

**SOUTH AUSTRALIAN BAR ASSOCIATION**  
**BAR READERS' COURSE**

**SYLLABUS**

- UNIT A**            Role and Responsibility
- UNIT B**            Preparation for Court
- UNIT C**            Advocacy
- UNIT D**            Chamber-work, Opinions, Pleadings, Rule 49 Notices and  
Other Court Documents (including appellate documents)
- UNIT E**            Alternate Dispute Resolution
- UNIT F**            Courts and Tribunals in South Australia

## UNIT A: ROLE AND RESPONSIBILITY

### 1. The Independent Bar

#### 1.1. history:

1.1.1. England

1.1.2. Australia

1.1.3. South Australia

#### 1.2. the role of the independent bar

#### 1.3. the role of the South Australian Bar Association

### 2. Professional responsibility

#### 2.1. sources:

2.1.1. general law (contract, tort, equity, legal professional privilege)

2.1.2. statute

2.1.3. professional rules

#### 2.2. provisions of the *Legal Practitioners Act 1981* (SA) affecting barristers

#### 2.3. *Professional Standards Act 2004* (SA)

#### 2.4. SABA Constitution

#### 2.5. Barristers' Conduct Rules

#### 2.6. barrister's duties to:

2.6.1. solicitor

2.6.2. client

2.6.3. court

2.6.4. other barristers

#### 2.7. nature of the relationship between:

2.7.1. senior counsel and junior counsel

2.7.2. barrister and chamber's clerk

2.7.3. reader and mentor

- 2.8. legal ethics:
  - 2.8.1. generally
  - 2.8.2. particular issues affecting barristers
- 2.9. discipline:
  - 2.9.1. misconduct in practice
  - 2.9.2. misconduct outside practice
  - 2.9.3. Legal Profession Conduct Commissioner
  - 2.9.4. jurisdiction of Supreme Court
  - 2.9.5. Legal Practitioners Disciplinary Tribunal
  - 2.9.6. role of Bar Association in professional discipline
3. The administrative and financial aspects of a barrister's practice including:
  - 3.1. setting up an office in Chambers
  - 3.2. accounting (including GST)
  - 3.3. business planning
  - 3.4. insurance, including professional obligations and regulatory issues
  - 3.5. risk management
  - 3.6. planning for a career as a barrister
4. Costs
5. Systems and agencies relevant to a barristers' practice:
  - 5.1. the Legal Aid system
  - 5.2. welfare and aid agencies
  - 5.3. the police and other investigative agencies
  - 5.4. the correctional system and correctional institutions
6. Technology in practice:
  - 6.1. research
  - 6.2. computer aids for litigation and practice
  - 6.3. E-business and E-technology (Supreme and Federal Courts' computer filing systems)

## **Relevant materials:**

### **Part A: Essential**

1. SABA Constitution
2. South Australian Legal Practitioners' Conduct Rules
3. *Supreme Court Act 1935* (SA)
4. *District Court Act 1991* (SA)
5. Rules of Court, including:
  - 5.1. *Uniform Civil Rules 2020* (SA)
  - 5.2. *Federal Court Rules 2011* and relevant Practice Notes
  - 5.3. *Federal Circuit and Family Court of Australia Rules 2021* and relevant Practice Directions
6. *Sentencing Act 2017* (SA)
7. *Criminal Procedure Act 2017* (SA)
8. *Legal Services Commission Act 1977* (SA)
9. *Legal Practitioners Act 1981* (SA)
10. *Legal Practitioners Regulations 2014* (SA)
11. *Professional Standards Act 2004* (SA)

### **Part B: Recommended**

1. J Emerson, *History of the Independent Bar of South Australia*, (Barr Smith Press) (2020)
2. R Annesley, *Good Conduct Guide, Professional Standards for Victorian Barristers*, (Vicbar) (2006)
3. Dal Pont, *Lawyers' Professional Responsibility* (Thomson Reuters, 5th edition) (2013)
4. Gray, *et al*, *Essays in Advocacy*, (Barr Smith Press) (2012)

