

BOOK REVIEWS

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Update on overseas publications

The following publications are a random selection of titles covering various subject areas, legal research and ready reference. Prices included are in Australian dollars and are subject to change. They do not include postage and handling.

Introduction to the law of Israel

by A Shapira and KC DeWitt-Arar

Kluwer Law International, The Hague, 1995 \$180.00
ISBN 90 6544 835 7

Noble's international guide to the law reports

Bicol Island Publishing, Etobicoke, 1995 \$116.00
ISBN 0 9699467 0 8

A complete and comprehensive handbook detailing the basic features of all law reports worldwide. It is published in easy to read table format organised in 6 columns.

Bibliography on law and developing countries

by BZ Tamanaha

Kluwer Law International, The Hague, 1995
\$146.00
ISBN 90 411 0860 2

The citations listed in this bibliography were published between 1975 and 1993. Substantial legal developments have occurred since 1975 and the vast bulk of the materials on the subject has been produced since that time. The citations are grouped under 53 different subject headings.

European litigation handbook

by T Taylor and N Cooper

Sweet and Maxwell, Andover, 1995 \$78.00
ISBN 0 421 52080 9

This work is essential as a basic introductory guide to procedures and remedies in the EC and EFTA States. It provides a practical overview of litigation and court systems in all of the major and European and Scandinavian jurisdictions.

The European legal book index

2 Volumes 1994-1995 (2 issues per vol)

Den Bosch, Bookworld Publications \$193.00
ISBN 90 75228 03 1

The tool for informing all those working in the legal field of the latest law publications from Europe. A selection of books are reviewed by prominent lawyers from worldwide jurisdictions. Updated every six months with a comprehensive author and title index.

The practical guide to Canadian legal research

by JR Castel and OK Latchman

Carswell, Scarborough, 1994 \$34.00
ISBN 0 459 55274 0

Lexis companion: a complete guide to effective searching

by JS McKnight

Addison Wesley Publishing Company, 1995 \$19.30
ISBN 0 201 48335 1

NetLaw: your rights in the online world

by L Rose

Osborne McGraw-Hill, 1995 \$30.20
ISBN 0 07 882077 4



The fundamentals of family mediation

by John Haynes and Stephanie Charlesworth

Federation Press, Sydney, 1996 \$35.00

Mediation: principles, process, practice

by Laurence Boulle

Butterworths, Sydney, 1996 \$42.00

The publication of these two books represents a timely addition to the limited body of reference material on mediation in Australia. As mediation practice expands as a dispute resolution process in many areas of the law, two new publications based on Australian experiences are very welcome to practitioners, combining as they do, both theory and current Australian mediation practices.

Each book approaches mediation from a different perspective, reflecting the background of the authors. The Haynes/Charlesworth publication is based on the work of John Haynes, a long established American family mediator and educator and in particular on his training program *Fundamentals of divorce by mediation*. His work has been adapted by Stephanie Charlesworth, a Melbourne-based private family

mediator, for use in Australia and New Zealand and contains many references to Australian and New Zealand family law, the specialist setting of this publication. It should be noted that the law is at 30 August 1995 and does not take into account amendments, for example, to children's matters in Australian family law to come into effect from June 1996.

The Boule publication is more generalist, reflecting Professor Boule's more wider interest in mediation as a dispute resolution process. This book is generally inclusive, attempting to cover all areas of mediation and considering mediation principles, process and practice as discreet parts. Many issues of current concern to mediators are considered, for example, quality standards and accountability for mediators involving as this area does, the question of accreditation of mediators. In dealing with these current issues, the author is not able to examine, other than in minimalist terms, many of the emerging issues in mediation, for example, the participation of children in the mediation process. This is not to detract from the publication. It is a serious attempt in one volume, to cover an extensive field in a comprehensive way and by force of this, discussion of emerging issues is limited. For example, it also examines mediation in a legal context, looking at judicial review of the mediation process, mediation clauses and the conclusiveness of mediated agreements.

The publication is aimed at those who are learning about mediation in academic institutions, but would be of general interest to those practitioners who wish to be informed about mediation in a general way, without necessarily wishing to practice it.

