Recording Program

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Queensland Law Society
Symposium 2017
Framing the future
## Day 1 Program

**Friday 17 March**

### Welcome to Country
*Presenter:* Songwoman Maroochy, Law-woman, Turrbal People

### Welcome
*Presenter:* Christine Smyth, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

### Chief Justice’s Address
*Presenter:* The Honourable Justice Catherine Holmes, Chief Justice of Queensland  
*Chair:* Christine Smyth, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

### Succession

#### Succession law case update
This session will provide you with a snapshot of the recent local and interstate cases you need to know.
*Presenter:* Carla Parsons, Director, Parsons Law and Accredited Specialist (Succession Law) – Qld  
*Chair:* Kylie Costigan, Senior Associate, Estate First Lawyers and Accredited Specialist (Succession Law) – Qld

#### Seeking direction from the Court under section 96 Trusts Act 1973
The role of a trustee is a complex one, and exercising statutory powers and making fair decisions in accordance with them is not to be taken lightly. So any trustee in doubt about whether to take a particular course of action may want to consider making an application to the Supreme Court for judicial advice under section 96 of the Trusts Act 1973. This session will explore the ambit of the section and answer the following questions:
- why should a trustee seek judicial advice?  
- when should judicial advice be sought?  
- what are the benefits of making an application?  
- how can an application for judicial advice be made?
*Presenter:* Robert Whiteford, Barrister, Queensland Bar  
*Chair:* Kylie Costigan, Senior Associate, Estate First Lawyers and Accredited Specialist (Succession Law) – Qld

### Personal Injuries

#### Pre-proceedings disclosure: Similar regimes, different obligations
The overwhelming focus of personal injuries legislation is to bring parties together to have a meaningful settlement conference prior to the institution of proceedings. The various personal injuries regimes encourage the parties to put all their cards on the table to enable this process to occur, but without uniformity. Knowing when to hold them and when to fold them can be strategic, but it is important not to bend the rules. With reference to recent cases, our expert presenter will share some practical tips.
*Presenter:* Brady Cockburn, Partner, Cooper Grace Ward Lawyers and Accredited Specialist (Personal Injuries) – Qld  
*Chair:* Ken Taylor, Councillor, Queensland Law Society; Director, Purcell Taylor Lawyers and Accredited Specialist (Personal Injuries) – Qld

#### Back to the future: Case law update
This session will reflect on the significant decisions relevant to personal injuries practice over the last twelve months to give you the opportunity to prepare for the future, by providing relevant and up to date advice to your clients. Fast-forward your knowledge by attending this practical session.
*Presenter:* Travis Schultz, Practice Group Leader, Schultz Toomey O’Brien Lawyers, part of the Slater and Gordon Group and Accredited Specialist (Personal Injuries) – Qld  
*Chair:* Ken Taylor, Councillor, Queensland Law Society; Director, Purcell Taylor Lawyers and Accredited Specialist (Personal Injuries) – Qld
**Embracing New Law**

New Law is coming. Traditional business models and the delivery of legal service are being transformed to meet client needs and there are many opportunities for lawyers to embrace the New Law model. The key takeaways from this session will be:

- what is New Law?
- how New Law delivers legal services
- start up from a blank slate – business model and delivery
- adapting traditional structures to New Law
- investing in New Law.

*Presenter:* Anthony Wright, Principal, lexvoco  
*Chair:* Dr Rachel Baird, Manager, Learning and Professional Development, Queensland Law Society

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**Six keys to growing the top and bottom line of your legal practice**

Growth is essential for every practice - but how do you get that done while wearing all the other hats of a practice owner? In this strategy-packed session, you will learn the key concepts to create consistent growth. The major takeaways will include:

- how to boost your profits by over 125%
- how to attract more of the ‘right’ type of clients
- the three ‘must have’ elements to make your marketing work
- why most lawyers are uncomfortable with sales and what to do about it.

*Presenter:* Jamie Cunningham, Business Coach, SalesUp  
*Chair:* Dr Rachel Baird, Business Coach, SalesUp

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**SUCCESSION**

**Tips from the bench**

In this practical session, receive tips and guidance on preparing and presenting evidence in succession law matters before the Court.