## UNIT B: PREPARATION FOR COURT

1. Preparation for Court and preparation for performance (Civil, Family and Criminal)
2. Interlocutory steps in proceedings
3. Disclosure (civil and criminal)
4. Subpoenas and non-party disclosure
5. Notices to Admit
6. Interlocutory injunctions and freezing orders
7. Security for Costs
8. Witness preparation

### **Relevant materials:**

#### Part A: Essential

1. *Supreme Court Act 1935* (SA)
2. *District Court Act 1991* (SA)
3. Rules of Court:
  - 3.1. *Uniform Civil Rules 2020* (SA)
  - 3.2. *Federal Court Rules 2011* and relevant Practice Notes
  - 3.3. *Federal Circuit and Family Court of Australia Rules 2021* and relevant Practice Directions

#### Part B: Recommended

1. Gray, *et al*, *Essays in Advocacy*, (Barr Smith Press) (2012)
2. Law Council of Australia and Federal Court of Australia, *Case Management Handbook* (2014)

## UNIT C: ADVOCACY

1. Etiquette and courtroom conduct
2. The role and duties of prosecution agencies and prosecutors (including model litigants)
3. Opening Statements
4. Examination-in-Chief
5. Cross-Examination
6. Re-examination
7. Closing Arguments
8. Legal argument and Appellate advocacy
9. Written advocacy (Summaries, Outlines and Lists of Authorities)
10. Expert evidence (including the function and role of an expert)
11. Objections
12. Tendering documents
13. The difficult client (including solicitors)
14. The hostile, resentful or otherwise difficult witness
15. Cultural and language differences and their relationship to the conduct of litigation
16. Tribunal advocacy
17. Litigants in person

### **Relevant materials:**

#### Part A: Essential

1. G Hampel, *et al*, *Advocacy Manual*, (AAI) (2008)
2. *Legal Practitioners Act 1981* (SA)
3. *Evidence Act 1929* (SA)
4. *Evidence Act 1995* (Cth)
5. Rules of Court:
  - 5.1. *Uniform Civil Rules 2020* (SA)

5.2. *Federal Court Rules 2011* and relevant Practice Notes

5.3. *Federal Circuit and Family Court of Australia Rules 2021* and relevant Practice Directions

6. *Competition and Consumer Act 2010* (Cth)
7. *Criminal Law Consolidated Act 1935* (SA)
8. *Sentencing Act 2017* (SA)
9. *Criminal Procedure Act 2017* (SA)
10. *Supreme Court (Court of Appeal) Amendment Act 2019* (SA)
11. *Legal Services Commission Act 1977* (SA)
12. *Summary Procedure Act 1921* (SA)
13. *Summary Offences Act 1953* (SA)
14. *Supreme Court Act 1935* (SA)
15. *District Court Act 1991* (SA)

Part B: Highly Recommended

1. Glissan's *Advocacy in Practice* 7<sup>th</sup> ed LexisNexis (2020)
2. Morley, *The Devil's Advocate* 3<sup>rd</sup> ed Sweet & Maxwell (2015)
3. Irving Younger, *The Advocate's Deskbook*, Prentice Hall Law & Business (1992)
4. Ross, *Advocacy* 2<sup>nd</sup> ed, Cambridge University Press (2009)
5. Gray, *et al*, *Essays in Advocacy*, (Barr Smith Press) (2012)
6. J Curthoys and C Kendall, *Advocacy An Introduction*, (Lexis Nexis) (2006)
7. Blank & Selby *Appellate Practice*, The Federation Press (2008)

Part C: Recommended

1. TA Mauet and LA McCrimmon, *Fundamentals of Trial Techniques*, 2<sup>nd</sup> Aus. ed. (LBC) (2001)
2. WAN Wells, *Evidence and Advocacy*, (Butterworths) (1988) (out of print)
3. WAN Wells, *An Introduction to the Law of Evidence*, 4<sup>th</sup> ed. (out of print)
4. FL Wellman, *The Art of Cross Examination*, (Macmillan) (1904)
5. H Selby, *Winning in Court, An Introduction to Advocacy*, (OUP) (2000)
6. Tilmouth J, *Courtroom Advocacy - Reflections of a Trial Judge*, (2012)

