

PRESIDENTS COLUMN

"The Jury System"

Once again in recent times we witnessed the spectacle of an ill-informed media whipping up community frenzy based on incorrect facts and poor understanding of legal practices and procedures. The occasion was the acquittal of three accused in two sexual assault cases in Alice Springs, in cases where the particular journalist and certain members of the public - but apparently not the juries - felt that convictions were warranted.

The subsequent calls for reform of the jury selection procedures included a suggestion from the Shadow Attorney-General for legislation to ensure equal gender representation on juries and calls to do away with or reduce the number of peremptory challenges to jurors.

The latter is a reform which the Attorney-General is seriously considering. The former suggestion seems to have been motivated by the fact that one of the juries in question com-

prised 10 men and 2 women. There was strangely little mention that the other consisted of 7 men and 5 women.

Apart from the fact that it is obviously wrong to suggest that women are more or less likely to convict in a particular case than men, there has been nothing to suggest that either the make-up of the juries or the selection procedures contributed to the results.

It may just be that the juries were best placed to make the decisions.

"Mutual Recognition & Admissions"

Significant changes, of which all should now be aware, have been made to the admission requirements for legal practitioners.

The requirements are now contained in the Legal Practitioners Admission Rules which commenced on 1 October 1993. These rules are based on common standards agreed upon by admitting authorities in all States and Territories.

A potential hardship caused by the strict terms of the transitional provision in Rule 31 will hopefully have been remedied by a subse-

quent amendment which came into force on 10 November 1993, which allows people who have been prejudiced by the Rules having come into force to make applications of the Court for relief from the strict operation of the Rules.

This provision will be particularly relevant to current articulated clerks with interstate degrees and final-year students who had planned to undertake Procedure and Ethics on a post-graduate basis. An application to the Court will be the first task of many new articulated clerks.

Case-Flow Management

The Judges are currently considering substantial amendments to Order 48 of the Supreme Court Rules to introduce new case-flow management procedures.

When those Rules come into force they will require a significant change to the way we all prepare cases for hearing. No doubt there will be an increase in costs, at least initially, in complying with the Court's requirements; however it is to be hoped that overall the improved efficiencies in the Court make those initial cost increases worthwhile.