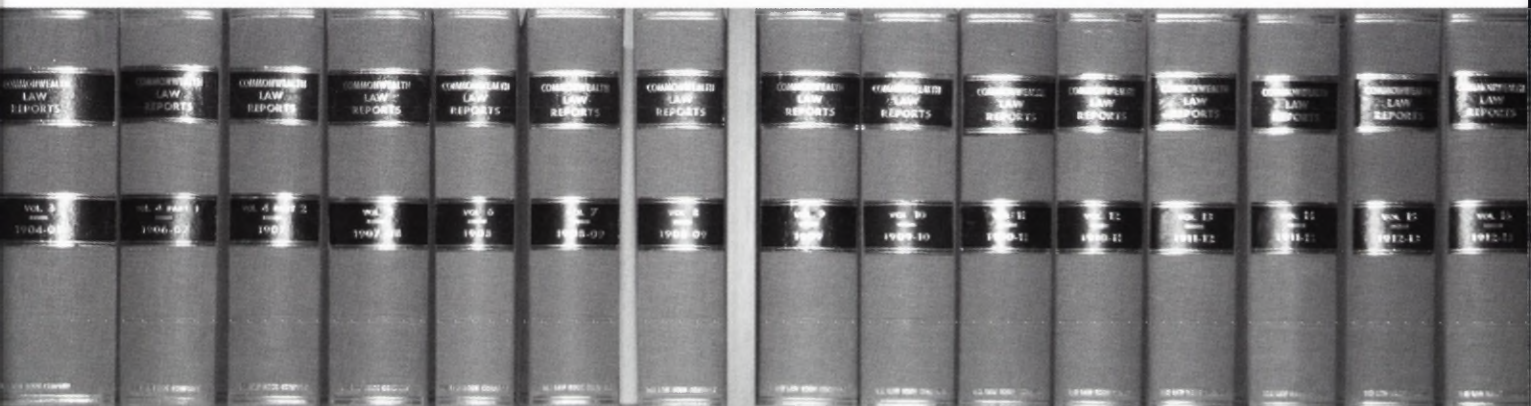


The foundations of **apla**



“APLA members are the thin line between the rights of individuals and the abuse of corporate and government power.”

The genesis of APLA is to be found in the inspiration provided by the Association of Trial Lawyers of America (ATLA). Concurrently with the development of a number of international toxic tort cases and the emergence of larger plaintiff personal injury firms in Australia during the late 1980s, a number of Australian lawyers became regular attendees of the annual conference of ATLA. This served as a source of inspiration for the development of a body that would seek to represent the interests of injured tort victims, provide educational material for plaintiff lawyers, and serve as an organised focal point for lobbying and

the exchange of information on matters of interest to plaintiff lawyers throughout Australia.

A number of international links developed between plaintiff lawyers in Australia and those practising in the US, Canada and the UK. The development of the British organisation, APIL, also served to stimulate interest in a similar organisation in Australia. Through such international links, a number of influential lawyers in ATLA – including successive presidents and the chief executive officer, Tom Henderson – offered to provide assistance and support for the establishment of an Australian trial lawyers organisation. Various meetings were organised with

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interested lawyers in several Australian states and a small delegation of US ATLA members, including former President Bill Wagner and prominent lawyer Richard Bieder, joined forces with a number of Australian lawyers to seek local support for a new Australian body.

APLA was subsequently launched at a function in Sydney in 1994. Guest speakers included the then President of ATLA, Roxanne Conlon, Jeff Shaw QC, then Leader of the Opposition in the NSW Parliament, and the then President of The NSW Law Society, John Marsden.

Meetings were also organised in other states to recruit members to the fledgling organisation. An executive committee was formed under the leadership of the first President, Peter Semmler QC. Other active participants included Roland Everingham, Bill Madden and Cathie Henry in NSW, Peter Carter and Rob Davis in Queensland, Sukhwant Singh in Western Australia, Michael Higgins in the ACT, Ron Pearce and Angela Sdrinis in Victoria, together with numerous others. Ann Purcell, then on the staff of Cashman and Partners, was engaged to provide research and other administrative support.

Membership grew and extended to each of the other states and territories.

Committees were established in each jurisdiction, and full-time staff were recruited as the organisation made the transition from a small local group of lawyers with part-time ad hoc assistance to a full-time national organisation with professional staff and state or territory committees in most regions. Corresponding with this increase in membership and resources, the range of activities extended to include a regular publication, an annual conference, CLE seminars, together with research, lobbying and policy work.

As the membership and staff of APLA increased it became recognised as the national voice for the rights of injured plaintiffs in Australia, and also achieved greater international recognition when the Board of Governors of ATLA was restructured to include representatives from Australia.

Many lawyers, both in Australia and in the US, should be proud of their individual contribution to the founding and subsequent success of APLA. They are too numerous to be mentioned individually. Their individual contributions have resulted in an extremely successful organisation. APLA has served to unite members with a common purpose. Each shares a commitment, and a passion, to serve the interests of their clients. That in

itself is not unique. Most lawyers may make that claim. However, APLA lawyers are unique in that they share a commitment to assisting those who have lost their bodily integrity, their psychological wellbeing, their capacity to work and their quality of life. They share a commitment to making those responsible accountable for what they have done. They also share a commitment to redressing the imbalance of power and the inequality in legal and financial resources available to defendant corporations and their insurers. They share a commitment to challenging those who put profit and pecuniary interest ahead of the health and welfare of human beings.

APLA members are the thin line between the rights of individuals and the abuse of corporate and government power. As APLA members, plaintiff lawyers can be rightly proud of their contributions. After 10 years of existence, APLA can be proud of its achievements. However, APLA and its members remain relatively impotent in the face of the forces presently driving ‘tort reform’. Much remains to be done in seeking to restore the rights of injured persons and in preventing the further erosion of their rights. Again drawing inspiration from the litigious activity of trial lawyer organisations in the US, who have achieved considerable success in the courts in overturning various tort reform measures, APLA has recently made the transition from vocal organisation to active litigant in legal proceedings. The present constitutional challenge to the Carr Government’s repressive advertising ban is a further watershed in APLA’s development. **PL**