



CPD Day

Hosted by Ballarat & District Law Association

Date: Thursday, 27 March 2025

Time: 1:00pm-5:00pm (Afternoon tea provided)

Venue: Craig's Royal Hotel at 10 Lydiard Street South, Ballarat Central VIC 3350

Tickets: \$75 per person

RSVP: By Thursday, 20 March 2025

Please contact tamar@heinzlaw.com.au with any dietary requirements.

Sessions

CPD 1: FAIR WORK ACT & RIGHT TO DISCONNECT

Speaker: Mitchell Latham and Alan Ford, Chapman's List Barristers

This presentation examines Australia's newly established Right to Disconnect provisions under the *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024*. As technology increasingly blurs the boundaries between work and personal life, this timely session explores the legal foundations, implementation requirements, and practical considerations for both employers and employees navigating these significant workplace reforms. Solicitors will gain valuable insights into compliance obligations, potential challenges, and emerging case law in this evolving area of employment law.

This session will explore:

- The Right to Disconnect in Australian Employment Law"
- Overview of the right to disconnect and its importance
- Key provisions of the Fair Work Legislation Amendment (Closing Loopholes No. 2) Act2024
- Steps employers must take to comply with right-to-disconnect provisions
- Overview of employee entitlements under the right to disconnect
- Cases that inform the right to disconnect
- Potential challenges in implementing the right to disconnect
- Summary of key points, including expected developments.

CPD 2: ADVOCACY FOR SOLICITORS AND WHEN TO BRIEF

Speaker: Nicholas Andreou and Mitchell Latham, Chapman's List Barristers

This session explores the critical decision-making process of when and how to engage counsel, offering solicitors valuable guidance on effective briefing practices and advocacy strategies. Drawing on extensive experience, Nicholas and Mitchell will provide actionable insights into maximising the value of counsel relationships while maintaining cost efficiency for clients, with particular focus on pre-trial negotiations, mediation preparation, and direct advocacy techniques.

This session will explore:

- When should you not brief and when should you brief
- Preparing a brief to counsel: how to nail it
- How to use counsel in an economically efficient way
- How to prepare a mediation brief and how to effectively use counsel in mediations
- How to prepare good solicitors' letters to resolve matters early / negotiation with your counterpart.



CPD 3: GENERAL ETHICS POINT – ASSESSING CAPACITY & SOLICITOR WITNESSES

Speaker: Mitchell Latham and John O'Halloran Chapman's List Barristers

This essential ethics session addresses two critical practice areas with significant professional responsibility implications: assessing client capacity and managing situations where solicitors may become witnesses. Mitchell and John will examine legal frameworks, procedural requirements, and ethical considerations to help practitioners navigate these complex scenarios while maintaining professional standards and minimising liability risks.

This session will explore:

- What is capacity and how is it defined
- Engaging medical experts to ensure capacity
- Professional liability considerations for failing to ensure capacity
- Procedural requirements including Order 15 of the Supreme Court Rules and dealing with persons under disability
- Addressing conflicts between advocate and witness roles of solicitors
- Review of relevant cases
- Identifying when it's ok for a solicitor to be a witness.

CPD 4: PLEADINGS

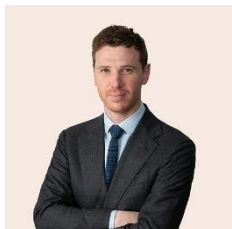
Speaker: Nicholas Andreou and John O'Halloran, Chapman's List Barristers

This technical session focuses on the essential skill of drafting precise and strategically sound pleadings. Nicholas and John will identify common pitfalls, clarify procedural requirements, and provide guidance on handling challenging pleading scenarios including fraud allegations and admission withdrawals, equipping solicitors with practical knowledge to enhance their drafting capabilities.

This session will explore:

- Common pleading errors
- Material facts and particulars
- The pleading process
- Allegations of fraud
- Withdrawing admissions
- Striking out

ABOUT THE PRESENTERS



Mitchell Latham, LLM (Monash) LLB (Hons 1) ACIArb GDLP

Mitchell practises largely in commercial, employment, estates and common law with a particular focus on general protections, workplace discrimination and underpayment claims; trusts, equity, probate and Part IV proceedings; public and institutional liability; and general commercial disputes. He also regularly acts for and advises employers in occupational health and safety matters.

Mitchell has appeared unled in both jury and judge alone trials, in the Court of Appeal, and in the Full Court of the Federal Court.



Nicholas Andreou, BSc, LLB, LLM, LLM (Construction Law)

Nicholas Andreou is a highly experienced Victorian barrister and mediator, who specialises in mediation and alternative dispute resolution, building and construction law, commercial law, corporations law, and defamation law.

With his accreditation as a mediator and his comprehensive understanding of various legal domains, Nicholas consistently delivers exceptional legal services to his clients. His expertise, combined with his unwavering commitment to achieving optimal outcomes, establishes him as a highly respected and sought-after legal professional.

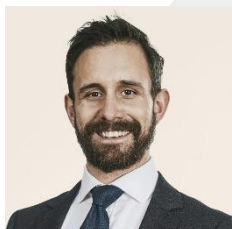


John O'Halloran, B. A., LL. B. (Hons)

John O'Halloran has a broad commercial practice and practises in all areas of trusts, equity, probate & testators' family maintenance, and accepts briefs in general commercial matters.

John's instructors recognise the value of his early strategic advice, rigorous attention to detail, and ability to empower clients to make good decisions in litigation. He is increasingly retained in complex trials and on appeal, both led and unled.

John graduated from Monash University with a Bachelor of Arts (History) and a Bachelor of Laws (with Honours). He read with David Sanders and his senior mentor was Ian Upjohn CSC KC.



Alan Ford, Master of Intellectual Property Law (Melb)

Alan practices in all areas of commercial and public law and is particularly interested in intellectual property and trade practices, corporations and securities, public/administrative law, and equity and trusts. He is a member of the Intellectual Property Society of Australia and New Zealand (IPSANZ), and the Commercial Bar Association.

Alan has acted in and advised on a range of complex matters, including intellectual property opposition and infringement matters, financial services compliance with Chapter 7 of the Corporations Act, shareholder oppression, constructive and resulting trust claims, wills and estates, and general commercial law, such as contractual disputes and property-related matters.