

Private practice lawyers shunned in legal aid work

REPLACING private practice lawyers with salaries lawyers could help rescue Australia's legal aid system from its impending demise, a new report by PricewaterhouseCoopers suggests.

Salaried lawyers can provide a relatively low-cost alternative to the briefing of private practitioners, the newly released report, *Legal aid funding: Current challenges and the opportunities of cooperative federalism*, claims.

While acknowledging the matter is for the judgment of legal aid commissions rather than for the Commonwealth government, the report said the principle underlying the use of salaried lawyers is allowing a legal aid commission to require a specified level of service in return for an annual salary, rather than paying practitioners on per-service basis.

"A lawyer paid an annual salary might be more likely to spend excessive time on individual cases rather than delivering greater volume of services. By contrast, a fee for service funding arrangement can have the opposite effect – encouraging throughput at the expense of diligence and quality," said the report.

As the report puts the use of

private practice lawyers under threat, it also suggests giving greater choice to clients of legal aid in sourcing their legal representation. It takes from the English system as its inspiration.

The English system mirrors the way in which clients select lawyers in privately retained civil cases, with the goal of fostering mutually positive attorney client relationships, the report said.

"Since clients choose their solicitors, clients are believed likely to trust their solicitors, and, in turn, solicitors have a powerful incentive to represent clients conscientiously in order to obtain their repeat business, as well as referrals from others needing defence representation."

As well as the use of salaried lawyers to replace private practice lawyers, the reports suggests a turn to the lump sum incentive model of paying legal aid practitioners.

"Its main advantages are that it can address the underlying problem of attracting skilled professionals into the industry with fewer of the drawbacks associated with a fee for service model," it said.

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Kirby talks religion at law firm event

THE Honourable Michael Kirby was the guest speaker at function held at Marque lawyers last night.

The occasion was the International Law Association Christmas party.

Kirby, the former High Court Justice, gave an entertaining and thought-provoking speech that touched topics including the difficulties of an overly textual approach towards the interpretation of the Bible and the Koran and the human rights implications of religious intolerance towards homosexuals.

Earlier in the evening Damian Sturzaker, a Marque partner specialising in international arbitration was elected the new president of the ILA.



Michael Kirby (left) and Damian Sturzaker

The over 70 guests included professors of law schools, in house counsel, members of New South Wales Young lawyers and private practice lawyers.

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ADVERTORIAL

Argentum invited to sponsor Lord Justice Jackson's Review of Civil Litigation Costs Seminar



ARGENTUM LITIGATION INVESTMENTS LTD WILL SPONSOR THE LONG-AWAITED REVIEW OF LITIGATION COSTS SEMINAR TO BE HELD IN CENTRAL LONDON MARCH 2010

Commissioned November 2008 by the Master of Rolls, Lord Justice Jackson's Review will likely have a resounding influence on how litigation costs are treated in the UK and potentially elsewhere. The Review dissects the rules and principles governing civil litigation costs in an attempt to increase access to justice at a 'proportionate cost'. A preliminary report released in May suggested fundamental, somewhat controversial changes designed to stimulate comment prior to the report being finalised and officially published next January.

The Argentum sponsored discussion panel will be chaired by His Honour

Michael Cook – now recognised as an expert author on cost-related matters.

The Review of Litigation Costs Seminar represents the third Argentum-sponsored event as the company continues its drive into the growing UK third party litigation funding market.



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