

welcome

from Tory Strong, Deacons & President, Young Lawyers' Section



TORY STRONG

Welcome to the first edition of the Young Lawyers' Journal for 2001.

Some of you will have already met me as I continue my whistle-stop tour through the city law firms. Others I have already met at the various Young Lawyers' functions, but to those who don't know me yet, I say "Hello".

I'm often asked to say a few words outlining what is happening in the Section. From reading the journal in its entirety you will get a fairly good idea. Rather than duplicate the reports later, I'll give you a brief overview of some of the highlights so far this year and an idea of what's coming up soon.

I remember when I left law school a while ago and travelled back to the mainland full of ideas of changing the world. Several years at a large commercial law firm had managed to dampen my enthusiasm for such ideals. However, this perspective was bought home to me when I met several younger lawyers who enquired "What

does the Young Lawyers' Section do about law reform?" At the time, the answer was not much.

How things have changed. Mid-way through last year the section created the Law Reform Committee. This Committee provides an opportunity for those of us who still recall the ideals that prompted us to study law. So far this year the Committee has made submissions on migration law reform and on the racial and religious tolerance bill.

Each of our 5 Committees (Law Reform, Community Issues, Professional Development, Social and Editorial) meet once a month – usually at lunchtime. This participation does not mean a lot of time out of your busy schedule and the meetings can provide you with the opportunity to meet new people and make a change. I highly recommend giving some thought to joining a committee. Our fantastic Manager – Jacqui Boymal (phone 9607 9379) – can provide you with further information.

Recently, young lawyers had the opportunity to spend a weekend at Cape Schanck for CLE and some R&R. It was not only educational, but a lot of fun as well. There will be more

activities throughout the year. So if you're keen to pick up some new skills (or even hone the old ones a little) and to meet other young lawyers, please consider attending.

Another way in which you can become more involved in the legal community is to join a specialist Section of the Law Institute of Victoria. From my own point of view, I admit to be amazed by the number of specialist committees in existence, all of which encourage younger members.

On behalf of the Section, I'd like to extend our thanks to our Manager (the celebrity lipstick tester) Jacqui Boymal for all her bright ideas and exhausting enthusiasm. We're very lucky to have you.

Finally, congratulations to two young lawyers who were recently elected onto the Law Institute Council. I think their election has lowered the mean age of Council by about 10 years (at least). Council is the engine room of the LIV so it is very important that we are properly represented. Aurora Kostezky and Briony Le Duc are to be thanked for their commitment and enthusiasm and we look forward to working closely with both of you in the future.

CLE by the sea

By Catherine Dwyer, Abbott Stillman & Wilson, Co-Chair Professional Development Committee

Recently, the Professional Development Committee of the Young Lawyers Section gave young lawyers the opportunity for the perfect getaway – To spend a day focusing on improving their legal skills combined with a weekend of leisure activities at the Young Lawyers Conference. Held on 19 May 2001 at the Shearwater Resort in Cape Schanck, the Conference was

an initiative of the Committee and was designed to provide young lawyers with up-to-date information on a range of topics from different areas of law in a peaceful and relaxing atmosphere.

The topics were selected to focus on two streams – litigation and commercial law – and they included tortious liability, family law, advocacy, intellectual property, competition law, mediation

and settlement negotiations and GST on court orders and settlements. There were several combined sessions which involved all participants, whilst the other sessions allowed conference participants to select topics from either stream depending on their career path or specific interests.

The Conference speakers, all of whom were experienced in their areas of

practice, provided participants with current developments in numerous areas of law as well as many practical insights.

Her Honour Judge Betty King of the County Court of Victoria led participants through a journey of the courtroom in "The Art of the Advocate". Her Honour Judge King demonstrated the qualities required of a great advocate and some of the rules of advocacy.

Jack Rush QC, who practises in negligence, torts, personal injury and industrial relations, gave an overview

of recent High Court decisions on tortious liability.

There was a range of topics chosen for broad appeal. Participants had the opportunity to listen to Anthony Coleman of Victorian Lawyers RPA talk in relation to practice management, risk management and ethical issues. Anthony, who was a speaker at last year's conference, provided participants with real-life examples of lawyers and ethics – such as the lawyer who rang up a client who had not paid his account and "*advised him if he had half a brain, he would pay his account*"

or the lawyer who addressed a letter to a client who had failed to pay his account "Dear Hero".

The Conference was a fantastic opportunity to combine continuing legal education with interaction with other young lawyers from city, suburban and country law firms in a social environment. After the Conference, guests enjoyed a fabulous dinner and musical entertainment at the Shearwater Resort and participants who elected to stay overnight spent Sunday enjoying the Resort's many facilities.

mooting competition: "calling all counsel"

By Radhika Kanhai, Anderson Rice & Vice President, Young Lawyers' Section

Do you have a burning ambition to join the Bar? Do you want to know what it feels like to argue your case in front of a Supreme Court judge? Do you want your performance critiqued?

These are some of the reasons 30 young lawyers over the past two years have decided to enter the mooting competition. This year, the qualifying rounds of the competition will be held every Thursday evening from 6:00 to 7:00 p.m. between 7 June and 2 August 2001 in Court 10 of the Supreme Court. Each qualifying round will be presided over by a different Supreme Court judge. The finalists will compete in the Grand Final Moot on 23 August 2001 presided over by three Court of Appeal justices.

The competition is organised jointly by the Law Institute, Hanover Welfare Services and the Australian Advocacy Institute. Hanover Welfare Services, a support organisation for the homeless and disadvantaged in the community, receives the funds raised from the entry fees. The Australian Advocacy Institute provides the problems on

which the moots are based. It also runs a training session prior to the competition for those who want to fine tune their advocacy skills.

The moot problems are generally in the form of interlocutory applications brought in the Practice Court. Although the Practice Court is a court where counsel are unrobed, to add to the experience of appearing as an advocate, competition participants are requested to robe. The problems are sent to the teams two weeks in advance. A team consists of one senior and one junior counsel and up to two instructing solicitors. Teams may comprise articulated clerks and first to third year lawyers. There is a maximum of one team per firm. Assistance from anyone else is not permitted.

So, what can you expect on the evening of your first appearance as counsel?.....a court full of legal studies high school students, your colleagues, friends and members of the public. There will be a video camera (if your firm has requested your performance to be taped) and a photographer

recording the occasion. You have the opportunity to have your taped performance reviewed by the Australian Advocacy Institute after the competition. After a short introduction, the case will be called. Senior counsel for the Applicant will present the case first, followed by junior counsel. Then counsel for the Respondents will follow. Expect to be asked questions by the judge. The judge will then critique each participant on three criteria: preparation and conceptualisation, legal argument and communication. A decision on the case will be given and the winning team announced. Each team's score will not be revealed. The two teams with the highest scores out of all seven of the qualifying rounds will compete in the Grand Final Moot. The competition winners will be presented with a trophy and a gift voucher at a cocktail party following the Grand Final Moot.

Inspired to enter? Collect together a team and contact the Young Lawyers' Section quickly on 9607 9379 as entry is limited to just fourteen teams.