

Legal Profession (Barristers) Rules 2008

Subordinate Law SL2008 - 46

made under the

Legal Profession Act 2006, section 579(1) (Rules for Barristers)

EXPLANATORY STATEMENT

1. The Council of the Australian Capital Territory Bar Association makes the *Legal Profession (Barristers) Rules 2008* by amending the *Legal Profession (Barristers) Rules 2006* as follows:

(a) Rule 74(d) which read as follows –

74(d) representing the client in a mediation or case appraisal;

is amended by deleting the present text and substituting the following –

74(d) representing the client in a case appraisal, mediation, arbitration, collaborative law practice and procedures, and any other form of alternative dispute resolution;

The amendment to rule 74(d) expands the scope of what falls within the meaning of ‘barristers’ work’, to cover the developing sphere of alternative dispute resolution methods. These methods include, at present: case appraisals, arbitrations, mediations and the practice and procedures of collaborative law.

The terms of the new rule 74(d) are not intended to limit the scope of alternative dispute resolution methods to those that are mentioned.

(b) Rule 115.1 which read as follows-

115.1 A barrister may do barristers' work for a client without the intervention of an instructing solicitor where expressly permitted by legislation.

is amended by deleting the words

where expressly permitted by legislation.

The object of the amendment to rule 115.1 is to allow members of the ACT Bar Association to offer their services directly to members of the public within the scope of what is defined to be ‘barristers’ work’ in rule 74.

2. The amendments to rules 74(d) and 115.1 are intended to foster greater competition among competent and experienced members of the legal profession, while still retaining the availability and the advantages of an independent bar association.