NEW SOUTH WALES
BAR ASSOCIATION

Notices of Appeal: the Good, the Bad, and the Ugly

Presented by:

The Honourable Justice John Basten and

The Honourable Justice Anthony Payne

Chaired by:

The Honourable Justice Margaret Beazley AO

NSW Bar Association

Common Room

5.15pm Wednesday 12 April 2017

1.5 HOUR SEMINAR

1.5 CPD POINTS IN THE BARRISTERS' SKILLS STRAND

The notice of appeal is the principal initiating process in the New South Wales Court of Appeal. A notice of appeal is, in substance and effect, a pleading document. As with any pleading document, a notice of appeal must identify the issues with clarity and succinctness. As McHugh J observed in *Tame v State of New South Wales* (2002) 211 CLR 317:

> *[C]ounsel would be well advised to heed Judge Aldisert's statement that when he sees "an appellant's brief containing seven to ten points or more, a presumption arises that there is no merit to any of them"*

Notices of appeal filed in the New South Wales Court of Appeal range from honouring this admonition as to clarity and succinctness to breaching it in the extreme. The purpose of this presentation is to explain what makes for a good notice of appeal and to encourage drafting approaches that honour the Court's expectations in observance rather than breach.

THIS SEMINAR IS OPEN TO MEMBERS OF THE NSW BAR ASSOCIATION

REGISTRATION IS NOT REQUIRED

For more information, please contact Tiffany McDonald
tmcdonald@nswbar.asn.au OR (02) 9232 4919

NSW Bar Association
Selborne Chambers, B/174 Phillip Street, Sydney

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