

The Newsletter

"What's the Bar Council doing about it?" has long been the cry of members of the Bar. This question has often been provoked by a desire to know about the ethics rulings, investigations, representations to various authorities, procedural problems and sundry matters affecting counsel which have been or ought to have been the subject of the Council's attention.

By means of this quarterly publication the Bar Council hope to keep the Bar informed of these matters. This will be done by providing a brief account of the rulings made and other matters of interest.



Counsel's Fees

A committee has been appointed by the Bar Council to review the County Court scale of counsels' fees. It is now nearing completion of its work.

The committee will be in a position to expedite its recommendations if members of the Bar take the time and trouble to give their opinions in the questionnaire being circulated with the approval of the Bar Council.

The questionnaire raises issues of principle relevant to fees in all courts.

It is desirable that views on this questionnaire be given by all members of the Bar wherever they practice.

Victorian County Court fees have fallen far behind those in equivalent interstate courts - some examples:-

<u>Scale</u>	<u>Brief Fee</u>			<u>Percentage Above Vic.</u>
Over \$1,500 to \$2,000	Vic. \$54	N.S.W.	\$77.00	43%
		Qld.	\$78.75	46%
Over \$2,000 to 4,000	Vic. \$65	Qld.	\$105.00	62%
Over \$5,000 to \$8,000	Vic. \$80	Qld.	\$126.00	58%
		S.A.	\$170.00	113%

Except for the addition of a further scale when jurisdiction was increased in 1966 and minor adjustments up or down upon the introduction of decimal currency the Victorian County Court scale has remained stationary since 1962.

Time for Payment

In the absence of an agreement to the contrary between the solicitor and counsel or his clerk, counsels' fees in all matters should be paid within 90 days of the rendering of the voucher for fees. (Joint Statement 1962).

Civil Juries

In 1970 the Bar Council set up three committees to consider improvements in compensating injured persons.

It was one of these committees which initiated, investigated and formulated the reform of setting up a fund from insurance premiums to pay hospital expenses without the necessity of ascertaining liability in motor accident cases. This will enable hospital accounts to be settled promptly. The Attorney-General has announced that the scheme is to be implemented.

The Bar Council adopted the recommendation that the County Court jurisdiction be increased to \$12,000 in motor collision cases and \$8,000 in other personal injuries cases. It also supported a procedure for the immediate transfer from the Supreme Court of cases within the extended County Court jurisdiction.

The Bar Council is considering another report upon procedural improvements to speed up the hearing of personal injuries cases. It would welcome any suggestions from members of the Bar.

Law Reform

In response to representations from the Bar Council the Bill giving the Crown the right to appeal against sentences was amended to provide that no appeal be taken without the consent of the Attorney-General or a Minister acting on his behalf.

Legal Education

Steps are being taken to bring into existence an incorporated Continuing Legal Education Foundation to provide post graduate education for the legal profession. The Bar Council has appointed Ogden, Q.C. and Woodward, Q.C. as its representatives on the provisional board.

The law course conducted by the Council of Legal Education at the Royal Melbourne Institute of Technology again applied a quota of 95 new students this year.

Death of Maurice Ashkanasy, C.M.G., LL.M., Q.C.

The Bar mourns the passing of Maurice Ashkanasy. No member of the Bar is more responsible than he for the form and organization of the Victorian Bar today. It was the Bar Council under his vigorous chairmanship commencing in 1953 which initiated the change of role from the pre-war Bar Council concerned mainly with questions of ethics to the present position of a Council controlling city buildings and taking responsibility for accommodation, clerking, fees, superannuation and the other conditions of a barrister's practice. As Chairman, "Ash" insisted that junior counsel could not be allowed to remain in the corridors of Selborne Chambers. He spent his lunch hours searching for accommodation. He gave evidence in court proceedings to obtain possession of premises for chambers. He transmitted to later Bar Councils his concern for the welfare of the junior bar.

In court he was a redoubtable opponent and a master tactician. The underdog and clients with unpopular causes found a mountain of strength in Maurice Ashkanasy. The rule of law was basic to his philosophy. He held high office with the International Commission of Jurists.

He distinguished himself in the A.I.F. and within the Jewish community. The Bar has lost a strong, courageous and capable leader.

Licence

A committee appointed by the Bar Council has been investigating the feasibility of a liquor licence on the thirteenth floor. Its report has just been delivered to the Bar Council.

Signed the Bar Roll during 1971.

<u>Name</u>	<u>Master</u>	<u>Clerk</u>
P.J. Moran	G.A.N. Brown	Spurr
J.T. Hassett	McPhee	Dever
D.J. Walls	Dawson	Spurr
B.G. Walmsley	Storey	Foley
C.A. Connor	Hart	Spurr
W.M. Pinner	Tolhurst	Spurr
C.W. Rosen	Charles	Spurr
Hon. G.O. Reid	(Attorney-General)	
Z.R.G.C.B. Muftyzade	Asche	Spurr
F.W. Hender	J.H. Phillips	Foley
M. Raiskums	Smithers	Hyland
B.A. Murphy	Mattei	Calnin
R.B. Pritchard	Batt	Hyland
P.E. Bennett	Ellis	Foley
B.D. Lawrence	Spence	Hyland
R.A. Wilson	A. Graham	Foley
C.D. Griffen	D. Bennett	Hyland
P. Hobson	Liddell	Dever
P.L. McCurdy	Monester	Hyland
M.J. Alexander	Winneke	Dever

The Future

8th May, 1971 Bar Dinner. Honoured Guests:
Mr. Justice Aird, Mr. Justice Stephen, Judge Gorman
and Mr. Justice Coldham.

June, 1971 Bar Revue

Report in "Age" March, 29th.

"Car Crash Juries May Be Dropped" 7

It is understood that the Attorney-General is not presently considering the introduction of legislation either to abolish the trial of personal injury actions or to introduce no fault liability.