The Haynes/Charlesworth book takes a more practical approach, discussing theory in the framework of the mediation process itself and the establishment and building of a private mediation practice. It is specifically aimed at providing practitioners who have undergone training, hands-on advice as they enter a family mediation sessions, letters and memorandum of agreements. It also aims to provide directors of training programmes with a text dealing with the how-to, in the context of family mediation, so that trainees can concentrate on the knowledge skills necessary to practice successfully.

However, it must be emphasised that this book is based on the ideas and experience of John Haynes himself. There are some areas of the text where practitioners may find that the developing Australian experience is different to that of Haynes, for example, the place of mediation where there is currently family violence. Charlesworth examines Australian practice in this regard, but it is useful to remember the joint nature of the authorship of this publication.

The Fundamentals of family mediation includes as one of many appendices, a useful annotated bibliography of recommended reference books, journals and pamphlets for prospective mediators. Both publications are worthy of a place in a mediator's library or in the library of a general practice with an interest in mediation.

Susan Gardiner

Director of Mediation, Family Court of Australia



Principles of the law of trust, 3rd ed

by W A J Ford and W A Lee

LBC Information Services, Sydney, 1996, Looseleaf \$210.00

I agree with the publisher's claim that this is now the premier publication in its field.

Jacob's law of trusts in Australia (5th edition, Meagher & Gummow, Butterworths 1986) is now 10 years less current. More importantly, I often find I can quote Ford and Lee to a client without much explanation - so plain is the text.

This new edition is published as a supplemented book. Each of the 22 chapters is printed as an individual booklet, contained in one binder.

It is easy to take out an individual booklet (for homework); and it is easier to photocopy from a booklet than from a 1000 page book.

A prominent equity barrister in Adelaide complains that the 26 tab cards prevent him from flicking through the pages with his usual speed. They are, however, an aid to research and, on balance, I am for tabs.

The same barrister dislikes the cover illustration, "The portrait of Giovanni Amolfini and Giovanna Cenami" by Jan van Eyck - from the National Gallery, London. I however, quite like it.

The price of \$210.00 includes 12 months of updates (1-2 cumulative supplements) and subsequent supplements to update the service will be approximately \$70.00. I have discussed this new edition with several trusts specialists in Adelaide. The consensus is that it is, for them, an essential reference - and value for money.

John Melville

Solicitor, Adelaide



***Law for the medical profession in Australia,
2nd edition***

By A. Dix, M. Errington, K. Nicholson and R. Powe
Butterworths Heinemann, 1996 \$49.00

Despite the title and the implication that this book is written for the medical profession, the legal profession will find this volume a very useful aid in the growing involvement of the law and professions as a whole, not just the medical profession

Lawyers will find that the chapters on confidentiality, patient consent and medical negligence provide a sound introduction to these topics, but the value of the book lies in its treatment of issues such as registration, professional conduct, certification (particularly in relation to mental health), public health and health insurance

In these areas the book provides a succinct and valuable guide to the legal profession which extends well beyond the medical profession for whom it is primarily written

The book also provides a commentary on law and contraception and is a useful introduction to the growing area of bio-ethics

Mark Pickhaver
John Bray Chambers

Tomorrow's law

Edited by Hugh Selby

Federation Press with the assistance of the Law
Foundation of New South Wales, Sydney 1995

If there is one truism in the law, it would have to be that the only constant is change. Against this then it would be a brave person who would dare to predict "Tomorrow's law". However, the contributors to this readable volume have seized upon issues which are currently topical providing perspectives that will challenge the reader on subjects as diverse as euthanasia, control of the media, forensic expertise, multiculturalism, mental health and legal system amongst others. It is obvious that the writers are all very sure of their topic and write with an ease born of familiarity with the contentious issues. It is important that all who work in the legal system have a means of accessing informative and reasoned argument about these far reaching topics. It may prevent the tunnel vision approach to any area of law that is a common trait among lawyers who specialise in a particular jurisdiction rather than a more general practice. It also makes for more interesting dinner table conversations!

This will be a vital book for senior secondary and tertiary students as it raises these important issues in a very digestible form. Although there is no index, the contents pages allow for ready access to the substance of the topic. The cartoons add a quirky dimension to the essays

In short - a good read.

Janet Maughan
Legal Services Commission of South Australia

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