

Bar notes

Common Law Listing

The Bar Council is having discussions with his Honour Mr Justice Slattery, Chief Judge at Common Law, to pursue ways in which the system of Common Law listing may be improved. It appears that the following are among the factors which prevent cases getting on:

- (a) Inaccurate estimates of hearing time given at call-overs.
- (b) Unavailability of judges: the Common Law Division supplies judges to the Commercial List, Court of Criminal Appeal and any other stray inquiry going — Common Law cases get the rest.
- (c) Limits on the Master's jurisdiction.

Consideration is being given to listing more cases per day and setting up a motor vehicle list.

Statistics supplied by the List Clerk in the Common Law Division demonstrate how the Common Law list has been moving this year.

(See the accompanying table)

Anyone who wishes to contribute their ideas on how to keep the Common Law List moving should contact Gormly QC.

Intellectual Property Rules:

The Rules Committee of the Supreme Court has settled the Intellectual Property Rules. All intellectual property matters are now assigned to the Equity Division.

The Rules, especially those concerning patents, are based substantially on the 1977 English Rules but have been integrated with the Supreme Court Rules. Some novel features are:

- (i) The need for leave or confirmation for service outside the State is dispensed with.
- (ii) In proceedings for amendment of the specification of a patent, provision is made for an agreed statement of scientific and technological facts to be presented.
- (iii) In proceedings for infringement or revocation of a patent, provision is made for directions to be given in relation to proposed experiments and for the conduct of such experiments, with power to direct that evidence respecting experiments should not be admissible unless

Month	Total of Matters Listed	Not Reached Jury	Not Reached Non-Jury	Not Reached Motor Vehicle Assessment	Total % Not Reached All Matters
January & February	Jury 105 Non-Jury 75 M/V Ass 86 TOTAL 266	29	8	—	37 = 14%
March	Jury 102 Non-Jury 58 M/V Ass 49 TOTAL 209	20	4	8	32 = 15.3%
April	Jury 81 Non-Jury 50 M/V Ass 48 TOTAL 179	6	1	2	9 = 5%
May	Jury 68 Non-Jury 60 M/V Ass 67 TOTAL 195	7	6	3	16 = 8.2%
June	Jury 96 Non-Jury 54 M/V Ass 59 TOTAL 209	14	6	3	23 = 11%
July	Jury 68 Non-jury 59 M/V Ass 52 TOTAL 179	13	Nil	Nil	13 = 7.5%
August	Jury 71	3	4	Nil	7 = 4.1%

the experiment has been conducted in accordance with directions.

(iv) Contrary to previous practice, the Commissioner of Patents upon appearing in any proceedings is required to give reasonable notice to the other parties of objections he proposes to take and of the evidence thereof.

(v) Directions are to be sought from the earliest practicable time after the institution of proceedings, and these directions are to be given by a judge. This procedure is designed to introduce the practice of a judge monitoring a particular case from the outset with a view to the case being allocated for hearing to that judge.

The new Rules will appear as Part 81 of the Supreme Court Rules.

The twenty-third Australian Legal Convention

The twenty-third Australian Legal Convention was held in Melbourne from August 4 to 9. The title of the Convention "Destinations in Law", appropriately emblazoned on the back of a Melbourne tram in the convention logo, summarised the Convention's main theme — its topics were more concerned with questions of policy and overall professional planning for the future than with improving the ability to practise of the individual conventioneer.

This, unfortunately, is becoming the practice of Australian legal conventions, although there was a welcome departure from it in Brisbane in 1983 where the convention was almost entirely devoted to black letter law.

The Convention did have the expected comic relief. An American psychologist, Dr Jerome Murray, gave a series of lectures with topics such as "From Uptight to All Right" and "How to Live with a Lawyer".

These were particularly well attended by accompanying persons and no doubt left those who came to the convention better adjusted.

The social programme was magnificent. It included a Colonial Ball (to which one gained access by a boat on the Yarra) organised by the Young Lawyers, two evenings of home entertainment, an evening at a restaurant, and a day trip by steam train to Ballarat. This was on a beautifully restored Australian version of the Orient Express known as the Melbourne Limited.

The only problem was that the inevitable industrial action meant it had to start and finish outside the metropolitan area and there was no electricity on board for lighting or coffee. The problem of lighting was not of importance, as by the time the train returned, there was no one on it who was sober enough to read.

The next legal convention will be held in Perth in September 1987.

In the meantime, and of far greater relevance to the Bar, the Australian Bar Association will be holding its second biennial conference at Alice Springs and Ayers Rock from July 2 to 9, 1986.

Details of this conference will be supplied to all members within the next few weeks.

— *D.M.J. Bennett, QC.*

Coming events

November 7-9 — Lawasia Energy Law Symposium — Jakarta (Contact Lawasia)

November 8 — Masters and Readers Dinner

November 22 — Bench & Bar Buffet Dinner

November 25 — Annual general meeting, NSW Bar Association (1.30pm).

1986

June 19-21 — 10th Annual Conference of the Australian Mining and Petroleum Law Association Limited (Regent Hotel, Melbourne) (Enquiries: A. Rosenthal, DX 104 Melbourne)

November — NSW Bar Association Sesqui-centenary Ball (University of Sydney Great Hall and frontlawn)

A missive from the West

Dear Editor,

This Society was pleased to see the inaugural issue of *Bar News*.

I would not wish to comment on any of the matters raised in the article *The View from Across the Dingo Fence* by I.D.F. Callinan, QC. However Mr Callinan points out that 27 visiting Silks have taken advantage of the right to practice in Western Australia.

One can add to that a number of juniors. Of course, not all of them are members of the New South Wales Bar.

Whilst we would wish to make our interstate brethren feel at ease amongst friends during their stay in Perth, might I point out to them the need not only to be admitted here but to maintain current practice certificates.

A goodly proportion of the funds so reaped goes to maintenance of the Supreme Court Library, and it needs the funds.

I understand that following a recent trial in Perth before the Chief Justice, his Honour inquired informally of the Barristers Board as to which of the three interstate counsel appearing in the matter had current practising certificates — and found that none had.

It is worth pointing out that it is the preferred position of the entire profession in this State that where an interstate Silk is briefed a local junior should be briefed, whether from the independent Bar or the amalgam.

By the way, Mr Callinan is in error suggesting that there are eight resident Silks in Perth. There are 12 in active practice — eight at the independent Bar, one in an amalgam firm and three at the Crown.

With kind regards,

H.H. Jackson,

President,

*The Law Society of Western Australia,
Perth, Western Australia.*