## **UNIT D: CHAMBERWORK, PLEADINGS AND OTHER COURT DOCUMENTS)**

1. Pleadings
  - 1.1. Generally
  - 1.2. Statement of Claim
  - 1.3. Defence
  - 1.4. Reply
  - 1.5. Later (Supplementary) pleadings
  - 1.6. Cross-Claims, Contribution Notices and Third Party Notices
2. Notices of Contention, Objection and other miscellaneous *ad hoc* documents
3. Notices to Admit
4. Affidavits and witness statements
5. Legal opinions
6. Advices on evidence
7. Filed offers, informal offers and Calderbank letters
8. Applications for permission to appeal and Notices of Appeal

### **Relevant materials:**

#### **Part A: Essential**

1. *Supreme Court Act 1935 (SA)*
2. *District Court Act 1991 (SA)*
3. Rules of Court:
  - 3.1. *Uniform Civil Rules 2020 (SA)*
  - 3.2. *Federal Court Rules 2011* and relevant Practice Notes
  - 3.4. *Federal Circuit and Family Court of Australia Rules 2021* and relevant Practice Directions

#### **Part B: Highly Recommended**

1. Gray, *et al*, *Essays in Advocacy*, (Barr Smith Press) (2012)



Part C: Recommended

1. WAN Wells, *Evidence and Advocacy*, (Butterworths) (1988) (out of print)
2. P Young and H Selby, *Rose's Pleadings Without Tears in Australia*, (Federation Press) (1997)

## UNIT E: ALTERNATE DISPUTE RESOLUTION

1. Mediation
  - 1.1. Court
  - 1.2. Private
2. Arbitration
3. The role of advocacy
4. Negotiating a settlement
5. Drafting Deeds of Settlement and Release (including taxation issues)

### **Relevant materials:**

#### Part A: Essential

1. *Supreme Court Act 1935* (SA)
2. *District Court Act 1991* (SA)
3. Rules of Court:
  - 3.1. *Uniform Civil Rules 2020* (SA)
  - 3.2. *Federal Court Rules 2011* and relevant Practice Notes
  - 3.3. *Federal Circuit and Family Court of Australia Rules 2021* and relevant Practice Directions

#### Part B: Recommended

1. Gray, *et al*, *Essays in Advocacy*, (Barr Smith Press) (2012)

## UNIT F: COURTS AND TRIBUNALS IN SOUTH AUSTRALIA

1. Supreme Court
2. District Court
  - 2.1. General
  - 2.2. Civil
  - 2.3. Criminal
3. Magistrates Court
  - 3.1. General
  - 3.2. Civil
  - 3.3. Criminal
4. Federal Court
  - 4.1. General Division
  - 4.2. Bankruptcy
5. Federal Circuit and Family Court
6. Youth Court
7. Coroner's Court
8. Environment, Resources and Development Court
9. Administrative Appeals Tribunal
10. South Australian Civil and Administrative Tribunal
11. South Australian Employment Tribunal
12. Licensing Court
13. Independent Commissioner Against Corruption
14. Disciplinary Tribunals (esp. legal practitioners)

**Relevant materials:**

**Part A: Essential**

1. Establishing legislation, including:
  - 1.1. *Supreme Court Act 1935* (SA)
  - 1.2. *District Court Act 1991* (SA)
  - 1.3. *Magistrates Court Act 1991* (SA)
  - 1.4. *South Australian Civil and Administrative Tribunal Act 2013* (SA)
  - 1.5. *South Australian Employment Tribunal Act 2014* (SA)
2. Rules of Court, including:
  - 2.1. *Uniform Civil Rules 2020* (SA)
  - 2.2. *Federal Court Rules 2011* (Cth)
  - 2.3. *Federal Circuit and Family Court of Australia Rules 2021* (Cth)
  - 2.4. *South Australian Civil and Administrative Tribunal Rules 2014* (SA)
  - 2.5. *South Australian Employment Tribunal Rules 2022* (SA)