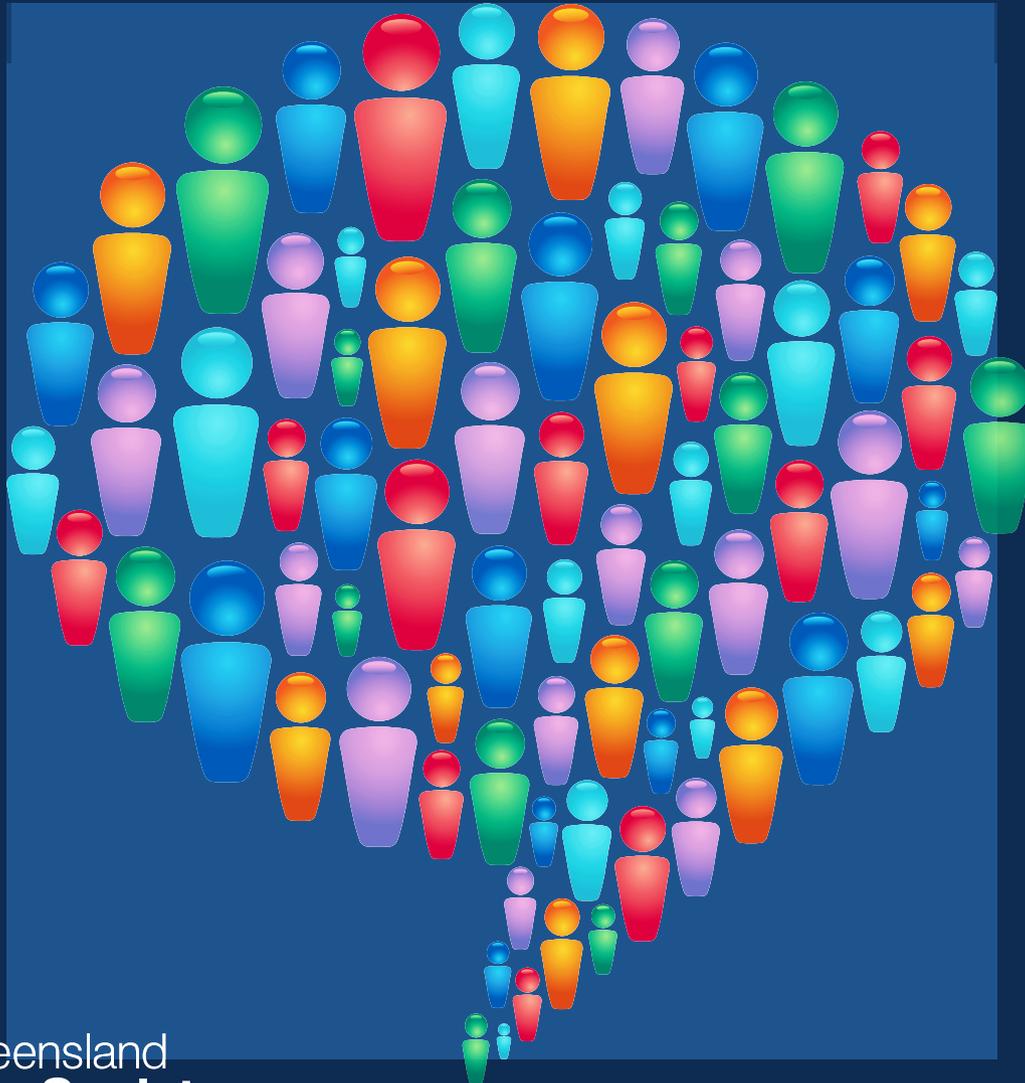


DVD Program: Both days



Symposium

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Program – Day 1

Business Family Personal Injuries Property



Friday 18 March 2016

Disc 1
33 mins

Welcome

Presenter: **Bill Potts**, President, Queensland Law Society

Welcome to Country

Presenter: **Songwoman Maroochy**

Chief Justice's Address

Presenter: **The Honourable Justice Catherine Holmes**, Chief Justice of Queensland

Chair: **Bill Potts**, President, Queensland Law Society

FAMILY

Disc 2
1 hr 21 mins



Case law update: A year in review

Designed to provide you with a snapshot of recent case law, this session will summarise significant decisions over the past year.