*Presenter:* The Honourable Justice Duncan McMeekin, Supreme Court of Queensland  
*Chair:* Jeneve Frizzo, Principal, Jeneve Frizzo – Estate Law and Accredited Specialist (Succession Law) – Qld

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**Costs issues in contested estate administrations**

This panel session will review a range of costs issues that may arise, particularly in the administration of contested estates. Issues considered include:

- time recorded v supreme court fees
- executor’s commissions
- executor’s responsibility to ensure costs are appropriate
- recovering legal costs incurred.

*Panellists:* The Honourable Justice Duncan McMeekin, Supreme Court of Queensland  
Margot de Groot, Director, de Groots Wills and Estate Lawyers  
Gary Lanham, Special Counsel, Minter Ellison and Accredited Specialist (Succession Law) – Qld  
*Facilitator:* Jeneve Frizzo, Principal, Jeneve Frizzo – Estate Law and Accredited Specialist (Succession Law) – Qld
**BUSINESS**

**Big issues for small business**

Our expert presenter is well known to members as a leading authority on the personal property securities and its Register.

In this session he will discuss some case updates and present a live demonstration, showcasing the Register's new software and other regulatory compliance software (called RegTech).

Lawyers will be able to efficiently create more income for themselves and help clients reduce the cost, time and risks involved with personal property securities compliance, by using RegTech to:

- create registration templates with pre-populated fields
- reduce manual data entry time by 90%
- lower the risk for data entry errors
- lessen the time and skill needed to competently train operators
- set automated expiry date reminders and other reports.

**Presenter:** Peter Mills, Special Counsel, Thomson Geer Lawyers  
**Chair:** Derek Sutherland, Special Counsel, HWL Ebsworth Lawyers

**Franchising: A focussed session on the sale of a franchised business**

According to the Franchise Council of Australia “Franchising in Australia is amongst the most dynamic and progressive business sectors in the economy”. Those of you who work in this area of practice would no doubt agree with this statement and vouch that there has been a substantial growth in the demand for specialist legal advice in this area.

This session will therefore focus on practical issues to address when advising a buyer or a seller of a franchised business and discuss the following issues arising out of the sale of a franchised business:

- providing advice to either party - what is the scope of your engagement?
- due diligence on a purchase
- what should be expressly considered and included in the agreement?
- drafting tips
- clauses that franchisors usually require be included in the agreement that are non-negotiable
- is it an assignment of an existing agreement or a new agreement?
- what about business names and leases?
- training – when and where?
- documents and completion.

**Presenter:** Janice Bywaters, Special Counsel, Rouse Lawyers  
**Chair:** Derek Sutherland, Special Counsel, HWL Ebsworth Lawyers

**CORE CPD**

**The neuroscience behind good client outcomes**

Class leading neuroscience undertaken by Monash University across a range of disciplines was conjoined with comprehensive case analysis by Lexon to deconstruct examples from recent claim experiences. Dr Sanjay Nandam and Lexon's David Durham will be discussing how cutting edge neuroscience can be the difference between good and bad outcomes for your clients.

**Presenters:**  
Dr Sanjay Nandam, Consultant Psychiatrist, The Prince Charles Hospital  
David Durham, Legal Risk Counsel, Lexon Insurance

**Chair:** Mylton Burns, Principal, Commercial Litigation and Insurance, McInnes Wilson Lawyers

**Beyond technical legal competence: What value the client of the future will want from you**

For decades clients have looked to their lawyer for accurate, timely and risk-free advice. This has served clients and law firms extremely well. With the advent of online services, artificial intelligence and new competitors clients want and expect more value than technical expertise. Our presenter will look at the market, where it is headed and what value looks like for clients. You will gain ideas about how you can provide additional value to clients and thus differentiate your firm from the competition of the future.

**Presenter:** Keith Dugdale, Managing Director, The Business of Trust and co-author of Smarter Selling

**Chair:** Mylton Burns, Principal, Commercial Litigation and Insurance, McInnes Wilson Lawyers
SUCCESION

**Assets in foreign jurisdictions: Beware!**

This panel session will consider various issues to watch out for in estate planning and administration where there are assets in foreign jurisdictions. Issues include professional negligence, insurance coverage, how to identify jurisdictional issues and when to check for revocation.

