



The New South Wales Bar Association

# Bar Practice Course Materials 1/2012

## Timetable

The full-time component of the 1/2012 Bar Practice Course will commence on Monday, 30 April 2012 and conclude on Saturday, 26 May 2012. [The timetable for 1/2012](#) will be available online from 26 April 2012. Please ensure that you check this regularly for the most up-to-date information.

## Course Materials

The following reading list is current as of 26 April 2012. Any changes thereafter will be clearly marked in **RED**. For your convenience – anticipated changes will also be indicated wherever possible. Please refer to the timetable for further details on the required reading to be covered prior to each session.

[Recommended Reading List](#)

### Preparation

[Ethics Hypothetical, Gormly SC & Stone](#) – **TO BE UPDATED**

[Ethics in Practice, Mark](#)

[Effective and Ethical Settlement Negotiations, Bridge SC](#)

[Case Analysis, Greenwood SC](#)

[Case Theory Analysis, Taylor SC](#)

[Case Preparation, Greenwood SC](#)

[Effective Legal Research, Street SC & Emmett](#)

[Tendering Documents](#)

[Documents to be tendered](#)

[Analysing a Judgment, Aitken](#)

[Analysing a Judgment, Mason](#)

[Analysing a Judgment \(Part 2\), Mason](#)

[Communication Aids, Molomby SC](#)

[Interrogatories, Sullivan QC](#)

[Witness Preparation](#) – **UPDATED MAY 2012**

[Note to Witnesses, Lindgren J](#)

[Conduct in Court and at the Bar, Greenwood SC](#)

## **Drafting**

[Drafting Legal Opinions, Cassidy QC](#)

[Opinions and Advices on Evidence, Sullivan QC](#)

[Drafting Affidavits, Donohoe QC](#)

[Affidavits - The Basics, Pepper](#)

[Preparing Affidavits & Evidentiary Statements, Sullivan QC](#)

[Affidavits – Drafting Exercise](#)

[Pleadings, The Hon Justice Giles](#)

[Pleadings, examples and exercises](#)

[Wild - Statement of Claim](#)

[Defence Exercise Instructions](#)

## **Interlocutory Applications**

[Demonstration Application Guidelines, Greenwood SC](#)

[Demonstration Application Material](#)

[Demonstration Application - Performance Criteria](#)

[Interlocutory Procedures, Graves SC & Wood](#)

[District Court Applications, Wheelahan QC](#)

## **Advocacy**

[Advocacy, Finnane J](#)

[Advocacy, Gleeson J](#)

[Local Court Advocacy, Magistrate Dillon](#)

[Developing Confidence in the Courtroom, Magistrate Dillon](#)

[Ten Rules of Appellate Advocacy, The Hon Justice Kirby AC CMG](#)

[Effective Advocacy through Civility, Mew](#)

[Jury Advocacy, Craigie SC](#)

[Teaching Trial Advocacy, McCrimmon & Maxwell](#)

[Written Submissions and Case Theory, Renwick](#)

[Written Advocacy, The Hon Justice K M Hayne AC](#)

[Examination in Chief, Deakin QC](#)

[Examination in Chief - Performance Criteria](#)

[Leading Evidence from Lay Witnesses, Maiden SC](#)

[Effectively Presenting Evidence, Lindsay SC](#)

[Expert Witnesses and Examination in Chief, Parker QC](#)

[Expert Evidence, Greenwood SC](#)

[Cross Examination, Donovan QC](#)

[The Art of Cross Examination, Bar News Extract](#)

[Propriety and Impropriety in Cross Examination, Ryan SC](#)

[The Use of Documents in Cross Examination, Collins QC](#)

[Cross Examination on Documents, McIlwaine & Stone](#)

[Cross Examination - Performance Criteria](#)

[Cross Examination and Prior Inconsistent Statements, Hoy SC](#)

[Cross Examination of Expert Witness, Maiden SC](#)

[General Precepts for Re-examination - extract, Morris](#)

[Re-examination, Coombs QC](#)

[Re-examination, Donohoe QC](#)

[Objecting to Evidence, Greenwood SC](#)

[Closing Addresses](#)

## **Crime**

[Practising Criminal Law: Preparing the Case, Porter QC](#)

[Pleas of Guilty](#)

[Pleas in Mitigation, Button SC](#)

[Committal Proceedings, Porter QC](#)

[Contested Committals, Dennis](#)

[Conducting a Voir Dire, Greenhill SC](#)

[Bail Applications](#)

[Evidence Hypotheticals, Maxwell QC](#)

[Tactical Plea Making in the District Court, Craigie SC](#)

[The DPP's Decision to Prosecute, Cowdery QC](#)

[Criminal Practice and Procedure in the Local and District Court, Hughes](#)

## **Equity**

[Equity Applications, general guidelines](#)

[Equity, The Hon Justice Young AO](#)

[Notes on Common Problems in Equity, The Hon Justice Young AO](#)

[Equity - Expectations of Judges, The Hon Justice Hodgson](#)

[Equity Summary Lecture Notes, Lindsay SC](#)

[Equity - Principles, Practice and Procedure, Lindsay SC](#)