Presenter: **James Linklater-Steele**, Barrister, Queensland Bar

Chair: **Bruce Dodd**, Partner, Jones McCarthy Lawyers and Accredited Specialist (Family Law)



Living dangerously: Managing risks in family law practice

This session will focus on identifying common and current risks for solicitors practising in family law, and offering practical techniques and solutions on how to avoid them.

Presenter: **Tracy Skellern**, Legal Risk Solicitor, Lexon Insurance

Chair: **Bruce Dodd**, Partner, Jones McCarthy Lawyers and Accredited Specialist (Family Law)

PROPERTY

Disc 3
1 hr 29 mins



Community title case and legislation update

This session will provide you with an overview of recent significant decisions and legislative changes in the community title space affecting both body corporate and management rights, with a focus on the practical implications for your day-to-day practice.

Presenter: **Frank Higginson**, Director, Hynes Legal

Chair: **Leone Costigan**, Executive Counsel, Herbert Smith Freehills and Accredited Specialist (Property Law) – Qld



Tax in context: A masterclass perspective

Referring your client to a tax expert is one thing, but knowing when to refer them is a skill that is essential for property practitioners. Using a case scenario, this session will explore:

- the tax implications of option agreements
- GST and going concern exemptions
- stamp duty and aggregation
- land tax implications
- capital gains tax.

Presenters: **Peter Nugent**, Special Counsel, HWL Ebsworth Lawyers

Fletch Heinemann, Partner, Cooper Grace Ward Lawyers

Chair: **Leone Costigan**, Executive Counsel, Herbert Smith Freehills and Accredited Specialist (Property Law) – Qld

PERSONAL INJURIES

Disc 4
1 hr 27 mins



NDIS and NIS: Structures, progress and pitfalls for the injured and our profession

The NDIS and NIS are interlinked game-changers for the disability sector and for the personal injuries practitioner. The session will provide an overview of the design of the schemes, an exposition of the Productivity Commission's envisioned outcome for those injured as a consequence of the negligence of others, and an explanation of the manifestations of both schemes, to date.

Presenter: Rod Hodgson, Principal, Maurice Blackburn

Chair: Luke Murphy, Partner, MurphySchmidt Solicitors and Accredited Specialist (Personal Injuries) – Qld



Workers compensation revisited

Now that the dust has settled and workers compensation legislation has been amended, this session will recap recent legislative changes and discuss how WorkCover is implementing those changes. The session will also focus on recent claims trends and how they impact the fund.

Presenter: John Kinnane, Industry Manager, WorkCover Queensland

Chair: Luke Murphy, Partner, MurphySchmidt Solicitors and Accredited Specialist (Personal Injuries) – Qld

FAMILY

Disc 5
1 hr 38 mins



Working with victims and perpetrators of domestic violence: Powerful insights, practical solutions

Sharing powerful insights and providing practical solutions, our panel will cover the following:

- current and future direction of domestic and family violence
- overview of the newly created Specialist Domestic Violence Court at Southport
- advice on how to work with clients that are either victims or perpetrators of family and domestic violence
- practical tips for family lawyers – What should you address in your submissions? What does the court need to know from you?
- how technology and social media impacts on family and domestic violence matters.

Panellists: Magistrate Colin Strofield, Magistrates Court of Queensland

Diane Mangan, CEO, DV Connect

Zoe Rathus AM, Senior Law Lecturer and Director of Legal Clinic, Griffith University

Sergeant Leisa Wathen, District Domestic and Family Violence Prevention Co-ordinator, Mt Gravatt and Riverside Patrol Groups

Facilitator: Kara Cook, Director and Principal Lawyer, Cook Legal and Vice-President, Queensland Law Society

PERSONAL INJURIES

Disc 6
1 hr 28 mins



Spotlight on psychiatric injury claims

Due to the complex nature of psychological injury claims, they are notoriously difficult to pursue and defend. This session will demystify some of the complexities involved in managing such claims for damages. Through a discussion of the recent case law this session will provide practical tips on how to pursue and defend psychiatric claims. It will focus on the issues to look for in each case; the evidence that needs to be sought to focus on those issues and the presentation of such claims at conference or mediation. The session will discuss the following:

- What is a psychiatric injury? The importance of distinguishing it from stress.
- The duty of care essentials as defined by recent decisions:
 - “reasonably foreseeable” – Is there a risk that psychiatric injury would occur?
 - breach of duty
 - causation.
- Practical tips for both preparation of liability issues and the quantification of claims.

Presenter: Dominic Murphy, Barrister, Queensland Bar

Chair: Michael Garbett, Partner, Moray and Agnew and Chair, Queensland Law Society Accident Compensation/Torts Law Committee



Return to work: Can't work or won't work?

