

Dear Sir

The Autumn *Bar News* informs us that someone has actually written a book about vexatious litigants.

Vexatious litigants present an increasing problem for the administration of justice. I suspect, (and someone has probably unbeknownst to me established with numbers), that the increase in the vexatious litigant problem has marched alongside the diminution in real terms of legal aid funding. I note that the Law Council immediately took the Commonwealth attorney-general to task for a perceived failure to increase legal aid funding in the recent budget.

I think I have an answer to the first problem and a partial answer to the second. I first committed it to paper in 2008, as the draft below shows. Perhaps publication in *Bar News* will spur the New South Wales attorney general to adopt this proposal.

I would welcome the opportunity to serve on a committee charged with identifying those whose names ought to be entered upon schedules A and B.

Gerard Craddock

Vexatious Litigation (Repeal and Reform) Act 2008

1. All laws in force at the time of the enactment of this Act restricting the right of any person to litigate in the courts of New South Wales are repealed.
2. Persons whose names appear on Schedule A to this Act are free to litigate in NSW, but only against other persons whose names appear on Schedule A.
3. All proceedings referred to in section 2 are to be presided over by a person whose name appears on Schedule A.
4. Parties to proceedings referred to in section 2 are entitled, but not obliged, to appear by representatives. All persons who represent parties to proceedings referred to in section 2 must be legal practitioners whose names appear on Schedule B.
5. Legal practitioners whose names appear on Schedule B are only entitled to appear as advocates in proceedings referred to in section 2.
6. Proceedings referred to in section 2 may, at the sole and unfettered discretion of the chief justice of NSW, be televised by any public or private broadcaster at a fee to be determined by the chief justice. Monies paid by broadcasters for rights to broadcast proceedings referred to in section 2 are to be paid to the Department of Attorney General and Justice and are to be made available for the provision of advocacy services to indigent litigants, whose names do not appear on Schedule A, by legal practitioners who are on the roll of legal practitioners for New South Wales but whose names do not appear on Schedule B.

Dear Sir

I am entirely disinterested in the debate, but SG Campbell's suggestion (*Bar News*, Autumn 2011, Letters) should not pass without comment. I, for one, do not consider Duncan Graham's hypothesis (*Bar News*, Summer 2010–2011) as either far fetched or fanciful. To the contrary, it reflects the truth of the matter. And I suggest that the proper test is not that of the 'passing acquaintance of the bar' but rather the

reasonably fair minded objective bystander appraised of all of the facts. I am confident she would agree with Duncan Graham.

Robert Reitano