

WELCOME

Welcome to the Winter edition of our Carroll & O'Dea Newsletter. In this issue you will find information about free seminars which you may find of interest on legal planning ahead.

Howard Harrison

PLANNING AHEAD FORUMS

In conjunction with Alzheimer's Australia Carroll & O'Dea will be participating in a series of Planning Ahead forums in 2011. The forums will feature speakers such as Imelda Dodds, CEO NSW Trustee and Guardian, the Hon John Watkins CEO of Alzheimer's Australia and Colleen Cartwright Professor of Aged Services at Southern Cross University.

The range of topics to be covered will be: capacity and planning ahead, appointments of enduring guardians and attorneys (under a Power of Attorney), advance directives and the steps to take when disputes arise in relation to Wills and Estates.

To accompany the Planning Ahead forums Alzheimer's Australia are launching a paper titled *Barriers to Planning Ahead* which will be available at the Tweed Heads Seminar.

The seminars are free and open to the public.

- » South West Sydney - October 5th
- » Tweed Heads - Dec 8th

To book please contact Alzheimers Australia on 1800 100 500 or email nat.admin@alzheimers.org.au.

COMMON SENSE PREVAILS

Carroll & O'Dea is pleased to see the commencement of the Civil Dispute Resolution Act 2011, a legislative move by the Federal Government that aims to resolve disputes before proceedings in court are commenced.

These changes advance the broader philosophy here at Carroll & O'Dea, one which seeks to settle disputes with minimal expense, time and stress for all parties involved.

From August 1, there will be a requirement for parties involved in litigation to lodge a statement about the steps they have taken to resolve their dispute before proceedings are lodged in the Federal Court of Australia or in the Federal Magistrates Court. Existing proceedings are exempt from the requirements set out in the Act.

Essentially, the primary motive of the Act is to promote a move away from litigation by encouraging parties to take "genuine steps" to resolve their disputes before filing proceedings in court.

The consequence of failing to take "genuine" pre-litigation steps to resolve the dispute is not immediate invalidation of the proceedings. The judiciary, however, is likely to take non-cooperation into account when exercising general case management powers in relation to the proceedings and in its discretion as to costs.

What tangible effect this Act will have on the conduct of settlement negotiations is uncertain. Ultimately, the Civil Dispute Resolution Act strives to provide a framework to resolve or narrow the issues in dispute prior to the commencement of proceedings.

RECENT APPOINTMENTS

We are pleased to announce three senior appointments within our Firm. Patricia Monemvasits as a Partner in the Intellectual Property and Business Services Group. Daniel O'Brien as an Associate in the Commercial Litigation and Dispute Resolution Group. Martin Slattery as an Associate in the Compensation Law and Not-For-Profit Groups.



Patricia Monemvasits
Partner



Daniel O'Brien
Associate



Martin Slattery
Associate






WE COME TO YOU

Our compensation team has a long tradition of visiting country areas to advise people about their rights and help protect their interests. Please contact us if you would like to book an appointment by calling on one of the numbers below.

ESTATE SEMINARS

Throughout 2011 Hanaan Indari and Maithri Panagoda will be running regular Estates seminars. These seminars are open to members of the general public and are free to attend.

Please contact us if you or a friend or family member would like to book in. The seminars will provide you with easy to understand information on your legal rights in relation to Wills and Estates.

Lawyer		Where	When
	Tim Concannon Partner	South Coast and Merimbula	Thursday September 1
	Maithri Panagoda Partner	Tweed Heads	Thursday September 15 Friday November 25
	David Tarrant Associate	Tamworth	Late September Late November
	Hanaan Indari Partner	Nowra	Friday November 4
	Rebecca Tidswell Solicitor	Griffith, Cooma and Jindabyne	Late November

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