You would imagine that most plaintiffs would look forward to the day when they can return to work after an injury, however for some returning to work creates other health issues to overcome. In this session, our presenter will provide guidance on the psychiatric issues that some plaintiffs encounter on the prospect of returning to work. Our expert will identify 'red flags' that personal injuries practitioners should be aware of, whether acting for the plaintiff or employer and will answer the following questions:

- What are the mental health obstacles facing an employer trying to get an injured worker back to work?
- When does a psychiatric injury no longer impair a return to work process?
- What are the non-injury related psychiatric reasons that impede the return to work process, and how can they be managed?

Presenter: Ben Duke, Consultant Psychiatrist

Chair: Michael Garbett, Partner, Moray and Agnew and Chair, Queensland Law Society Accident Compensation/Torts Law Committee

BUSINESS

Disc 7
1 hr 25 mins



Shareholder agreements masterclass: The good, bad and ugly

Disputes, divorce, offences, bad behaviour, voluntary retirement, insolvency – all are trigger events which can have a detrimental effect on a company and, at worst, can cause a company to go bust!

Your client may not be preparing for disputes or unforeseen circumstances, but having a well drafted shareholder agreement can diffuse disputes and manage curveballs before it is too late.

This interactive session will look at the key clauses that should be included in shareholder agreements and provide a unique insight into drafting as well as how to resolve shareholder disputes.

Presenters: Joe Kafrouni, Director, Kafrouni Lawyers and Accredited Specialist (Business Law) – Qld
David Thomae, Barrister, Queensland Bar

Facilitator and presenter: Suzanne Brown, Principal, McKays Lawyers and Accredited Specialist (Business Law) – Qld

FAMILY

Disc 8
55 mins



Masterclass: Advocacy 202

Join the experts in an advanced advocacy workshop especially designed for experienced family law practitioners.

Presenters: The Honourable Justice Colin Forrest, Family Court of Australia
Dr Jacoba Brasch QC, Barrister, Queensland Bar

Facilitator: Jennifer Hetherington, Principal, Hetherington Legal; Accredited Specialist (Family Law) and Councillor, Queensland Law Society

PROPERTY

Disc 9
55 mins



E-Conveyancing in practice

E-Conveyancing is here, but many practices are yet to jump on board. This session will give you access to practitioners who use the system, PEXA and QLS experts, and address the practical issues that are impacting conveyancing practitioners. It will cover:

- how to use the system effectively and efficiently
- how to manage risk
- what risks can't be managed
- how to utilise team members and support staff.

Presenters: Michael Kenny, Principal, Queen St Legal Group
Mike Cameron, COO, Property Exchange Australia Limited (PEXA)

Facilitator: David Bowles, Ethics Solicitor, Queensland Law Society

BUSINESS

Disc 10
57 mins



PPSA: While you were sleeping

The *Personal Properties Securities Act 2009* has overhauled securities legislation in Australia and readjusted the norm. In this session the presenters will discuss practical, everyday issues around security interests and perfection, what you can expect when a liquidator comes knocking, and how and why you got it wrong.

Presenters: **Danielle Keyes**, Senior Associate, DLA Piper Australia
Michael Brennan, Managing Principal, Offermans Partners and Councillor, Queensland Law Society

Chair: **Scott Butler**, Partner, McCullough Robertson Lawyers and Chair, Queensland Law Society Insolvency Committee

SYMPOSIUM DEBATE

Disc 11
56 mins

'You're not a real lawyer unless you've been to court'

Conducted in a classic debate format, our panellists will argue that 'You're not a real lawyer unless you've been to court'.

AFFIRMATIVE

Andrew Cardell-Ree, Partner, Thomson Geer
Danielle Keyes, Senior Associate, DLA Piper Australia
Rebecca Treston QC, Barrister, Queensland Bar

NEGATIVE

Clarissa Rayward, Director, Brisbane Family Law Centre, Accredited Specialist (Family Law) and President, Family Law Practitioner's Association (Qld)
Andrew Smyth, Partner, Robbins Watson Solicitors
Brian Herd, Partner, CRH Law

Moderator: The Honourable Justice Colin Forrest, Family Court of Australia

END OF DAY 1 FILMED SESSIONS

Program – Day 2



Business Commercial Litigation Core CPD Criminal Succession

Saturday 19 March 2016

Disc 12
37 mins

Welcome

Presenter: **Bill Potts**, President, Queensland Law Society

Attorney-General's Address

Presenter: **The Honourable Yvette D'Ath MP**, Attorney-General and Minister for Justice and Minister for Training and Skills

Chair: **Bill Potts**, President, Queensland Law Society

SUCCESSION

Disc 13
1 hr 19 mins



Succession law case update

This session will provide you with a snapshot of recent Australian and international succession law cases that you need to know.