**Panellists:**
- Angela Cornford-Scott, Director, Cornford-Scott Lawyers and Accredited Specialist (Succession Law) – Qld
- Scott Whitta, Partner, McCullough Robertson Lawyers

**Facilitator:**
- Zinta Harris, Principal, Harris Law; Accredited Specialist (Succession Law) – Qld; Accredited Specialist (Business Law) – Qld and Registered Trust and Estate Practitioner

PROPERTY

**Year in review and the future of property law**

This session will reflect on the significant decisions and legislation relevant to property law practice over the last twelve months. This session will also look at the evolving legal landscape and provide some observations about the future of property law with the rise of new technologies, outsourcing, e-conveyancing and New Law as well as an update about Queensland University of Technology’s Commercial and Property Law Research Centre papers. This session will ensure you remain current as well as give you the opportunity to be prepared for the future.

**Presenter:**
- Kim Teague, Partner, Cooper Grace Ward Lawyers and Deputy Chair, Queensland Law Society Property and Development Law Committee

**Presenter and Chair:**
- Wendy Devine, Policy Solicitor, Queensland Law Society

CORE CPD

**The networked lawyer: Conscious, conscientious, connected**

Contemporary legal practice would be impossible without digitally mediated networks, but in a profession trained to identify and avoid risk, digital networks have posed a particular problem for lawyers. Social media in particular has been viewed with suspicion although other networks, principally those associated with the running of business, have been less critically embraced – despite their own risks. As network technologies themselves are evolving, lawyers must connect or become redundant. Our presenter draws on the law, professionalism in the law, and the world of digital networks to present an achievable, positive model of conscious and conscientious connection for the networked lawyer.

**Presenter:**
- Kate Galloway, Assistant Professor, Faculty of Law, Bond University

**Chair:**
- Matt Dunn, Acting Chief Executive Officer, Queensland Law Society

SYMPOSIUM DEBATE

‘In the future there will be no need for lawyers’

**AFFIRMATIVE**

- Michael Brennan, Councillor, Queensland Law Society and Managing Principal, Offermans Partners
- Sarah-Elke Kraal, Legal Professional Development Specialist and Solicitor, Queensland Law Society
- Tristan Lockwood, Lawyer, Australian Government Solicitor and Co-Founder and National Board Member, The Legal Forecast

**NEGATIVE**

- Chloe Kopilovic, Councillor, Queensland Law Society and Lawyer, Ferguson Cannon Lawyers
- Nola Pearce, Special Counsel, Carter Newell and Chair, Queensland Law Society Ethics Committee
- Dan Rogers, Legal Director, Robertson O’Gorman Solicitors and Accredited Specialist (Criminal Law) – Qld

**Moderator:**
- Matt Dunn, Acting Chief Executive Officer, Queensland Law Society
# Day 2 Program

**Saturday 18 March**

## Welcome
*Presenter:* Christine Smyth, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

## Attorney-General's Address
*Presenter:* The Honourable Yvette D’Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills  
*Chair:* Christine Smyth, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld

## CRIMINAL

### Case law and legislation update
Join Her Honour Judge Julie M Dick SC for a review of interesting Court of Appeal and District Court decisions over the last twelve months, as well as significant legislative changes you need to be aware of.  
*Presenter:* Her Honour Judge Julie M Dick SC, District Court of Queensland  
*Chair:* Julia Jasper, Senior Criminal Lawyer, Couper Geysen and Accredited Specialist (Criminal Law) – Qld

### Justice mediation and negotiating criminal matters: Where is the compounding line?
Mediation can be a cheaper and quicker way to resolve civil disputes; but how does it translate to the criminal jurisdiction?  
Join our expert presenter for a discussion around this unique tool for the resolution of lesser criminal offences.  
*Presenter:* Adrian Braithwaite, Barrister, Queensland Bar and Accredited Specialist (Criminal Law) – Qld  
*Chair:* Julia Jasper, Senior Criminal Lawyer, Couper Geysen and Accredited Specialist (Criminal Law) – Qld

## COMMERCIAL LITIGATION

### Tortious remedies in commercial litigation
This session will examine the tortious remedies commonly awarded in commercial litigation with a focus on:  
- recent developments in the law of remedies in commercial disputes  
- damages in tort, in particular factors relevant to the assessment of past and future economic loss  
- damages to vindicate property rights and aggravated and punitive damages  
- factors relevant to issues of mitigation and contribution.  
*Presenter:* Brett Heath, Special Counsel, Carter Newell Lawyers  
*Chair:* Rob Ivessa, Barrister, Queensland Bar