[Equity - Procedural Summary, Lindsay SC](#)

[Equity - Short Minutes of Order, Lindsay SC](#)

[Equitable Relief, Emmett QC](#)

[Common Equity Problems - Principles, Meek M](#)

[Common Equity Problems, Lever SC](#)

[The Commercial List, The Hon Rolfe QC](#)

[Equity and Commercial Practice, Einstein QC & Brabazon](#)

[Division of Work in the Equity Division, Registrar Berecny](#)

[Problem Solving in an Equity Commercial Context, Lindsay SC](#)

## **Federal Court**

[Federal Jurisdiction I, the Hon Justice Allsop](#)

[Federal Jurisdiction II, the Hon Justice Allsop](#)

## **Family Court**

[Property Settlement and Related Proceedings in the Family Court, Richardson SC](#)

[How to Survive the Family Court, Ainslie-Wallace J](#)

[Care and Protection – Children’s Court, Lawson](#)

## **Mediation and Alternative Dispute Resolution**

[Mediation, Sir Laurence Street](#)

[Updated Materials for Introduction to ADR](#)

[Barristers Rules 17A and 74](#)

[Civil Procedure Act Part 2A](#)

[Civil Dispute Resolution Act 2011](#)

[Civil Procedure Act 2005 \(NSW\) Part 4 – Mediation of Proceedings](#)

[Uniform Civil Procedure Rules 2005 Part 20 – Resolution of Proceedings without Hearing](#)

[Practice Note SC Gen 6](#)

[Order for Referral to Mediation NSW Supreme Court](#)

[Civil Procedure Act 2005 \(NSW\) Part 6 – Case Management and Interlocutory Matters](#)

[Federal Court of Australia Act 1976 Part VB – Case Management in Civil Proceedings](#)

[Federal Court of Australia Act 1976 Part VI – General ss 53A-54B](#)

[Federal Court Rules Order 72 – Mediation and Arbitration](#)

[Law Council Guidelines for Lawyers in Mediations](#)

[Legal Services Commissioner v Mullins](#)

[Ethical guidelines for mediators \(Law Council of Australia\)](#)

## Costs Disclosure

[Legal Profession Act 2004 No 112 Part 3.2 Costs disclosure and assessment](#)

[Legal Profession Act 2004 No 112 Schedule 9 Savings, transitional and other provisions](#)

[Legal Costs: Solicitors' Relations with Counsel and Clients, Brabazon SC](#)

[Is the Fee with Brief Dead? Securing the Payment of Barristers' Fees, Brabazon SC](#)

## Trial Material and Briefs

### District Court

[King v Castle](#) – **Added May 2012**

[May v Wondermart](#) - **Added May 2012**

[Daniel v Byron](#) - **Added May 2012**

### Equity

[Telco Pty Ltd v Flowers](#) - **Added May 2012**

[Perry v Shearer](#) - **Added May 2012**

[Thomas v Tyler](#) - **Added May 2012**

### Federal Court

[Discover Network v Star Cable](#) - **Added May 2012**

[Fast Tyres v Getup](#) - **Added May 2012**

[Wild Travel v Cowboys](#) - **Added May 2012**

### Short Hearings

[Waddy v Heinrich](#) - **Added May 2012**

[R v Smythies](#) - **Added May 2012**

### Final Mock Trial

[Collins v Greencent](#) - **Added May 2012**

## **Supplementary Material**

[Local Court Practice, Bartush-Peek](#)

[Diversionary Schemes, Chief Magistrate Henson](#)

[Party-Party Costs Post the UPCR, His Hon Judge Johnstone](#)

[Risk Management, Greenwood SC](#)

[The Role of Junior Counsel when Working with Senior Counsel, Slattery QC](#)

[Reciprocal duties of Bench and Bar, Heydon J](#)

[Guidelines for barristers on dealing with self-represented litigants](#)

[Litigants in Person, Ellison SC](#)

[Dealing with unrepresented litigants, Pulsford](#)

[Court Structure & Protocol September 2008](#)

[Duty Barrister Form](#)

[Legal Assistance Form](#)

[Maximising Special Leave, The Hon Justice Kirby AC CMG](#)

[Practice in Practice, Einstein QC](#)

[The Statutory Functions of the Coroner, Abernethy](#)

[Bilingual Courtroom](#)

[SDW v Church of Jesus Christ of Latter-Day Saints](#)

[Technology in Court and in Practice, Cotman SC](#)

## **Material Not Required for Current Course**

[Blue Danube](#)

[Carindale v Astil Obs & Notice of Motion](#)

[Carindale v Astill Document 2](#)

[Donahue v Stevenson](#)

[DPP v Cannon](#)

[DPP v Cannon Map](#)

[Ethics Hypothetical – Khandhar](#)

[Hearsay Hypothetical Problems](#)

[Jury Applications](#)

[Malabar v Meade](#)

[Morrison v Daisey](#)

[Peel v Brian](#)

[Rose v Rose](#)

[Special Considerations Applicable to Federal Court Appearances](#)  
[Thomson v Collett](#)  
[Thomson v Collett - Notes on testamentary capacity, Taylor SC](#)  
[Wonder v Mack](#)