

Barristers Educating Barristers

In May 1990, the Bar Council adopted a somewhat "radical" proposal to revise the Bar Reading Course by introducing a three week, full time segment at the commencement of the program.

The three week segment has two core themes:

1. concentrating on barrister skills, rather than the substantive law; and
2. providing discussion and the sharing of ideas rather than providing formal lectures in a teacher/student environment.

The course has been designed to be stimulating for persons coming direct from law school or experienced solicitors alike. It is innovative in presentation and content.

For the most part, the sessions are conducted by experienced counsel who are also capable presenters. Over 40 such Counsel are involved.

However, the important role that the judiciary can play in the education of the Bar has not been overlooked. The readers attend a large number of courts to meet and hear from the judges directly about practice in their courts.

Nor has the role of disciplines outside the law been overlooked. Experts in communication and psychology provide invaluable guidance to readers regarding, for example, the reliability of evidence, jury selection and persuasion, practice management and negotiation skills.

An integral part of the course is continual assessment and assistance. The readers are divided into groups of ten and allocated a "group master" who is a senior junior. The role of the group master is to:

1. generally be available to answer questions and assist the readers;
2. receive and discuss with the readers pleadings, interrogatories and advices submitted by the readers;
3. review the presentation by readers of applications made to the court; and
4. act as "instructing solicitor" in relation to a mock trial.

During the course the readers are presented with a number of briefs to appear to make applications to the court. Such briefs include bail applications, pleas in mitigation, applications for security for costs, strike-out applications, infant settlement, etc. The hearings are conducted in court before judges, masters or experienced counsel. Each application is video recorded. At the conclusion of the application the "judge" provides comment on the content of the submissions. The reader then leaves the court, with her/his video, and immediately reviews her/his presentation with his group leader.

Another "golden thread" through the course is the brief to appear on a final hearing. The brief to appear is delivered to the readers on the first day of the course and the hearing takes place on the last day of the full time segment. That brief provides the immediate incentive to absorb the material available during the course and apply it at the hearing.

The hearing in the first course was a Supreme Court action by a motel proprietor seeking to recover under its

insurance policy as a result of a fire on the premises. The insurer refused indemnity and joined as a party the person who allegedly negligently started the fire. The hearing lasted all day and each of the parties called two witnesses. The matter was heard in the Supreme Court, with each counsel robed, and with a judge or senior practitioner presiding. NIDA actors participated as the witnesses.

Following the three week segment, lectures and workshops are held for the following nine weeks on two afternoons each week. Those lectures included Recommended Continuing Legal Education lectures for the whole Bar. They provide an opportunity for senior and junior practitioners alike to learn about distinct areas of practice which they may wish to develop in the future. Again the lectures are presented by barristers experienced in the particular field and involve discussion rather than formal lectures. □ P.H. Greenwood

Book Review

**Business Law (2nd ed.) Peter Gillies,
Federal Press, 1990; 803 pages**

This is the second edition of this work published in December 1989. The first edition was published in June 1988.

The title of this work by Mr Gillies perhaps does not precisely reflect the nature of the work. It is a wide-ranging introduction to the Australian legal system, the sources of law in Australia, federalism and a wide range of other topics of law bearing upon the conduct of business in this country. There are chapters on the law of torts, criminal law, as well as the more familiar topics in such a work: contract law, sale of goods, principal and agent, partnership, property, intellectual property, bailment, consumer protection, credit law, insurance law, bills of exchange, banking law, bankruptcy, the Trade Practices Act and the law of employment. The work also has chapters on basic principles of trust and succession.

The work is principally a student text. While the book's role is perhaps limited for practitioners who specialise in the area of commercial law, it should be said that the author has a gift of expressing himself with precision and clarity.

Even practitioners who regularly practice in commercial fields rarely have cause to constantly keep themselves abreast of recent developments in all the topics covered by this book. There will be few who could not make regular use of this work when delving into fields not regularly touched upon in their practice.

As a student text, or a work for people in business, the work is an invaluable source of basic principle, easily found by reason of the clear layout of the work and easily understood by reason of the clear and lucid expression of the author. □ James Allsop