

The APLA Update

AUSTRALIAN PLAINTIFF LAWYERS

ISSUE NO. 2 * FEBRUARY

1994

EDITORIAL

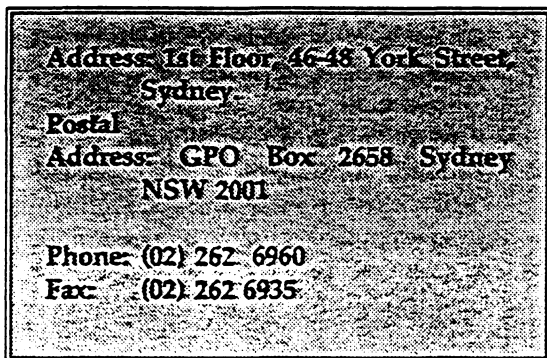
Welcome to the 2nd issue of the APLA Update. This issue contains both articles and case notes on a wide range of legal issues. Our contributors this month come from across the country and represent both our barrister and solicitor members.

We are endeavouring, through the APLA update, to supply our members with a valuable information exchange resource. If you wish to contribute articles or case notes or have any suggestions about ways to improve the Update, please call Anne Purcell on (02) 262 6960.

Another important Information Exchange Service APLA will be offering its members is the Expert Database. We have enclosed two forms for you to complete and return. It is essential that all APLA members supply names of experts for the database. The success of this services depends on you.

I am sure everyone will be pleased to know that the membership continues to grow and currently stands at 36.

Finally, I am happy to announce that APLA now has its own office.



ATLA WINTER CONVENTION - SAN DIEGO '94

By Peter Carter, Carter Capner
Solicitors

The Association of Trial Lawyers of America(ATLA) held its 1994 winter convention in San Diego in January.

Three Australian lawyers were among the 600 delegates. There were several Canadian lawyers and one from Sweden.

There were two streams to the formal program Strategies for a Successful Practice: Maximising Resources and Talents and Trends in the 1990's.

One of the very topical issues covered was institution sex abuse. Stephen Rubin and Bruce Pasternak addressed the subject they titled Organised Religion's Watergate. The Catholic church's position as to the allegations and the litigation were discussed. Causes of action being pleaded by lawyers in these areas included sexual battery, false imprisonment, intentional infliction of emotional distress, negligent hiring supervision and retention and negligent entrustment.

Former ATLA President Roxanne Barton Conlin addressed the conference on security liability for sexual assault. She has established a new litigation group on this subject which focuses on damages recovery from parties other than the assailant in violent crime situations. Such third parties might include the property owner/manager, security firm, architect builder or lock manufacturer /installer.

A good example of this type of case is an Iowa award of substantial damages against a building owner who failed to repair a