### The psychology of commercial disputes
Disputes in the commercial arena can be highly emotional for clients. This session will help you to better prepare your client for the commercial dispute process to ensure that you get them the best results. This session will focus on:  
- emotional issues in a dispute process  
- how to help the client de-escalate emotions  
- how clients can become blocked and can’t make a decision  
- how you can get your client’s point across to help the client settle a dispute  
- preparing the client for the emotional reactions before they get them.  
*Presenter:* Dr Anne Purcell, Director, Resolution Partners  
*Presenter and Chair:* Sarah Davies, Director, Sarah Davies Legal Pty Ltd and Accredited Specialist (Commercial Litigation) – Qld
Adrift in a revenue sea: Survival techniques for the lone practitioner

This session will explore the diverse occasions when legal practitioners encounter revenue-related issues in practice. With the ‘knowledge gap’ which has arisen as a consequence of the removal of taxation law as a mandatory unit of study in law school programs, this problem has now become manifest. This session will look at practical solutions to the dilemma and strategies which practitioners can employ, in both the short and long-term, to bridge the gap and to enable them to act in the best interests of their clients without the need to employ the services of accountants or financial advisors.

Presenter: Hugh Zillman, Assistant Professor, Faculty of Law, Bond University
Chair: Greg Spinda, Partner, Carew Lawyers

Accounting shenanigans: How are financial statements manipulated and what do lawyers need to look out for?

Accounting is not black and white - it requires judgement. Financial information can be pessimistically, optimistically or even fraudulently prepared. How do you know which information you are dealing with?

This informative session is for all lawyers who deal with transactions or disputes that involve financial information, and will cover the following questions:

• in a sales transaction is the vendor overstating earnings and so artificially inflating the sales price?
• in a matrimonial matter, is a party understating business earnings to artificially reduce the value of their equity stake?

Our expert presenter looks at some of the top ways earnings are manipulated and how accounting shenanigans led to some of the world’s largest corporate collapses.

Presenter: Simon Cook, Director, Lotus Amity
Chair: Greg Spinda, Partner, Carew Lawyers

Security for costs masterclass: To Barro and beyond

When the wealth of one of the parties to a family law dispute is controlled by the other, interim Barro orders are a great way to even the playing field; but how do you ensure your application will succeed?

Take your preparation, drafting, and advocacy skills to the next level with our expert presenter and explore tips for persuasive oral submissions, as well as practical advice about the Court’s expectations of practitioners coming before the court seeking urgent and interim orders.

Presenter: His Honour Judge Michael Jarrett, Federal Circuit Court of Australia
Chair: Dan Bottrell, Partner, Jones Mitchell Lawyers and Accredited Specialist (Family Law)

Case law and legislation update

Designed to provide you with a snapshot of case law over the past year, this session will provide you with a summary of recent and significant decisions that are sure to impact on your day-to-day practice.

Presenter: The Honourable Justice Catherine Carew, Family Court of Australia
Chair: Dan Bottrell, Partner, Jones Mitchell Lawyers and Accredited Specialist (Family Law)

Update: Case law, legislation and practice direction

Highlighting the most significant legal and practical changes for commercial litigators in 2016-2017, this session will help you remain up to date in your legal practice.

Presenter: The Honourable Justice David Jackson, Supreme Court of Queensland
Chair: Nola Pearce, Special Counsel, Carter Newell and Chair, Queensland Law Society Ethics Committee

Ten tips for commercial litigation management

This session will provide a brief update on recent developments in commercial litigation management, e.g. e-trials as well as provide practitioners with practical hints and tips for:

• managing resources and resources that aren’t in the practitioner’s control
• identifying roles and costs and what needs to be achieved
• managing your client, other side’s client, barristers, QC and junior
• creating a framework to think about litigation (e.g. scoping, planning, managing and closing).

Presenter: Joanne Rees, Chief Executive Officer, Allygroup
Chair: Darrell Kake, Director and Solicitor, 1 Legal and Accredited Specialist (Commercial Litigation) – Qld
What every business owner needs to know to protect themselves from viruses, hackers and other cyber-security threats

According to the Australian Competition and Consumer Commission $229 million was estimated to be ‘scammed’ out of Australians in 2015 with small to medium businesses being a primary focus for cyber-criminal activities. Why are they targeting you? What do they want? Join our presenter as he demystifies the cyber-underworld and provides you and your firm with actionable steps you can implement to minimise your risk of being a victim!