Presenter: **Naomi de Costa**, Senior Associate, Maurice Blackburn and Accredited Specialist (Succession Law) – Qld

Chair: **Caitie Brewer**, Barrister, Queensland Bar and Accredited Specialist (Succession Law) – Qld



Solicitors' duties in advising trustees and attorneys: Practical steps to protect yourself

In this session our presenters will explore potential difficulties and professional responsibilities when advising attorneys and trustees, for example where a trustee loses capacity and the attorney wants advice.

Presenters: **Bryan Mitchell**, Principal, Mitchells Solicitors and Accredited Specialist (Succession Law) – Qld
Stafford Shepherd, Director, Ethics Centre, Queensland Law Society

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

CRIMINAL

Disc 14
44 mins



The critical role of the solicitor in a criminal trial

In this session, you will explore the nature and importance of the role of a solicitor in a criminal trial, with reference to relevant case law – including a consideration of *LSC v Bartels*, *MK v Victoria Legal Aid* and *R v Chaouk*.

Presenter: **Saul Holt QC**, Barrister, Queensland Bar

Chair: **Kurt Fowler**, Principal Lawyer, Fowler Lawyers, Accredited Specialist (Criminal Law) – Qld and Deputy Chair, Queensland Law Society Criminal Law Committee

COMMERCIAL LITIGATION

Disc 15
1 hr 14 mins



Recent developments in commercial litigation

This session will provide you with a summary of the most significant decisions in commercial litigation practice in the last year.

Presenter: **The Honourable Justice Roslyn Atkinson AO**, Supreme Court of Queensland

Chair: **Sarah Davies**, Partner, ClarkeKann Lawyers and Accredited Specialist (Commercial Litigation) – Qld



Limitation periods: When does your cause of action start to run?

Determining when a cause of action arises is a common and difficult issue in commercial litigation. This session will address relevant case law and provide you with examples, putting theory into practice. Consideration will be given to an ongoing contract scenario as well as a trade practices scenario.

Presenter: **Catherine Muir**, Barrister, Queensland Bar

Chair: **Sarah Davies**, Partner, ClarkeKann Lawyers and Accredited Specialist (Commercial Litigation) – Qld

SUCCESSION

Disc 16
1 hr 27 mins



Five things you ought to know about... family provision applications, estate planning and estate administration

In this practical session gain tips and guidance from three experts on essential things you need to know about each of the following areas:

- family provision applications
- estate planning
- estate administration.

The session will consist of three half hour presentations addressing each area of practice.

Presenters: **Jeneve Frizzo**, Special Counsel, O'Connor Law and Accredited Specialist (Succession Law) – Qld
Ann Janssen, Special Counsel, Estate First Lawyers and Accredited Specialist (Succession Law) – Qld
Tim Whitney, Consultant, McCullough Robertson Lawyers and Accredited Specialist (Succession Law) – Qld

Chair: **Kylie Costigan**, Senior Associate, Estate First Lawyers and Accredited Specialist (Succession Law) – Qld

BUSINESS

Disc 17
1 hr 32 mins



Small businesses behaving badly: Consumer law update

In today's competitive world, businesses have to push marketing boundaries in order to gain a customer base, which can expose organisations to breaching consumer laws. Also as the Australian Competition and Consumer Commission continues to flex its muscles, the risk of being subject to enforcement proceedings remains forever constant. This session will therefore focus on areas which continue to be a source of grief for organisations and with reference to recent cases will provide practical guidance to those advising business clients on their consumer obligations and rights.

Presenter: **Michael Hodge**, Barrister, Queensland Bar

Chair: **Peter Mills**, Special Counsel, Thomson Geer



Big gains, small business: Managing CGT issues

Structuring a small business sale to effectively deal with Capital Gains Tax issues is complex. This session will focus specifically on the legal issues that most accountants do not address, so that you can provide your clients with relevant and comprehensive advice. Our experienced presenter will discuss the following:

- brief overview of small business concessions
- small business concessions – the legal aspects
- how to prepare a small business for sale
- what are the legal issues on the sale of a small business that are often overlooked
- whether you can safely delegate everything to accountants, or need to take an active role.

