 calls.

The Directory and the upgraded TIS service come at an important time in light of the ALRC's examination of the use and admissibility of 'interpreted and translated evidence' in the courtroom in its *Interim Report on Evidence* (ALRC 26). A concern frequently voiced by legal practitioners has related to the quality and availability of translating/interpreting services and the extent of the liberties taken by those conveying into English the responses of witnesses. The existence of a means of locating