

Supreme Court Notes

by Anita Del Medico

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"... No doubt the solicitors owed a duty of care to the insured notwithstanding the arrangement made between the insured and the underwriters by virtue of which the solicitors were to act, just as the solicitors would have owed a duty of care to the insured had they been instructed in the exercise of the right of the underwriters to defend the proceedings under the policy ..." per Brooking J in *C E Heath Underwriting and Insurance (Australia) Pty Ltd -v- Campbell Wallis Moule and Co Pty Ltd* (1992) 1VR386 and 397 - 8, applied.

[It was ruled that the questions whether the solicitors for the second defendant should be granted leave to file a Notice of Ceasing to Act for him and whether they could properly continue to act for the fourth defendant

insurer, should be heard by the Master or another judge.]

Ruling in the Supreme Court: applications for adjournment of trial and for costs thrown away as a result of adjournment.

T R Anderson QC with I McD Morris, instructed by Elston and Gilchrist, for the plaintiffs.

No appearance for the first defendant.

Second defendant, self-represented (Mildrens, solicitors on record).

D S Farquhar and H J Langmead, instructed by Cridlands, for the third defendants.

B Morris, instructed by Mildrens, for the fourth defendant.

P Barr, with a general watching brief, for Messrs Mildrens, solicitors.

ACT Supreme Court Practice Direction No. 2 of 1994 Queen's Counsel - Senior Counsel

1 This practice direction applies to persons admitted to practise in the Australian Capital Territory, or entitled to practise in the ACT under the Mutual Recognition Act, and who practise solely as barristers.

2. In view of the moratorium placed by the Australian Capital Territory Executive upon the further appointment of Queen's Counsel, the Judges have decided that barristers who have been appointed Queen's Counsel for the Commonwealth or for a State or for another Territory should be accorded recognition similar to that accorded to Queen's Counsel for the Australian Capital Territory.

3. Queen's Counsel from outside the Territory may continue to robe as previously and may use within the Territory the title of Queen's Counsel. However, the title "Queen's Counsel for the Territory" may be used only by persons appointed to that office.

4. Queen's Counsel from outside the Territory who wish to be accorded the recognition proposed should observe the courtesy of notifying the Court by writing to the Registrar informing the Registrar of the fact and date of the appointment relied upon and asking that the records of the Court be noted accordingly.

5. Barristers appointed Senior Counsel in New South Wales will be accorded similar recognition. Schemes similar to that in New South Wales will be considered as the occasion arises.

6. Precedence of practitioners continues to be governed by the Legal Practitioners Act and appearances are to be announced according to the precedence laid down in the Act.

Dated: 17 March 1994
The Registrar

Meet Receiver at women's lunch

An informal joint women lawyers/business and professional women's lunch will be held on Wednesday 13 April at 12.30pm.

The lunch will be an opportunity to meet the new Official Receiver for the Northern Territory and South Australia, Karen Axford, during her visit to Darwin. Ms Axford is the first female Official Receiver to be appointed in Australia.

The venue has yet to be decided but the organisers plan for the event to be modestly priced.

For details contact Judith Kelly or Liz Palmer on 81 7333 (phone) or 81 4675 (fax).

School's in for summer

The London School of Economics and Political Science has just announced its (northern) summer courses.

Each three week course comprises 45 contact hours and is examined to the exacting standards of the London School of Economics.

As far as possible, students are furnished with the same facilities that are made available to full-time students.

The choice of courses has again been extended, to cover the widest possible range of interests within management, international studies, philosophy and criminology. For more information about the courses contact The Law Society on 81 5104.