Presenter: David Rudduck, Managing Director, Insane Technologies
Chair: Greg Spinda, Partner, Carew Lawyers

The future of legal practice: Are you keeping up?

Keeping up with the rapid change of technology and the impact it has on the operation of a business is a challenge for any organisation. Whilst most organisations embrace change and evolve to meet sophisticated and demanding client needs the legal professional is still slow to catch up and adopt new technology, new business structures and styles in the provision of professional services. So throw away your timesheets, move away from your desk and open your mind to learning about the legal practice in the future. This practical session will provide ideas on how you can future proof your business and discuss the following:

- the changing legal landscape – doing business in the worldwide market
- dealing with the one click generation
- outsourcing and offshoring
- pricing pressures
- commoditisation – unbundling of legal services
- the informed and sophisticated client
- flexible working practices
- information highway.

Presenter: Matthew Burgess, Director, View Legal
Chair: Matt Dunn, Acting Chief Executive Officer, Queensland Law Society

Coordinated Family Dispute Resolution: Achieving safe mediation when there is domestic violence

Coordinated Family Dispute Resolution (CFDR) is a complex and resource-intensive model of family mediation, which facilitates safe outcomes in parenting disputes involving a history of family violence. Co-designed by Rachael Field and Angela Lynch of Women’s Legal Service Brisbane, CFDR was piloted around Australia in 2011 and 2012 and evaluated by the Australian Institute of Family Studies (AIFS). AIFS described the model as being ‘at the cutting edge of family law practice’.

Join our expert presenter as she explains the model and how it ensures the safety of victims of domestic violence, and their children, involved in parenting disputes.

Presenter: Dr Rachael Field, Professor, Faculty of Law, Bond University
Chair: Kara Cook, Vice President, Queensland Law Society and Director and Principal Lawyer, Cook Legal

All is fair in love and war – but not contracts

Whether you advise small business clients about their standard terms and conditions or consumers; you need to come up to speed with the recent developments in relation to small business contracts. Over four months ago the existing unfair contract term protections in the Australian Consumer Law for consumers were extended to cover standard form small business contracts. This practical session will, with reference to Australian and United Kingdom decisions, provide guidance on the key provisions of the legislation and answer the following questions:

- what is a small business contract?
- what is a standard form contract?
- how is the presumption of a standard form contract rebutted?
- which contracts and terms are excluded?
- when is a term of a small business contract unfair?
- what happens if a Court finds a term is unfair?

Presenter: Dr Paul O’Shea, Principal, O’Shea Lawyers
Chair: David Grace, Consultant, Cooper Grace Ward Lawyers and Chair, Queensland Law Society Competition and Consumer Law Committee
Legal professionalism in the 21st century

The contemporary legal services delivery landscape is undergoing radical transformation, and so too is our understanding of what it means to be a legal professional. Professionalism for lawyers today means much more than courtesy to colleagues and clients, or compliance with professional conduct rules. It embraces cultural competency, digital literacy, emotional intelligence and an authentic commitment to the public good. Our expert presenters deliver an inclusive and inspiring model for legal professionalism in the 21st century, and consider how it can be practised and how it can be taught.

Presenters: Professor Nick James, Executive Dean, Faculty of Law, Bond University
            Stafford Shepherd, Director, QLS Ethics Centre, Queensland Law Society

Chair: Matt Dunn, Acting Chief Executive Officer, Queensland Law Society

Fit for the Future

Digital disruption, global reach, and the changing workplace affect us all, and at all levels - individual, team, organisation, and community. The future belongs to those with foresight, flexibility, and a forward-looking, optimistic focus.

Take an educational, eye-opening, and engaging ride into the future to learn about the global megatrends shaping your industry, the mindset that helps you lead the change, and the skills you need to get things done in a fast-changing world.

Presenter: Gihan Perera, Futurist, Speaker, Author and Consultant

Chair: Christine Smyth, President, Queensland Law Society; Partner, Robbins Watson Solicitors and Accredited Specialist (Succession Law) – Qld