

BALANCE

LAW SOCIETY NORTHERN TERRITORY

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**Information
Technology (IT)
and the law**

Time waits for no one

It seems that, as the saying goes, time waits for no man (or woman).

It has never been truer than in the legal profession today. The burden of time is ever increasing it seems, and the way in which law is practised is under sustained pressure for business to be transacted in ever faster ways and means.

Time accounts for a significant number of complaints against practitioners. It is also directly or indirectly responsible for complaints by practitioners of job dissatisfaction, depression, stress and ill health, and for the exodus of younger lawyers from legal practice altogether. The Internet and email are great contributors to the pressure to complete work quickly, and, whereas communications with other solicitors or with the client were at one time something of a genteel art (with the occasional intemperate fax - or telex for the truly ancient (still) amongst us), it no longer happens that way. (I am sure we can all tell a similar tale of the grumpy email from client or foe complaining that an email from several hours ago remains unanswered and ignored!)

Subtly, these changes impact on the way in which lawyers manage their practices also. In private practice, it is less easy to individually manage a heavy file load when the cycle of correspondence occurs so much more frequently. Inevitably, if not managed, what happens is that some matters demand all the attention of the lawyer while other matters languish. And those are the matters that end up at the Law Society in the form of a complaint.

Oddly enough, one of my main concerns is the risk of acting too quickly in matters, where on each

development there is no longer sufficient time given for proper reflection, consideration of 'all the angles' and a strategic response.

I'm sure that in other areas of the very broad practice of the law, from government to legal aid agencies, to the work of the in-house lawyer, similar challenges are emerging.

Managing these changes is a trick. All aspects of legal practice are in one way or another affected. Collectively, our profession needs to come to grips with the impact of technology and time demands and adapt to new ways of practice in order to survive. If you can relate to these issues, make a note of the next Risk Management workshop being held in November, called "Taming Technology" and, hopefully, you will manage your time effectively enough to be able to attend.

Some of these themes will be the business of the Law Society in the coming year. With appropriate speed (in keeping with the theme) we held a Strategic Planning Meeting three days after the Annual General Meeting, for the new Council to set the direction and priorities for the Law Society for the next 12 months or so. We didn't have much time (see above), so spent half a day furiously working through an agenda that could easily have taken a day or more. We were very lucky to have a dedicated secretariat that undertook a lot of the work beforehand and made it possible for us to reach the end in time.

Some key outcomes from the Strategic Planning Meeting were:

- We agreed that the Society should form a sole/small practitioners committee. The objective of this decision was to work towards identifying the



*Duncan McConnell,
New Law Society President*

particular challenges of smaller practices and sole practitioners, and to ensure that the Society is responsive to their needs. Anecdotal evidence suggests that many small practices struggle with time demands on their practices and, in many cases, do not have the option of slowing down or turning away work if they wish to remain in practice at all;

- We resolved to increase the focus of the Society as a commentator on appropriate matters of new law and policy and to advocate for policy and/or law reform of our own initiative. As part of our approach we will be asking (in keeping with the theme) for adequate time to be given to the Society to consider and comment on new policies or laws;

- We have called for existing committees to set priorities and timetables for their specific areas in the next year. In particular, the work of the committees will play an important role in how we collectively adapt to change, such as:

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Time waits for no one...cont.

charge, how we work, the role of technology, how costs are recovered from other parties and, importantly, the complexity of the court scales;

- Professional Indemnity Insurance – what are the issues that are leading to claims against lawyers and to what extent risk management practices can be taught to our profession to reduce the likelihood of such claims;
- Professional enhancement – looking at ways to enhance the services the Society provides to members including looking at emerging problems such as depression, stress, drug and alcohol abuse, and the causes of those problems.

I'm looking forward to being part of the Society's focus on these matters going forward. Many other professions are further advanced than many of our Law Societies in the ways that they look after their own profession. The Law Council of Australia has an important role to play in coordinating and refining the various services provided by the Law Societies in each State and Territory. Here in the Territory, we stand to gain from being able to access more of those services from a truly nationally representative body that the Law Council should be.

It is important to receive feedback from the profession itself about what the priorities and role of the Law Society should be. In the coming months you will be asked to respond to a member survey covering a wide range of matters. Please help to make that survey worthwhile by contributing your views. Or feel free to contact myself or any other member of council, to raise any matters you wish.

One last matter. It's been said before, but is worth recording again: Allison Robertson as outgoing





Duncan McConnel's first official duty as Law Society President at the 2007 AGM was to thank outgoing President, Allison Robertson, for her efforts.

President, and Barbara Bradshaw as our CEO have done a fantastic job in their carriage of the Legal Profession Act implementation. That work is almost complete. The fact that we can even consider other priorities is only possible because of the amazing achievement of the

previous council and Law Society staff in guiding the implementation of the Act.

If you don't already have a copy of the new Act, go out and buy one. In fact, buy two - at four inches thick, the spare makes a great doorstop!

 <p>For your diary...</p>	 <p>Thursday 6 December, 5pm</p> <p>Law Society Members Christmas Drinks at Monsoons, Darwin.</p>
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