

Will Drafting and Estate Administration

Advocacy Tips for Solicitors

CPD Information



Mandatory Continuing Education Scheme

The CPD year begins on 1 April and ends on 31 March the following year. In each year, a Queensland practitioner must complete a minimum of 10 CPD units to maintain their practising certificate. CPD units can be attained through a variety of activities. Attending a CPDS seminar, practitioners will be able to claim 1 unit per hour of attendance (refreshment breaks not included).

Compulsory CPD Core Areas

There are three compulsory CPD core areas:



Practical Legal Ethics



Practice Management and Business Skills



Professional Skills

Practitioners must accumulate one CPD unit for each core area annually. Compulsory area points count towards the annual CPD Scheme unit requirement and are not an additional requirement.

Seminars that do not include a compulsory core area are usually designated by CPDS as:



Substantive Law

Enquiries

For all enquiries regarding application of CPD points to individual seminars:
Continuing Professional Development Seminars
Postal Address: PO Box 598, North Melbourne, VIC 3051
Telephone: (03) 9328 2688
Facsimile: (03) 9328 4688
Email: seminars@cpds.com.au
Website: www.cpds.com.au

Please note that the above is provided for informational purposes and is based on information supplied by the Queensland Law Society at the time of publication. Practitioners should make their own enquiries before relying on the information supplied above.

- Will Drafting & Estate Administration
- Advocacy Tips for Solicitors
- Personal Injury Litigation
- Developments in Child Support, Parenting and Property Disputes

CPDS Seminars December 2010

Brisbane

Christie Conference Centre
320 Adelaide Street

Wednesday, 1st December 2010

9.30 am - 1.00 pm

With Australia's ageing population there is now a greater focus on the necessity of organising one's affairs. This not only includes one's finances but also one's will and funeral arrangements.

Lack of proper consideration for these arrangements has precipitated litigation between family members.

Litigation in this area can also sometimes include:

- The lawyer who drew the will;
- The lawyer who administered the estate; and/or
- The lawyer who assisted in the administration of the estate by acting for the legal personal representative.

This fertile ground of litigation can to some extent be rendered nugatory by a disciplined approach to the duties and responsibilities which confront a practitioner.

This seminar has been prepared on a common sense practical approach to those issues.

Topics to be covered in this seminar will include:-

- Satisfying yourself the person has testamentary capacity
- Taking instructions
- Drafting the will
- Executing the will
- Who is entitled to a copy of the Will?
- Should Probate be obtained?
- Obtaining Probate
- Duties of Executor / Executrix / Legal Personal Representative
- Deceased's body – funeral arrangements

- Getting in the assets and paying the estate debts
- The six (6) month rule
- The twelve (12) month rule
- Distributing the estate
- Family arrangement



Compulsory CPD Core Area:
Professional Skills

CPD Points: 1.00



Substantive Law

CPD Points: 2.25

About the Presenter

The presenter at this seminar will be Stephen English. Stephen was a solicitor for 27 years and since July 1995 has practised as a barrister. He is also a Visiting Fellow of the School of Law, Bond University, a Fellow of the Australian Institute of Company Directors, a Fellow of the Taxation Institute of Australia and an Associate Fellow of the Australian Institute of Management.

www.cpds.com.au

Wednesday, 1st December 2010

2.00 pm - 5.30 pm

The modern day solicitor is now expected to have a range of skills that are significantly more extensive to those skills that solicitors were once expected to exhibit.

In the "... good old days...", there was a marked dichotomy between the skills required of a solicitor and those of a barrister. In simple terms, the duties of a solicitor, when it came to litigation, were to take instructions from the client and generally, brief counsel with respect to everything else.

However, it is now not only common for solicitors to draft all pleadings, but they are expected to do so. They also require the skills to appear on interlocutory applications in all court jurisdictions, at mediations and other alternative dispute resolution meetings and to appear as advocates at trial in the lower courts.

These skills were once the exclusive domain of the barrister's side of the legal profession. But contemporary solicitors have shown an aptitude for successfully encroaching on this once exclusive domain of barristers.

Accordingly, solicitors require good organisational and management skills to be able to carry out all of their duties skilfully and successfully, without attracting the attention of either the Legal Services Commission, or more importantly, their professional indemnity insurers.

Areas that will be covered in this seminar will include:

- Taking an initial statement from a client
- Client management tips
- Tools for organising litigation work loads
- "Easy to Plead" drafting tips
- Preparation of outlines of submissions in interlocutory proceedings
- Presentation in court



Compulsory CPD Core Area:
Professional Skills

CPD Points: 3.25

About the Presenter

The presenter at this seminar will be Michael McDonald who was a solicitor for 25 years, specialising in personal injuries law and commercial litigation before going to the Bar. For the past four years, Michael has been a barrister at the Queensland Bar, where he has continued to practise in the fields of Commercial Litigation and Personal Injuries. He has discovered a few tricks and tips that he wished he had known as a solicitor, and in this seminar, will pass on those tips that will assist any solicitor to improve the presentation of a case at both the interlocutory level and at trial.

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Personal Injury Litigation – Assessment of Damages in Queensland

Wednesday, 1st December 2010

9.30 am - 1.00 pm

Ever since the so called "Insurance Crisis", personal injury lawyers have contended with a legislature intent on imposing itself on the common law.

