

Young law

New and emerging areas of legal practice



by Kathryn Smith

Young lawyers and other practitioners interested in pushing the boundaries of traditional legal practice might like to consider some of the new and emerging areas of law. Report by Kathryn Smith.

Animal law

TLG Lawyers, founded by principal Tracy-Lynne Geysen, top, in August 2009, specialises in family and animal law, and is the only specialist animal law firm in Australia. Tracy-Lynne and solicitor Jenni Weick share their experiences practising in this emerging area.



What is 'animal law'?

Animals are an important part of our lives, whether they are our companions or farm animals, and for this reason their treatment and wellbeing is of great concern to many of us.

We say animal law is:

- taking action where animals have been harmed and abused
- defending animal activists
- wrongful death
- nuisance
- veterinary negligence/malpractice

Kathryn Smith is a solicitor with Carne Reidy Herd Lawyers and member of the Queensland Law Society's New and Early Career Lawyers Section.

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In May 2009, I went to one of the Voiceless annual seminars with Bruce Wagmans (he is known in America as a "super lawyer") as their speaker. He was inspiring and motivational, and has a real passion for animal law. It was around this time I was thinking of starting my own family law firm. A few of us went to dinner after the seminar and sitting across from me was Steven White, who was Australia's first undergraduate animal law lecturer, teaching at Griffith University. Steven agreed to come on board as our animal law consultant.

Do you think the number of legal practitioners practising in animal law will grow?
We have received so much interest from fellow practitioners, and newly admitted graduates who have studied animal law at university. We receive about one inquiry every two weeks from fellow legal practitioners interested in practising in animal law. Given the interest from fellow practitioners, the number of legal practitioners is likely to grow.

What developments have taken place recently in animal law, or are expected to take place soon?
We heard from a New Zealand practitioner that recent cases have been handed down in which the courts awarded compensation to parties for emotional loss after a pet had passed away. We are hoping we can pursue cases like this in the not too distant future.

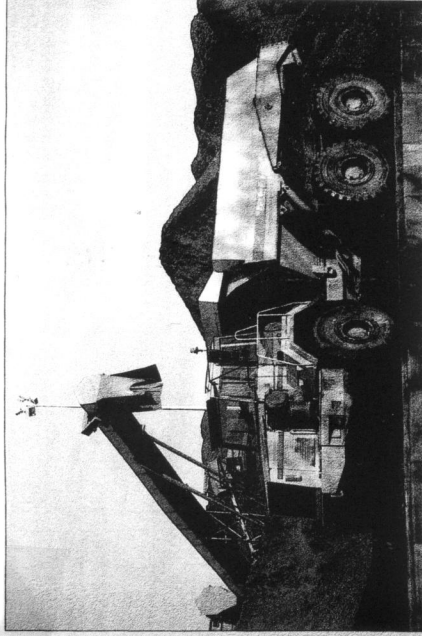
It is also acknowledged that animals have feelings and the treatment of them as property is no longer acceptable. The status of animals

- administrative law (challenging ministerial and departmental decisions as well as agency rules and regulations that affect animals' fundamental interests)
- body corporate exclusion of pets
- litigation for farm animals and animals used in sport or entertainment
- dangerous dog cases
- family law – pet custody battles, and estate planning (for pets).
- Animal law also incorporates many areas of law such as torts and contracts.

What interested you in animal law?
Jenni and I were part of the group that formed BLEATS (Brisbane Lawyers Educating and Advocating for Tougher Sentences). We worked with RSPCA CEO Mark Townsend and media manager Michael Beatty to form a group of lawyers who advocate for tougher sentences to be imposed by the courts in cases of animal cruelty and neglect.

Since BLEATS (bleats.com.au) was formed in October 2007, we have had more than 170 lawyers on the panel including four Senior Counsel and two Queens Counsel, and it appears the penalties are increasing slowly but surely.

As a result of my involvement in BLEATS, I have been lucky enough to become associated with many other animal organisations, including Voiceless (voiceless.org.au).



as "property" is something that I would like to see changed.

What tips would you give young lawyers interested in practising in animal law in the future?

We suggest that any young lawyer interested in practising in animal law should try and study it at university – more and more universities are offering it as an elective course – do a research paper on animal law and volunteer with an organisation like BLEATS.

Energy and resources law

Louise Bell is a young lawyer working in the energy and resources team within the corporate group at Norton Rose Australia. Due to Queensland's mining growth, energy and resources law has emerged as one of Queensland's fastest growing areas of law.



as a paralegal in 2007 and was given the opportunity to work with the energy and resources team.

Do you think the number of legal practitioners practising in this area will grow?

There is a high demand for legal services in relation to the energy and resources sector, particularly in Queensland. The continued expansion of the Australian resources sector will lead to a corresponding growth in the number of practitioners involved in this area.

What developments have taken place recently in energy and resources law?

As new areas of the energy and resources sector emerge and existing areas change, the legal services which we provide must grow and adapt to our clients' needs.

The development of new coal technologies such as coal seam gas and underground coal gasification are some of the recent developments in this sector. There have also been changes proposed to the taxation systems in relation to the energy sector which may impact on the energy and resources sector more broadly.

Do you think that working in an emerging area of law is different from working in a more established area of law?

Working in an emerging area of law allows new and early career solicitors to exercise creativity in finding solutions to new issues which arise as that particular area of law develops.

What tips would you give young lawyers interested in this field?

It is important to have a commercial understanding of the context in which energy and resources clients operate. This knowledge gives context to developments in this area and provides insight for better client support.

Islamic law

Dr Ann Black is a lecturer at the University of Queensland. As the demand and interest



in Islamic law grows at a university level, it is anticipated there may soon be increased demand for practitioners. Dr Black provides us with a snapshot of Islamic law.

How did you come to teach Islamic law?

In 2000, the then head of the law school, Professor Farr, was supportive of a course on Islamic law being created and offered to law students as a final year elective. He predicted the significance of Islamic law in our region and felt that different perspectives on law were important and relevant for lawyers in the 21st Century.

At that time, I was completing doctoral studies on dispute resolution in the Sultanate of Brunei Darussalam, which included research on the nature and operation of Islamic law. Hence, I was given the opportunity to establish and teach a course introducing our students to Islamic law. Fifty or so students elected to take this course when it was first offered in 2001, which was in the semester prior to the events of September 11. Since then student numbers have increased, with 130 enrolled this semester.

What interested you in Islamic law?

The research I undertook in Brunei on Islamic

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