

# The virtues of introspection

By Ngaire Watson

**G**ood legal practice requires much more than satisfying the entry requirements into law. This edition of *Precedent* casts the net wide over aspects of the life and work of a lawyer. The Chinese curse, 'May you live in interesting times', aptly fits the life and work of many lawyers.

Our editor, Renée Harris, has chosen a thoughtful cover image for this edition. Long shadows being cast by people we cannot identify. Before arriving at this image, we canvassed the possibility of an elephant in the room and an ostrich with its head in the sand: trying to convey the idea of important issues that we know about but choose to ignore or tackle had some merit as a visual concept for several articles. This edition aims to encourage us to be introspective about ourselves and the way we practise. Our work is inherently difficult. The law is one of the most highly regulated professions in Australia, but it can also be very rewarding, personally, professionally and financially. Within our ranks are many driven, hard-working and focused individuals who rarely come up for air, let alone to reflect.

Starting at the top, Jeremy Gormly SC examines the world of silk. This old institution has undergone subtle but important changes over time and still retains an air of mystique and curiosity. Jeremy explores the work of silk and the value they can add to complex cases, often in the glare of intense public scrutiny.

Change is coming! Michael Lavarch takes us through the essentials of current reforms, which will affect all practitioners in Australia and result in a national legal profession.

Charles Biscoe provides sage advice for those running small practices. These insights, in fact, go well beyond small practices and remind us of the old adage, 'working on the practice, not just in the practice'. Still in the office, how often do we consider what would happen if we lost our computer data, or if the contents of our computer were maliciously accessed? Welcome to this nightmare and how best to prevent it with IT expert, Franco Di Dio, who has seen plenty of lawyers do risky business with their computers.

Australian lawyers have been slower than their UK and US counterparts to embrace social media. Appropriately, I met Melissa Castan on Twitter. She and Oyiela Litaba inform and educate us about the benefits for lawyers in using social media, as well as identifying how to avoid the traps. In their blog, [www.amicaecuriae.com](http://www.amicaecuriae.com), (*amicae curiae* literally means 'girl friends of the courts') Melissa and her colleagues provide a fascinating forum.

I first met Professor Gordon Parker many years ago when I worked as a nurse in community psychiatry. He was instrumental in setting up the Black Dog Institute and is well known to many of us in his role of psychiatric expert witness. Gordon has taken a special interest in lawyers and what makes us tick (or not, as the case may be). His article may touch a nerve for some readers, as he examines some of the personal and emotional aspects of lawyering and their consequences. We continue on a personal note with a reflection by Noor Bloomer on being a woman practising law. Noor uses satire to challenge some gendered sacred cows, which are likely to resonate for some readers.



Lawyers behaving badly are the stuff of many a tabloid headline, unfortunately. Stephen Warne, who works in the area of professional negligence, has taken a no-holds-barred approach to the problems associated with lawyers who overcharge. He is also author of 'The Australian Professional Liability Blog' at [www.lawyerslawyer.net](http://www.lawyerslawyer.net) and keeps readers up to date with current legal developments. Still in the costs vein, Peta Solomon looks at the nature of retainers.

Tracey Carver reports on the 2011 WA Court of Appeal case, *Nigram v Harm*, which is a salutatory warning to those who work in the complex area of medical negligence litigation. A claim in negligence against the solicitor was brought when the client alleged the solicitor had failed to properly investigate the merits of her medical negligence claim, which had subsequently become statute-barred.

Greg Walsh and Anna Walsh's case note on *Coote v Kelly* also makes for important reading, as it traverses the admissibility and relevance of expert evidence in this failure to diagnose case. ■

**Ngaire Watson** is a barrister at *Culwulla Chambers* in Sydney and is a member of the *Precedent* editorial committee. She specialises in medical negligence.

**PHONE** (02) 9335 3637

**EMAIL** [Ngaire.watson@counsel.net.au](mailto:Ngaire.watson@counsel.net.au)