Just when we thought a status quo had been reached which worked for everyone, the Global Financial Crisis and other events conspired to threaten the viability of the Workcover scheme in this state.

The result has been the amendments to the *Workers Compensation and Rehabilitation Act 2003* which *inter alia* change the assessment of damages for a worker injured as a result of his employer's negligence.

There are now a number of legislative schemes which interact with the common law to make the assessment of damages more complicated than ever.

This seminar will discuss the issues which are relevant to the assessment of damages in various personal injury actions including -

- A motor vehicle claim under the *Motor Accident Insurance Act 1994*
- A master/servant claim under the *Workers Compensation and Rehabilitation Act 2003*
- A public liability claim under the *Personal Injuries Proceedings Act 2002*

Further, the seminar will examine the interrelationship between the common law and -

- *The Civil Liability Act 2003*
- *The Workers Compensation and Rehabilitation Act 2003*

Any important recent decisions relevant to the assessment process will be discussed.

The seminar will also examine a number of hypothetical examples and suggest how the courts would deal with the assessment process. Thus practitioners will be able to -

- Better prepare for a compulsory conference
- Know which medical experts to engage
- Be better equipped to negotiate with insurers



Substantive Law

CPD Points: 3.25

About the Presenter

The presenter at this seminar will be Richard Lynch. Richard was admitted as a barrister in 1985 and has practised at the private bar in Brisbane continuously since 1988. For the last 20 years he has practised in the personal injuries jurisdiction appearing for plaintiffs and insurers in a wide variety of matters in the District and Supreme Courts. He is a regular presenter at the Australian Lawyers Association State conferences.

Family Law – Developments in Child Support, Parenting and Property Disputes

Wednesday, 1st December 2010

2.00 pm - 5.30 pm

This seminar aims to:

- Update the busy family law practitioner on legislative changes and recent case law
- Provide practical tips with respect to the drafting of child support agreements
- Offer useful strategies in relation to Court applications

Child Support

A look at the essentials necessary to draw an effective Binding Child Support Agreement.

Clauses that work, clauses that don't and a look at some cases where agreements have been set aside.

An analysis of several sophisticated drafting techniques and discussion in relation to various interpretation issues.

Finally in this session, a look at private enforcement of child support arrears, from the initiating process to the final hearing.

Parenting Disputes

The *Surrogacy Act (2009)* Qld is now in operation. It changes the landscape completely in relation to altruistic surrogacy arrangements. Parties may now enter into binding surrogacy agreements, however the statutory obligations are considerable.

In this session, we will examine the new Act in detail and how the provisions sit in the context of the *Family Law Act*.

In addition, there will be a summary of some recent cases involving same sex couples, artificial conception and adoption.

Property Disputes

To what extent is the property of the family trust fair game in property proceedings? To what extent are the assets of the family company out of reach?

What happens when one party falls into bankruptcy during the marriage? Does it matter if it is post separation? What if proceedings are on foot?

What is the proper process when insolvency and divorce collide?

How does a party run an application seeking relief against legitimate third party creditors?

A consideration of the state of the legislation, and a summary of some recent cases.



Substantive Law

CPD Points: 3.25

About the Presenter

The presenter at this seminar will be Greg Shoebridge. Prior to joining the Bar, Greg was a solicitor for 14 years, 9 of which were spent as a partner of Simonidis Shoebridge Lawyers. As a solicitor, he was an accredited family law specialist. He has served on the Family Law, Access to Justice and Alternative Dispute Resolution committees of the Qld Law Society and as a member of the executive of the Family Law Practitioners Association (Qld). He has been a guest lecturer on family law related topics at Griffith University, Queensland University of Technology and University of Queensland.

Registration Form & Tax Invoice

Please Register me for:

- Will Drafting and Estate Administration
- Advocacy Tips for Solicitors
- Personal Injury Litigation - Assessment of Damages in Queensland
- Family Law - Developments in Child Support, Parenting and Property Disputes

Registration Fees \$440 each seminar

Registration fees are inclusive of 10% GST. A tax invoice will be issued upon payment. Discounts are also available for early registration, online registration and group bookings – see below for details.

Name: _____

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Complete this registration form with your credit card details and fax it to: (03) 9328 4688 or post with cheque attached to:

CPDS
PO Box 598
North Melbourne, VIC 3051

Venue

Morgan, Teach, Lafitte & Endeavour Rooms
Christie Conference Centre
320 Adelaide Street
Brisbane

Discounts

A discounted registration fee of \$395 is available for all fully paid registrations received at least 30 days prior to the date of the seminar. A group discount of 10% off the full registration fee is offered for bookings of three or more persons from the same firm. Please send all registrations together clearly labelled "group booking". A discounted registration fee of \$395 is also available for all online registrations. You can search and register for all CPDS seminars at www.cpds.com.au. Only one discount category can be claimed for each registration.

Cancellations

Registrations may be cancelled up to 14 days prior to the seminar or workshop and a refund will be provided but an administrative fee of \$44 will be deducted. No refunds will be available within 14 days of the seminar or workshop. Should a seminar or workshop be cancelled by CPDS for any reason, a full refund of all fees paid will be made. CPDS reserves the right to cancel or reschedule courses, and to change speakers or revise content as necessary.

Mandatory CPD Schemes

If this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one "unit" for each hour of attendance, refreshment breaks not included. Further information is provided on the back of this brochure.

Enquiries

For all enquiries regarding the course content or registration:
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