



NEW SOUTH WALES
BAR ASSOCIATION

**THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL**

MINUTES OF PROCEEDINGS

**Thursday 10 May 2018
in the Boardroom of the New South Wales Bar Association
at 4.30 pm**

PRESENT: Moses SC (by phone); Game SC; Bell SC; Callan; Weinstein SC; Nomchong SC; Bashir SC; Morgan SC; Higgins SC; Walker; Khandhar; Katekar; Rayment; Whittaker; Izzo; Roy; Ensor; Mack

APOLOGIES: McHugh SC, Walker, Williams; Mitchelmore

IN ATTENDANCE: Executive Director; Deputy Executive Director; Director, Professional Conduct (for professional conduct matters)

MINUTES

The minutes of the meeting of 26 April 2018 were confirmed.

FOR CONSIDERATION

Memorandum to the Bar Council dated 20 April 2018 from Elizabeth Pearson – reported increase in instructing Solicitors requiring Barristers to enter Direct Cost Agreements with Clients

The Bar Council agreed that a Working Party be formed to examine and report back on a suitable educational package for members regarding the increasing tendency of solicitors to require barristers to enter direct cost agreements with clients. The precise membership of and terms of reference for the Working Party are to be settled by the Executive in consultation with Michael Izzo. The Working Party should include one or two Bar Councillors and the Chairs of relevant Committees such as the Costs and Fees and Practice Development Committees.

Letter to the President dated 2 May 2018 from the Parliamentary Counsel's Office – Submission concerning barristers who practise as Parliamentary Counsel

The Bar Council noted the Executive's view that, in view of the current Senior Counsel Selection protocol it would not be appropriate to appoint the incoming Parliamentary Counsel silk, but there was no reason why the Parliamentary Counsel and other senior staff could not be issued with a practising certificate with suitable conditions. It was agreed that the correspondence from the Parliamentary Counsel should be considered further by Bar Councillors and discussed at the next meeting.

Memorandum to the Bar Council dated 9 May 2018 from Coordinator Services & Benefits – Modular Brand mark for use by Bar Association Sections

The Bar Council agreed to adopt the Concept 1, the clean descriptor horizontal lock up branding set out at p v of the proposal.

NAB Escrow MOU

The Bar Council considered the proposed amendments to the MOU suggested by the Executive Director and agreed that they should form the basis for discussions with Justin Hogan Doran, who has been involved in negotiations with NAB on the proposal.

The meeting closed at 6 pm.

Confirmed as a correct record:

Arthur Moses SC
President

Date: