



# The College of Law

## Continuing Professional Education Component

### Part 3: Additional Reading

#### Introduction

#### Reading and References List

The following is a selected list of readings which you may find useful during Work Experience. The list does not include references to particular areas of practice, as these vary so widely. However, should you wish to obtain resources that apply to your particular area of practice, websites and libraries at Law Societies/Institutes will be useful. Law Societies in all Australian states publish a monthly journal for members and place material onto their websites.

\* *Indicates the resource is held in the collection or available on a database at the College of Law, DK Donald Library, St Leonards. For more information, please contact the Library.*

#### General Websites

Law Institute Victoria <http://www.liv.asn.au/>  
Law Society New South Wales <http://www.lawsociety.com.au>  
Queensland Law Society <http://www.qls.com.au>  
Law Society of Western Australia <http://www.lawsocietywa.asn.au/>  
Law Council of Australia <http://www.lawcouncil.asn.au/>

There are various legal information bulletins available free from government websites which may be useful resources for updates on cases and legislation. For links to sites, see your state government homepage.

New South Wales Government <http://www.nsw.gov.au/>  
Victoria Online <http://www.vic.gov.au/>  
Queensland Government <http://www.qld.gov.au/>  
Western Australia Government <http://www.wa.gov.au/>  
Australian Government <http://www.australia.gov.au/>

Lawyers Weekly, published by LexisNexis, is an online newspaper which is useful for keeping up to date with information and articles on legal practice in Australia and overseas.

<http://www.lawyersweekly.com.au>

#### RSS Feeds

For news and updates on legal information you are able to join free RSS Feeds at some government, legal and newspaper websites. Articles may then be accessed from your internet browser toolbar at the relevant icon (e.g. on Internet Explorer this is a yellow star).

For further information about materials on this list, or if you have any difficulty in locating publications, please contact the College library.

## Module 1: Professional Skills in Practice

### Problem Identification

#### Websites

Australian Digital Theses Program, Chay AJ, "*Lawyer Problem Solving: An Investigation of the Knowledge Used in Solving Practical Legal Problems*", 2007, Griffith University.  
<http://www4.gu.edu.au:8080/adt-root/public/adt-QGU20070927.100346/index.html> (at November 2010)

Collaborative Professionals, Collaborative Law Articles  
<http://www.collabprofessionalsnsw.org.au/commercial/collaborative-law-process.html> (at November 2010)

#### Books

Keyzer P, *Legal problem solving: a guide for law students* (2<sup>nd</sup> ed, Butterworths, Sydney, 2003)

Maughan C, *Lawyering skills and the legal process* (2<sup>nd</sup> ed, Cambridge University Press, Cambridge, 2005)

Wolski B, Field D and Bahrij J, *Skills, ethics and values for legal practice* (2<sup>nd</sup> ed, Lawbook Co: Pymont, NSW, 2009)

#### Journals

- \* Underwood D, 'On a more formal note', (2003) 77 (9) *Law Institute Journal*, 90
- Crump H, 'Strategy, choice and the skilled legal negotiator', (2005) 31 (2) *Monash University Law Review*, 272

### Advocacy

#### Books

Glissan JL, (QC), *Advocacy in practice* (4<sup>th</sup> ed. LexisNexis Butterworths: UK, 2005)

Hampel G, Brimer E and Kune R, *Advocacy manual: the complete guide to persuasive advocacy*, (Australian Advocacy Institute: Melbourne, 2008)

- \* Mauet TA and McCrimmon L.A, *Fundamentals of Trial Techniques*, (2<sup>nd</sup> Aust ed, LBC Information Services, Pymont NSW, 2001)

Hon Justice Bruce Robertson, Editor-in-Chief *Introduction to Advocacy* Wellington, New Zealand Law Society 2008

- \* McPeake R (ed), *Advocacy*, (The City University Law School, Oxford University Press: UK, 2009)

Ross D (QC), 2005 *Advocacy*, Cambridge University Press, Cambridge  
Selby H, *Advocacy Preparation & Performance*, (Federation Press: Leichhardt, 2009)

#### Journals

- \* Campbell JC (Hon), 'The purpose of pleadings', (2004) 25 (2) *Australian Bar Review* 116
- \* Dee G. 'Advocacy: helpful hints for young practitioners', (2009) 20 (3) *Proctor* 41
- \* Downes K, 'A best practice approach to advocacy', (2009) 29 (4) *Proctor* 41
- \* Lawrence J, 'Advocacy: the courage component', (2009) (2) Mar/Apr *Balance* 14

Sheehy T, 'Acting for You: The Value of Advocacy', (2009) 61 (9) *Keeping Good `Companies*, 515.

## Interviewing and Client Engagement

### Books

Cochran D, *Interviewing skills for legal professionals*, E.Montgomery Publications, Toronto, 2004)

Maughan C, *Lawyering skills and the legal process* (2<sup>nd</sup> ed. Cambridge University Press, Cambridge, 2005)

Shaffer T L, *Legal interviewing and counselling in a nutshell* (4<sup>th</sup> ed, Thomson/West: St Paul, MN, 2005)

### Journals

- \* Dwyer G, 'Good communication is good business', (2006) 44 (3) *Law Society Journal* 46

## Negotiation / Alternative Dispute Resolution

### Website

National Alternative Dispute Resolution Advisory Council <http://www.nadrac.gov.au> (at November 2010)

### Books

Alexander N M, Howieson J, *Negotiation: strategy style skills* (2<sup>nd</sup> ed, LexisNexis Butterworths: Chatswood NSW, 2010)

- \* Boulle L, *Mediation: principles, process, practice*, (2<sup>nd</sup> ed, LexisNexis Butterworths, Chatswood NSW, 2005)

Charlton R and Dewdney M, *The Mediator's Handbook: Skills and Strategies for Practitioners*, (2<sup>nd</sup> ed, Lawbook Co: Sydney, 2004)

Fells RE, *Effective negotiation: from research to results*, (Cambridge University Press: Port Melbourne Vic, 2010).

Fisher R and Ury W with Ed. Patton B, *Getting to yes: negotiating an agreement without giving in*, (2<sup>nd</sup> rev.ed. Random House Business Books, London, 2007)

Hardy S, Rundle O, *Mediation for lawyers*, (CCH: Australia, 2010)

King MS, *Non-adversarial justice*, (The Federation Press: Annandale NSW, 2009).

Lewicki R.J, Barry B and Saunders DM, *Essentials of Negotiation*, (International 4<sup>th</sup> ed. McGraw-Hill, N.Y, 2007)

Sourdin T, *Alternative Dispute Resolution*, (3<sup>rd</sup> ed, Thomson Lawbook, Rozelle, NSW, 2008)

Spencer D, Hardy S, *Dispute resolution in Australia; cases, commentary and materials*, (2<sup>nd</sup> ed, Thomson Reuters: Pyrmont NSW, 2009)

### Journals

Crump L and Giddings G, 'Strategy, choice and the skilled legal negotiator', (2005) 31 (2) *Monash University Law Review*, 258

- \* Balstad J, 'What do litigants really want? *Comparing and evaluating adversarial negotiation and ADR*, (2005) 16 (4) *ADRJ* 244
- \* Cukier N, 'Lawyers acting as mediators: ethical dilemmas in the shift from advocacy to impartiality', (2010) 21 (1) *ADRJ* 59
- Gutman J, 'The Reality of Non-adversarial Justice: Principles and Practice', (2009) 14 (1) *Deakin Law Review* 29
- \* Higgs D, 'Ethical Settlement in Negotiation', (2009) Winter, *Bar News* 60
- \* Kayrooz C, Dalton C, Colavecchio F and Hibberson C, 'Barking dogs, noisy neighbours and broken fences: neighbourhood dispute mediation', (2003) 14 (1) *ADR* 71
- \* Lacken S, 'Courts require clarity from lawyers engaged in ADR', 47 (8) *LSJ* 38
- \* Redfern M, 'A place for the courts in the dispute resolution process', (2005) 16 (1) *ADRJ*, 79
- \* Scott M, 'Collaborative law. A new role for lawyers', (2004) 15 (3) *ADRJ* 216

## Drafting

### Books

- \* Aitken JK and Butt P, *Piesse: The Elements of Drafting* (10<sup>th</sup> ed, Law Book Co: Sydney, 2004)
- \* Ash D, *Basic principles of pleadings: effective drafting* (NSW Young Lawyers, Law Society of New South Wales: Sydney, 2003)
- \* Asprey, M, *Plain Language for Lawyers* (3<sup>rd</sup> ed, Federation Press: Sydney, 2003)
- Butt P and Castle R, *Modern Legal Drafting* (Cambridge University Press: Melbourne, 2001)
- \* Pepper R, *Basics, drafting affidavits* (NSW Young Lawyers, Law Society of New South Wales: Sydney, 2003)
- Ramage RW, *Kelly's Draftsman* (19<sup>th</sup> ed, Butterworths: London, 2006)
- Ray M & Ramsfield J, *Legal Writing: Getting it Right and Getting it Written* (4<sup>th</sup> ed, Thomson West: St. Paul, M.N, 2005)
- \* Schonell R and Stewart R, *Drafting affidavits – pitfalls & traps: so you think you're ready for a hearing?* (NSW Young Lawyers: Sydney, 2006)

## Module 2: Work Management and Business Skills

### Work Management & Business Skills

#### Books

Baker C and Coy R (eds), (2<sup>nd</sup> ed, *Innovation and imagination at work*, McGraw-Hill: North Ryde, 2004)

*Business academic skills* (3<sup>rd</sup> ed, Pearson Custom Publishing: Frenchs Forest NSW, 2010)

\* Hyams R, Campbell S, and Evans A, *Practical legal skills* (3<sup>rd</sup> ed, Oxford University Press: Victoria, 2007)

\* Lewis G D, Kyrou E and Dinelli A, *Lewis & Kyrou's handy hints on legal practice* (3<sup>rd</sup> ed, Law Book Co: Sydney, 2004)

Lawrie C, (ed), *Management of the Australian Law Practice*, (2<sup>nd</sup> ed, looseleaf service, Prospect Media Pty Ltd: Sydney 2001)

*Management dynamics* (3<sup>rd</sup> ed, Pearson Custom Publishing and the University of Western Sydney: Frenchs Forest NSW 2010)

Roper B D, *Practical Law Office Management* (3<sup>rd</sup> ed, Thomson Delmar Learning: Clifton Park NY, 2007)

*The successful law firm: tips and tools for a profitable practice*, (Law Institute of Victoria, Law Institute Victoria: Melbourne, 2006)

\* *Understanding Law 9000: Legal Best Practice, a Quality Management System for Legal Practices*, Amendment No.1 (SAI Global: Sydney, 2004)

#### Journals

Collaery B, 'Should risk management become a statutory duty?' *Lawyers Weekly* (470) 29 January 2010, 12

Golvan G, '10 essential tools and techniques for preparing and developing your case as an advocate', (2010) (148) Summer *Victorian Bar News* 6

Wilkins F, 'Beating the time sheet: flexible work practices', *Lawyers Weekly* (85), 8 March 2002, pp.12-13

\* Wright J, 'Coping with the costs of success', (2004) 31 (9) *Brief* 10

### Time Management

#### Books

Atkinson F, *Successful time management*, (Crimson Publishing, Sydney, 2010)

Gleeson K, *The personal efficiency program: How to stop feeling overwhelmed and win back control of your work!*, (4<sup>th</sup> ed, Wiley and Chinchester, Hoboken N.Y, 2008)

Hearn, M and Michelson G, (eds) *Rethinking work, time, space and discourse* (Cambridge University Press: Melbourne, Vic. 2006)

Phillips J, *A pressure cooker saved my life: how to have it all, do it all and keep it all together*, (ABC Books: Pymble NSW, 2010)

*Time Management: Increase your Personal Productivity and Effectiveness*, (Harvard Business School Press, Boston MA, 2005)

Overton, R, *Time management: developing time management skills*, (Sydney Business Centre: Paradise Point, Qld, 2009)

### **Journals**

- \* Dransfield J and Hart J, 'A meditation on work flexibility', (2006) 80 (7) *Law Institute Journal* 44
- Howell R, 'Making Sense of the Time Management Myth', (2003) 2 (5) *LPM* 68
- \* Waring T, 'A balanced life is good for business', (2002) 40 (4) *Law Society Journal* 66

## **Interpersonal Skills**

### **Books**

Adler RB, Marquardt Elmhorst, J, (9<sup>th</sup> ed, *Communicating at work, principles and practices for business and the professions*: McGraw Hill, Boston, 2008)

DeVito, JA, *The interpersonal communication book* (12<sup>th</sup> ed, Pearson/Allyn and Bacon: Boston, 2009)

Verderber KS, and Verderber RF and Berryman-Fink C, *Inter-act: interpersonal communication concepts, skills and contexts* (11<sup>th</sup> ed, Oxford University Press: New York, 2007)

### **Journals**

Silver MA, "The professional responsibility of lawyers: emotional competence, multiculturalism and ethics" (2006) 13 (4) *Journal of Law and Medicine* 438

## **Communication Skills**

### **Website**

Sydney University, Life-Long Learning – Communication Skills

[http://sydney.edu.au/science/uniserve\\_science/projects/skills/jantrial/communication/communication.htm](http://sydney.edu.au/science/uniserve_science/projects/skills/jantrial/communication/communication.htm) (at November 2010)

### **Books**

Asher J, *Selling and communication skills for lawyers, a fresh approach to marketing your practice*, (ALM Publishing: NY, 2005)

Grellier J and Goerke V, (2<sup>nd</sup> ed, *Communication skills toolkit: unlocking the secrets of tertiary success*, Cengage Learning: South Melbourne Vic, 2010)

Hay I, Bochner D, Dungey C, *Making the grade: a guide to successful communication and study*, (3<sup>rd</sup> ed, Oxford University Press: South Melbourne Vic, 2006)

### **Journals**

- \* Davidson A, 'Professional standards: emails and documents', (2004) 26 (11) *Bulletin (Law Society of S.A)*, 19
- \* Reynolds A, 'Know your technology', (2003) 77 (9) *Law Institute Journal* 91
- \* Lyons A, 'Email, confidentiality and legal professional privilege', (2001) 21 (9) *Proctor* 27
- \* Raymond S, 'Poor 'customer service' spawns complaints', (2001) 23 (6) *Bulletin: Law Society of S.A*, 34

## **Financial Management Skills**

### **Books**

Healey J (ed), *Financial literacy* (Spinney Press: Thirroul, NSW, 2010)

Schmidt S, *Business development for lawyers: Strategies for getting and keeping clients*, (ALM publishing: New York, 2006)

Dal Pont GE, *Law of costs*, (2<sup>nd</sup> ed, LexisNexis Butterworths: Chatswood, 2009)

### **Journals**

- \* Dal Pont G, 'Reporting for duty', *Law Institute Journal*' (2005) 79 (10) *Law Institute Journal* 78
- \* Mortenson R, 'Interest on lawyers' trust accounts', (2005) 27 (2) *Sydney Law Review* 289
- Lewis GD, Kyrou E and Dinelli A, 'Managing clients' cost expectations', (2004) Winter *Australian Management Journal*, 20
- \* Coupland S, 'Profitable practice: using performance benchmarks to maximise your opportunities', (2006) 80 (6) *Law Institute Journal* 40

## Module 3: Commitment to Professional Values

### Reading

#### National Practice

##### Website

Australian Government, Attorney General's Department  
Council of Australian Government (COAG) Legal Profession Reform  
<http://www.ag.gov.au/legalprofession> (at November 2010)

##### Books

- \* Dal Pont GE, *Lawyers' professional responsibility* (4<sup>th</sup> ed, Lawbook Co: Pyrmont NSW, 2010)

##### Journals and Conferences

Bugg T, *The National Profession – past, present and future*, paper delivered to the Australian Corporate Lawyers Association National Conference, 3 November, 2006

Drummond S and Buttner C, *Time to think*, Lawyers Weekly article 29 May, 2007

### Work/life Balance

#### Stress Management

##### Websites

Beyond Blue  
<http://www.beyondblue.org.au/index.aspx> (at November 2010)

Tristan Jepson Memorial Foundation  
<http://www.timf.org.au/> (at November 2010)

##### Books

Ashfield J, *Taking care of yourself and your family: a resource book for good mental health* (11<sup>th</sup> ed, 2010, Peacock Publications for Beyondblue, The National Depression Initiative: Norwood S.A, 2010)

Healey J, (ed), *Managing stress*, (Spinney Press, Thirroul NSW, 2009)

Seaward BL, *Managing stress: principles and strategies for health and wellbeing* (6<sup>th</sup> ed. Jones and Bartlett: Boston, 2009)

Ticknell J, *The stress of success: how to survive and thrive under pressure*, (Wilkinson Publishing: Melbourne, 2009)

Walsh P, *It's all too much: live a richer life with less stuff*, (Simon & Schuster: Pymble NSW, 2009)

Wells S and Lake D, *Enjoy emotional freedom: simple techniques for living life to the full*, (Exisle Publishing: Wollombi NSW, 2010)

##### Journals

- \* Catanzariti, J, 'Workplace bullies your time is up', (2003) 41 (11) *Law Society Journal*, 51
- \* Di Stefano G, 'The legal profession and depression',

(2009) 31 (11) *Bulletin: Law Society of S.A.*, 16

Di Stefano G, 'Courting the blues: attitudes towards depression in Australian law students and legal practitioners', (2010) 32 (4) *Bulletin: Law Society of SA*, 18

- \* Derkley K, 'Putting the stress on dealing with depression', (2006) 80 (3) *Law Institute Journal* 26
- \* Lewis J, 'Calls for help from lawyers soars', (2006) 44 (4) *Law Society Journal*, 26
- \* Susskind A, 'Resilience initiative tackles depression from the top down', (2010) 48 (3) *LSJ* 22