

The Procedure of the Federal Specialist Tribunals

by Robin Creyke; Australian Government Publishing Service, 1994; paperback; \$39.95.

In recent years there has been a significant growth in the number of tribunals in the federal and State jurisdictions. Whilst this growth has raised significant questions and concerns about tribunals, such as the use of tribunals in place of courts, the appropriate place for tribunals in the adjudicative system, the independence of tribunals and how the operation of tribunals can be improved, research at the primary level into the operation of tribunals in Australia has been limited.

This book partly fills that research gap. The author, by way of a questionnaire and personal interviews, collects data on and analyses the procedure of four major federal specialist tribunals; the Social Security Appeals Tribunal, the Veterans' Review Board, the Immigration Review Tribunal and the Student Assistance Review Tribunal. The questionnaire is thorough and the responses provide useful comparisons between the ways in which the four bodies operate. One interesting point noted in the responses provided is the extent to which the tribunals use an inquisitorial process over an adversarial process in their method of operation. Another point of interest is the different degrees to which legal knowledge is required of tribunal members.

The second part of the book raises and examines the more theoretical issue of whether a uniform code of procedure should be adopted for federal administrative tribunals. The author details the experience of other common law countries in developing a code of procedure, notes the main arguments that are made for and against the development of a code and addresses subsidiary practical issues that arise in developing, implementing and maintaining a code.

In bringing the two parts of the work together, the author notes that there is a significant degree of commonality in the procedures adopted by the four tribunals and suggests that it is worthwhile giving serious consideration to developing a code of procedure for federal tribunals. The book would feel a little more complete if the author had attempted to develop a draft code. However, as is

pointed out in the preface, this book is merely a pilot study to what the author hopes will be further research in the area.

Overall, the book is easy to read and will be of interest to anyone working in the area of federal administrative tribunals or who has an interest in administrative law generally.

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Handy Hints on Legal Practice

by G.D. Lewis and E.J. Kyrou; Law Book Company, 2nd edition; 334 pp; \$45.00.

Practising law is more about common sense than being able to recite the ratio of the *Engineers case* or decipher the latest on the doctrine of estoppel. More often than not, a client's problems can be solved by a bout of independent reason rather than legal technicality. For this reason, common sense is one of the most potent weapons in any lawyer's armoury.

It is very difficult for any text to give lessons in common sense. *Handy Hints on Legal Practice*, however, achieves this admirably. In this, the book is just as, if not more, valuable to the practising lawyer than the most recent text on torts or contract.

Handy Hints on Legal Practice combines a laid-back style with generous doses of humour to simply and effectively convey its message. It is not dragged down by weighty words or dense footnoting. The authors have avoided using jargon wherever possible, making the book accessible both to lawyers and students. It is pleasing that the work now uses gender neutral language, an improvement on the first edition.

Footnotes are generally used only to complement the text or act as stepping stones to further information. Similarly, references to cases are used only when necessary; for example, in the discussion of confidentiality and legal professional privilege but not in the chapter on acting for friends and relatives.

Starting with Part 1, 'Relationship with Client', the book gets down to the nitty gritty. It suggests how to deal with your first interview with a client along with more complicated issues such as how to avoid a conflict of interest. It even suggests when it may be acceptable to have sex with your client and what to do

if your client threatens to kill the practitioner on the other side. In these, as in other areas, the authors get their message across very effectively — using wit and examples.

Handy Hints on Legal Practice is divided into ten parts, including the topics 'Relationship with Other Practitioners', 'Relationship with the Profession and the Community' and 'Leaving the Law — Common Legal Diseases'.

Several of the parts, notably 'Mistakes and Misapprehensions', 'Communication and Drafting', 'Practice Management' and 'Working in the Law' are particularly useful to new practitioners. The chapters on letter writing — the bane of many a new lawyer — and file management are excellent. The advice is constructive and directly on point.

As each part is divided into chapters, the central idea of each chapter is generally presented in a few pages. This makes the book very readable. It is easy to read from cover to cover and in so doing see the cross-section of day-to-day issues likely to face a practising lawyer. The book does not get bogged down, but deals with one issue and then promptly moves on to the next.

A strength of this work is that it gives concrete advice on a variety of highly relevant topics. An example is how a practitioner should approach acting for friends or relatives — a situation every practitioner is likely to face at one time or another. It is also a situation that can lead to considerable difficulties as to potential conflicts of interest, instructions, and charging. The book also suggests that, if you decide to act for yourself, you should remember the old proverb 'One who is his [or her] own lawyer has a fool for a client'.

Such a quote prefaces each of the 55 chapters — sometimes apposite and almost always amusing, but serving as an effective circuit breaker from the previous chapter.

I highly recommend *Handy Hints on Legal Practice*. No student could do wrong in reading this book before or soon after entering legal practice. Even for people already in practice, reading this book can be extremely fruitful. It takes a refreshing and clear-sighted view of the daily problems that can so easily trip up a practitioner immersed in a stressful practice. As an amusing and eminently readable treatise on the common sense of legal practice, this book is a must.

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