

# Working group to look at degree

A newly established working group comprising members of the Law Society Council and the teaching profession at the School of Law has been formed to nurture the legal degree at the Northern Territory University.

The Working Group was formed after a Law Society proposal that the degree be subject to an external review was comprehensively rejected by the university.

The Law Society's application to the Public Purposes Trust to fund the external review was granted in principle by the Public Purposes Trust Committee.

In rejecting the review, NTU Vice Chancellor Ron Mackay said the proposal was problematic in that an external review of the type proposed was unusual and may create a precedent for outside organisations reviewing the operations of tertiary institutions.

"There are now signs of a more positive atmosphere among students and

staff. In these circumstances a review of the kind proposed could well be counterproductive," he said.

Mr Mackay welcomed the Law Society's interest in the School of Law and its development especially considering the financial pressures faced by the University.

The review proposal had been discussed with the Chief Justice and the members of the Admissions Board.

The Society suggested the review in the context of the Law School's ability to meet emerging national standards of admission and concern about the school's capability to meet uniform accreditation standards.

A prerequisite for a successful review

was the co-operation of the tertiary institution.

In the absence of the university's support for the external review, the Law Society has embraced the opportunity to contribute to the Law School via the working group.

The Society has restated its commitment to ensuring that the NTU Law School continue to provide appropriately educated and qualified people to meet the professional needs of the Territory.

The convener of the working group is the Dean of the Law School, Professor Ned Aughterson.

The other members include lecturers Bill Herd, Meredith Day and Law Society councilors Ian Morris, Sue Oliver and Duncan Maclean. ①

## Nolan struck off Roll

Former Darwin lawyer Jonathan Peter Nolan has been struck off the Supreme Court of the Northern Territory Roll after an application by the Law Society of the Northern Territory to the Supreme Court succeeded earlier this month.

The Law Society submitted Mr Nolan was not a fit and proper person to practise and asked for his removal from the Roll.

The submission was based on breaches of trust obligations on the part of Mr Nolan.

The Supreme Court action was initiated after the Society's Legal Practitioners Complaints Committee found Mr Nolan guilty of three charges of professional misconduct.

The Committee found Mr Nolan had misappropriated moneys from the trust accounts of three clients by paying his own legal fees rather than using the money for the intended disbursements (outgoings) and in one instance had paid \$2000 of clients money into his personal account rather than the trust account, contrary to the *Legal Practitioners Act*.

The Full Court of the Supreme Court comprised Chief Justice Brian Martin and Justices Mildren and Riley.

In delivering the judgement of the court, Justice Riley said:

*The Court notes that Mr Nolan has pleaded guilty before the Disciplinary Tribunal to three counts involving defalcation from his trust account....The misconduct of Mr Nolan is of a kind that this court has on previous occasions indicated will not be tolerated. In this case there is no explanation for the misconduct. The unexplained conduct clearly indicates that Mr Nolan is not a fit and proper person to practise as a legal practitioner.*

His Honour continued:

*Mr Nolan has not appeared today, however we have received a letter from him in*

*which he indicates that he has no objection to being struck off the Roll and that he does not wish to raise any argument in opposition to the application made by the Law Society of the Northern Territory.*

*He accepts that he has acted in an unprofessional manner and that he has been guilty of specific and serious conduct.*

*The order of the court will be that the defendant's name be struck off the Roll of Legal Practitioners and that the defendant pay the plaintiff's costs of these proceedings.*

The decision means that Mr Nolan will no longer be entitled to practise as a solicitor or barrister in the NT.