Presenter: **David Hughes**, Partner, Small Myers Hughes

Chair: **Peter Mills**, Special Counsel, Thomson Geer

CORE CPD

Disc 18
1 hr 30 mins



Sitting is the new smoking, it's just a different butt

Your work should not endanger your health, but extended hours of sitting at work are now regarded as being as harmful to your health as smoking. Recent studies indicate that prolonged sitting can result in diabetes, heart disease, back, neck and shoulder pain, increased weight and a general reduction in health and mental alertness.

In this session you will learn simple exercises that can be done at work to reduce back and neck pain and increase your mental alertness. You might also flatten your belly, give your butt a lift and look better in your clothes with these exercises.

Presenter: John Bawden, Personal Trainer, Everybody Personal Fitness

Chair: Kali Astill, Practice Management Course Executive and Solicitor, Queensland Law Society



Contractors and casuals: Tips for law practices in adopting flexible staffing practices

Gone are the days of the traditional employer/employee relationship. Law firms now have a range of more flexible staffing options open to them. This session will provide practical guidance for law practices interested in exploring flexible staffing arrangements including:

- contractors vs casuals
- compliance with the *Fair Work Act 2009* and relevant awards
- drafting employee and contractor agreements
- what to avoid.

Presenters: Luke Forsyth, Principal, Hall Payne Lawyers

Chair: Kali Astill, Practice Management Course Executive and Solicitor, Queensland Law Society

CRIMINAL

Disc 19
57 mins



The Moynihan legacy: For better or worse?

Our panel of experts will lead a discussion on the Moynihan legacy, and will include a consideration of:

- the impact of the amendments on both the Magistrates Court and the superior courts
- concern with the response by the profession to the changes to the committal laws
- how to better prepare applications to cross-examine
- the state of play with prosecution disclosure.

Panellists: The Honourable Justice John Byrne AO RFD, Senior Judge Administrator, Supreme Court of Queensland
His Honour Chief Judge Kerry O'Brien, District Court of Queensland
His Honour Judge Ray Rinaudo, Chief Magistrate, Magistrates Court of Queensland

Facilitator: Glen Cranny, Partner, Gilshenan & Luton Legal Practice and Accredited Specialist (Criminal Law) – Qld



Snapshot view of QLS Criminal Law Committee

Join Peter Shields, Chair of Queensland Law Society Criminal Law Committee, for a brief snapshot of the QLS Criminal Law Committee.

Commonly asked questions will be answered, including:

- What is the QLS Criminal Law Committee?
- What does the Committee do?
- What is the Committee trying to achieve on behalf of the profession?
- How can you have your say?
- How can you join?

Presenter: Peter Shields, Partner, Peter Shields Lawyers, Accredited Specialist (Criminal Law) – Qld and Chair, Queensland Law Society Criminal Law Committee

Chair: Glen Cranny, Partner, Gilshenan & Luton Legal Practice and Accredited Specialist (Criminal Law) – Qld

COMMERCIAL LITIGATION

Disc 20
52 mins



Protecting the integrity of evidence

Solicitors play an important role in the administration of justice and have a particular responsibility to protect the integrity of evidence. This session will review the ethical principles in connection with dealing with witnesses. It will consider rules for:

- conferring with witnesses
- witness preparation
- communicating with a witness while under cross-examination
- evidence which is the subject of a pre-existing confidentiality obligation.

Each of these rules will be set in the context of the paramount duty and other fundamental ethical duties.

Case studies and interactive technology will be used.

Presenter: **Stafford Shepherd**, Senior Ethics Solicitor, Queensland Law Society

Chair: **Nola Pearce**, Special Counsel, Carter Newell Lawyers and Chair, Queensland Law Society Ethics Committee

CORE CPD

Disc 21
1 hr 2 mins



Improving client satisfaction through pricing

Pricing has a greater impact on profitability than any other lever, yet many firms lack confidence in their approach to pricing. Strong pricing practices help strengthen client relationships and build trust while ensuring the firm is appropriately rewarded for the work performed.

The session will draw upon leading pricing theory and recent research in the legal market, in order to provide practical strategies that can be implemented in your firm tomorrow.

Presenter: **Colin Jasper**, Director, Jasper Consulting

Chair: **David Goener**, Partner, Beaton

END OF DAY 2 FILMED SESSIONS

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