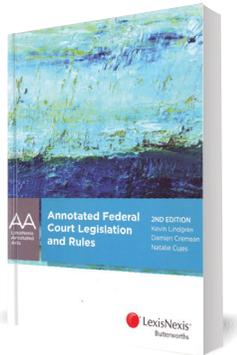


IN PRINT

This month's books cover trademark oppositions, Federal Court legislation, ethics in legal practice, restitution and dispute resolution.



Annotated Federal Court Legislation and Rules

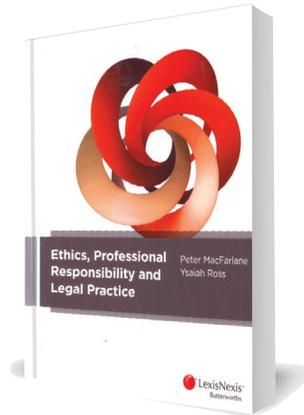
K Lindgren, D Cremean, N Cujes, (2nd edn), 2016, LexisNexis Butterworths, pb \$175

This book “contains annotations to the *Federal Court of Australia Act 1976* (Cth), as well as annotations to the *Federal Court Rules 2011* in one portable volume. This text also includes useful practice documents including Practice Notes, Administrative Notices, the National Guide to Counsel Fees and the National Guide to Discretionary Items in Bills of Costs.”

It is a very user-friendly resource for Federal Court practitioners. The real value is having the Federal Court's governing statute and rules together with commentary citing cases. As the range of subjects dealt with by the Federal Court's Act and Rules is so broad the commentary cannot be expected to be exhaustive. Practitioners will still need to consult more specialist resources.

To use this book, one will need to invest in the new editions, given inevitable changes in practice and procedure. For example, the second edition predates the 26 new National Practice Notes issued on 25 October 2016. One improvement I recommend is a changed layout to better distinguish the text of legislation or rules from the commentary. Highlighting or shading to separate provisions of an Act from the commentary could be useful.

Dan Star QC, barrister



Ethics, Professional Responsibility and Legal Practice

Peter MacFarlane and Ysaiah Ross, 2016, LexisNexis Butterworths, pb \$109

This excellent book packs into its 497 pages much useful information about ethics in Australian legal practice. The two authors state their purpose as being to “provide the cases, statutes and regulations, professional rules, and problems and questions to enable students and practitioners to explore important ethical issues that occur in legal practice.” They have succeeded admirably.

Recognising that the easiest way to send law students to sleep is to lecture them for an hour on ethics, the authors advocate that legal ethics should not be taught only in the classroom, “but in combination with real-life practical cases.” That approach mirrors my own experience teaching ethics as a CPD subject. Interactive discussion and collegial debate is by far the best way of increasing one's knowledge in this important area.

The first four chapters set the scene, dealing with topics such as public perception of lawyers, attributes of a profession, regulation of the Australian legal profession, admission to legal practice and discipline. The book then moves into diverse client related topics such as representation of clients, duties of competence, care and confidentiality, and the duty to avoid conflicts of interest, finishing with duties of diligence, integrity and candour. Underpinned by statute and regulations, the book is peppered with relevant case references and extracts, as well as practical examples. The text is well set out and easy to read. This book will continue to be extremely useful to law students and practising lawyers alike.

Michael Dolan, LIV senior ethics solicitor



Resolving Civil Disputes

Michael Legg (ed), 2016, LexisNexis Butterworths, pb \$99

This book is primarily focused on providing academic materials in the alternative dispute resolution (ADR) field for the course conducted by the convenor and author Michael Legg. The chapters are written by members of the judiciary, the legal profession, academics and ADR professionals.

The text is divided into six parts – some are directed to students and others, such as Parts 3, 5 and 6, consider the present practice of ADR and future developments.

It is the quality of these chapters that will have appeal to a wider audience. Part 3 under the heading “Alternative Dispute Resolution” will be of great interest to practitioners, advocates and mediators.

The focus of Chapter 10 is the *Civil Dispute Resolution Act 2011* (Cth). There is also an interesting discussion concerning the *Civil Procedure Act 2010* (Vic), and the repeal of a number of sections in the year following its enactment.

The chapters under “Access to Justice” are invaluable. The topics covered are at the forefront of consideration by governments, the judiciary, community minded lawyers, legal aid, pro bono scheme operators and human rights groups and cover such diverse issues as litigation funding, Indigenous people, pro bono assistance and class actions.

The text is well laid out and the chapters are clearly footnoted on each page. For practitioners in the ADR field, this text will be of assistance as it brings together practical, academic and thought provoking issues.

Tim McFarlane, McFarlane Legal Dispute Resolution