



The College of Law

cpd Continuing Professional Development
The New South Wales Bar Association

THE 2010 JUDGES' SERIES

PRACTICAL LITIGATION IN THE SUPREME COURT AND THE FEDERAL COURT

held in Courtroom 18D, Federal Court of Australia
Queens Square, Sydney from 5.00pm to 6.30pm each evening

One Judge from the Supreme Court of NSW and one Judge from the Federal Court of Australia will speak on each of the topics.
Circumstances may necessitate a change of speakers.

The proposed dates and topics for the sessions are listed below.
A detailed description of each topic is on the following page.

M = Law Society Member
NM = Non Member

Please register me for:

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| <input type="checkbox"/> PLEADINGS AND CASE MANAGEMENT (10026.1)
Wednesday 17 February 2010: 5.00pm-6.30pm
presented by:
The Hon Justice Kevin Lindgren Federal Court of Australia
The Hon Justice Richard White Supreme Court of New South Wales | M \$99.00 (incl \$9.00 GST)
NM \$123.20 (incl. \$11.20 GST) |
| <input type="checkbox"/> AFFIDAVIT EVIDENCE IN THE FEDERAL & SUPREME COURTS (10026.2)
Wednesday 24 February 2010: 5.00pm-6.30pm
presented by:
The Hon Justice William Nicholas Supreme Court of New South Wales
The Hon Justice Arthur Emmett Federal Court of Australia | M \$99.00 (incl \$9.00 GST)
NM \$123.20 (incl. \$11.20 GST) |
| <input type="checkbox"/> COURT ETIQUETTE AND "PREPARATION" OF WITNESSES (10026.3)
Wednesday 3 March 2010: 5.00pm-6.30pm
presented by:
The Hon Justice Peter Graham Federal Court of Australia
The Hon Justice Lucy McCallum Supreme Court of New South Wales | M \$99.00 (incl \$9.00 GST)
NM \$123.20 (incl. \$11.20 GST) |
| <input type="checkbox"/> SUBPOENAS, DISCOVERY AND INTERROGATORIES (10026.4)
Wednesday 10 March 2010: 5.00pm-6.30pm
presented by:
The Hon Justice Paul Le Gay Brereton RFD Supreme Court of New South Wales
The Hon Justice Jayne Jagot Federal Court of Australia | M \$99.00 (incl \$9.00 GST)
NM \$123.20 (incl. \$11.20 GST) |
| <input type="checkbox"/> LAWYER-CLIENT PRIVILEGE IN LITIGATION (10026.5)
Wednesday 24 March 2010: 5.00pm-6.30pm
presented by:
The Hon Justice Lindsay Foster Federal Court of Australia
The Hon Justice Patricia Bergin Chief Judge in Equity, Supreme Court of New South Wales | M \$99.00 (incl \$9.00 GST)
NM \$123.20 (incl. \$11.20 GST) |

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We welcome phone bookings, but a credit card number must be given and payment authorised. Please note that refunds are not given unless the College is notified of your cancellation in writing four working days before the seminar. A cancellation fee applies to each seminar. If you require any changes to your contact details or they appear incorrect in anyway, please contact our Continuing Professional Education Department.

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Wednesday 17 February 2010 (10026.1)

PLEADINGS AND CASE MANAGEMENT: M \$99.00 (incl \$9.00 GST); NM \$123.20 (incl. \$11.20 GST)

presented by:

The Hon Justice Kevin Lindgren Federal Court of Australia

The Hon Justice Richard White Supreme Court of New South Wales

- ▶ What is the difference between a pleading and particulars?
- ▶ When will leave to plead be given?
- ▶ What are the "material facts" that should be pleaded?
- ▶ Is a strike out motion sometimes counterproductive, and if so, why?
- ▶ What is the difference between striking out a pleading and summary dismissal of a proceeding?
- ▶ Is there a difference between a pleading and "points of claim" and "points of defence"?

Wednesday 24 February 2010 (10026.2)

AFFIDAVIT EVIDENCE IN THE FEDERAL COURT AND SUPREME COURT: M \$99.00 (incl \$9.00 GST); NM \$123.20 (incl. \$11.20 GST)

presented by:

The Hon Justice William Nicholas Supreme Court of New South Wales

The Hon Justice Arthur Emmett Federal Court of Australia

It is not difficult to prepare affidavits in proper form, yet so often they prompt many objections, large parts are ruled inadmissible, and oral evidence has to be given to "patch up" their deficiencies.

At this workshop you will learn, with the benefit of precedents, how to prepare effective affidavits without wasting time and effort. You will also learn about cross-examining on affidavits.

Wednesday 3 March 2010 (10026.3)

COURT ETIQUETTE AND "PREPARATION" OF WITNESSES: M \$99.00 (incl \$9.00 GST); NM \$123.20 (incl. \$11.20 GST)

presented by:

The Hon Justice Peter Graham Federal Court of Australia

The Hon Justice Lucy McCallum Supreme Court of New South Wales

- ▶ What is regarded as "rude" behaviour by legal practitioners in a court-room?
- ▶ What is the difference between ethical "preparation" of a witness and unethical "coaching" of a witness?
- ▶ How can a witness be best "prepared" to testify?
- ▶ What does it mean to say, "there is no property in a witness"?
- ▶ In "an affidavit case", should my witness re-read their affidavits immediately before giving evidence?
- ▶ How do you explain a loss to a client (or to a witness)?

Wednesday 10 March 2010 (10026.4)

SUBPOENAS, DISCOVERY AND INTERROGATORIES: M \$99.00 (incl \$9.00 GST); NM \$123.20 (incl. \$11.20 GST)

presented by:

The Hon Justice Paul Le Gay Brereton RFD Supreme Court of New South Wales

The Hon Justice Jayne Jagot Federal Court of Australia

- ▶ The harmonised rules on subpoenas
- ▶ When will a subpoena be set aside?
- ▶ What documents must be discovered and how should the documents be described?
- ▶ Is there a convenient and inexpensive way to give discovery?
- ▶ What do I do if my client suspects that the opposing party has not given full discovery?
- ▶ What is to be done if subpoenaed documents are commercially sensitive?

Wednesday 24 March 2010 (10026.5)

LAWYER-CLIENT PRIVILEGE IN LITIGATION: M \$99.00 (incl \$9.00 GST); NM \$123.20 (incl. \$11.20 GST)

presented by:

The Hon Justice Lindsay Foster Federal Court of Australia

The Hon Justice Patricia Bergin Chief Judge in Equity, Supreme Court of New South Wales

- ▶ What is the current test as to whether lawyer-client privilege exists?
- ▶ Is the test the same at interlocutory stages as on the final hearing?
- ▶ In what circumstances is lawyer-client privilege, (a) excluded, or (b) waived?
- ▶ How is a contested claim to lawyer-client privilege heard and determined in court?
- ▶ What about communication between a proposed witness and the solicitor for a party?