

Wednesday, 14th March 2012

9.30 am - 1.15 pm

This seminar will consider two matters which all family lawyer practitioners will face from time to time.

The first is matters of professional ethics that are distinctive, or at least are especially relevant, to the practice of family law.

The second is whether the Family Court of Western Australia has jurisdiction to hear applications for particular forms of relief.

The matters to be considered in this seminar in respect of professional ethics for family lawyers will include:

- Whether a practitioner can act for both parties in proceedings such as divorce, nullity or in drafting financial agreements.
- Whether a practitioner in child-related cases must regard the welfare of the child or the duty to the client as paramount.
- Conflict of interest problems that arise when a solicitor changes firms.
- The extent of the duty of confidentiality - especially in respect of information contained in documents obtained for the purpose of litigation.
- The extent to which a practitioner may assist a client to take property outside the reach of the Family Court.

The topic of jurisdiction will consider the basic approach that should be adopted for determining whether the Family Court of Western Australia has jurisdiction to entertain proceedings for particular relief, as well as the ambit of the various heads of jurisdiction.

The nature and scope of accrued jurisdiction will be considered — along with the question of whether, and the extent to which, the Family Court of Western Australia possesses this jurisdiction.



Competency Area

CA2 - Values (Legal Ethics)

2.0 Points



Competency Area

CA3 - Legal Knowledge

1.5 Points

About the Presenter

The presenter at this seminar will be Anthony Dickey QC. Anthony has been practising in the field of Family Law since 1978. In 1993 he was Western Australia's first Family Law specialist to be appointed Queen's Counsel. He is the author of the textbook *Family Law* (5th edn 2007) and co-author (with Martin Davies) of *Shipping Law* (3rd edn 2004). He was the inaugural President of the Family Law Practitioners' Association of Western Australia, 1979-1981.

Costs - A Working Update

Wednesday, 14th March 2012

2.00 pm - 5.15 pm

This seminar is an update of the substantial seminar first given in 2009. The emphasis is on a hands-on approach to meet the needs of practitioners in day-to-day practice.

This new seminar will be presented in three parts. Opportunities will exist for questions as each part unfolds and the speaker welcomes contact by email after the seminar.

Part 1 is an overview of where the cases have taken us since the introduction of the first version of the Legal Profession Act in 2004. Each case discussed is cross-referenced to the WA Act – and any variations are explained. The cases cover a wide range of issues including costs agreements, disclosure and third party payers. The seminar will consider developments in the Victorian Costs Court and where that Court is not being followed. A variety of sources are drawn on.

The six minute unit is under attack and has been for some time. In the second part of the seminar, we will explore:

- The alternatives to time costing
- Why you should do so
- How you can do that
- Who to talk to
- Compliance issues
- Set costs and the scales
- Challenges to the set cost bill

The seminar will also look at the way different firms have made the change. For example, Slater and Gordon in Melbourne, Bowen Buchbinder Vilensky in Perth and Emanate Legal in Townsville.

Finally, we will see how the Federal Court Rules 2011 are suggesting the way ahead. Included in this part is a short, painless survey of literature including hard cover books.

In part 3, the seminar will cover the big issue of ethics and costs. It's a lot more than overcharging.

A new issue we will consider relates to how you handle litigation funding and what you tell the client.

Other issues we must think about are how issues relate to the indemnity principle and taxing costs and what you should NOT be charging. We will look at several WA SAT cases which canvass important issues including costs agreements in personal injury cases, litigation funding and things you don't charge at all – let alone giving advice in a hot tub or at birthday parties.

The law of costs is changing at a rapid rate and all legal practitioners need to be aware of the latest developments.



Competency Area

CA1 - Legal Skills & Practice

2.0 Points



Competency Area

CA2 - Values (Legal Ethics)

1.0 Points

About the Presenter

The presenter at this seminar will be David Garnsworthy. David's practice concentrates on legal costs and brings to the seminar years of hard won experience to share with his audience. David is joint editor of *Quick on Costs*, author of two books on costs in WA and editor of *The Cost Guide*. He has argued important cases on the law of costs and will share the latest cases as they are published.

CPD Information

Mandatory Continuing Education Scheme

There is a mandatory continuing education scheme in operation in Western Australia. To comply with this scheme, most certified practitioners are required to earn a minimum of 10 CPD points in each CPD period (1 April to 31 March).

Competency Areas

CPD points are to be made up from three Competency Areas:



Competency Area 1 - Legal Skills & Practice



Competency Area 2 - Values (Ethics)



Competency Area 3 - Legal Knowledge

Practitioners of less than five years post-admission experience, are required to complete a minimum of 4 CPD points in Competency Area 1 and a minimum of 4 CPD points in Competency Area 2 in each CPD period.

Practitioners of five years or more post-admission experience are required to complete a minimum of 2 CPD points in Competency Area 1 and a minimum of 2 CPD points in Competency Area 2 in each CPD period.

QA Provider

CPDS is an organisation that has been approved by the Legal Practice Board of Western Australia as a quality assured provider of professional development activities.

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.cpd.com.au

Please note that the above is provided for informational purposes only and is based on information supplied by the Legal Practice Board of Western Australia at the time of publication. Practitioners should make their own enquiries before relying on the information supplied above.



Family Law & Practice

Costs - A Working Update

Reviewing Your Trust Deeds

Insolvency Notices and Applications

CPDS Seminars March 2012

Perth

Pan Pacific Hotel
207 Adelaide Terrace

