CURRENT LEGAL ISSUES

2024 SEMINAR SERIES

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2024 SEMINAR SERIES

The Bar Association of Queensland, the University of Queensland and the Supreme Court Library Queensland are pleased to announce the **Current Legal Issues Seminar Series for 2024**.

The seminar series seeks to bring together leading scholars, practitioners, members of the judiciary and community stakeholders to discuss key issues of contemporary significance for the advancement of the public good.

SEMINAR 1: Legal Futures – Where should Artificial Intelligence take us?

DATE	PRESENTER	COMMENTATOR	CHAIR
Thursday 2 May 2024	**Professor Lyria Bennett Moses** University of New South Wales	**Dr Robert Mullins** The University of Queensland, TC Beirne School of Law	**The Honourable Justice James Edelman** High Court of Australia
Abstract	It is never wise to predict the future – evolving capabilities of artificial intelligence systems in prediction and content generation are impressive and sometimes surprising. The original goal of artificial intelligence research was to create machines that simulated human learning and intelligence. In the outputs of generative AI, we can indeed find simulated human reasoning and text that could have been written by a human. Lawyers, alongside many others, have been impressed with AI systems' ability to answer questions, pass exams, and produce documents that mirror, in at least some ways, the performance of human law students and lawyers. In light of this, it is tempting to reduce recruitment and start contemplating a world of avatar judges delivering automated justice based on documents authored through the use of large language models fine-tuned on the wealth of legal documents held in large law firms and the corpus of statutes and case law. Before rushing towards such a future, we should pause to consider both what might be gained (and the skills we will need to achieve that) as well as what would be lost. In doing this, we need to step back and understand how different kinds of artificial intelligence system work – what they do well and where they can fail. Then, projecting into the future, we can ask about the affordances and limitations of hypothetical developments in artificial intelligence. Only after that can we approach some important questions: What skills will we need to provide legal services and operate legal institutions optimally in light of the capabilities afforded by developments in artificial intelligence? And, more importantly, how do we ensure that the core purposes and functions of our legal system are preserved by recognising the limits of simulation? Half of the paper will be about the current technologies and possibilities in legal practice. Half will be bigger thinking about the limits of the technologies - how far can it go and when and in what capacity will human actors still be required?		

SEMINAR 2: Youth Justice in Queensland - in conjunction with the Australian Academy of Law

DATE	PANEL SPEAKERS	CHAIR
Thursday 11 July 2024	**Professor Tamara Walsh** The University of Queensland, TC Beirne School of Law **Natalie Lewis** Commissioner of the Queensland Family and Child Commission **Magistrate Eoin Mac Giolla Ri** Beenleigh Magistrates Court **Damian Bartholomew** Youth Advocacy Centre	**Her Honour Judge Deborah Richards** President of the Childrens Court of Queensland
Abstract	Queensland's approach to youth justice 'reform' has been described as 'tough on crime'. Yet, practitioners and researchers agree that a punitive approach to youth justice is actually crime-causing. It is now widely accepted that legal responses to criminal offending by children should be based on the principle of 'minimal intervention, maximum diversion', and that protecting children's basic human rights is the first step towards crime prevention. This panel of distinguished experts will discuss 'what works' in youth justice, and why recent amendments to youth justice law in Queensland could actually result in higher rates of 'youth crime'.	

SEMINAR 3: Class Actions – Equitable Fiduciary Supervision of Australian Class Actions

DATE	PRESENTER	COMMENTATOR	CHAIR
Thursday 17 October 2024	**Professor Simone Degeling** University of New South Wales	**Emma Costello** Partner at King & Wood Mallesons	**The Honourable Justice Roger Derrington** Federal Court of Australia
Abstract	Statute provides for class actions in the Federal Court of Australia, and the Supreme Courts of Victoria, New South Wales, Queensland and Western Australia. In a class action, members of the represented class are not parties to the proceedings. However, res judicata applies, such that all class members are bound by the outcome of the litigation. The class action is brought by a representative applicant who is the claimant of record and whose lawyer has carriage of the litigation. Some class members may have entered into a litigation funding agreement with a litigation funder. Others may not. As with other litigation, the proceedings may be concluded via judgment or settlement. Whilst the conduct of the actors in a class action may engage the relevant class actions statute, equitable fiduciary law has its own remit. As is well known, a fiduciary is bound by an obligation of loyalty which encompasses 'two overlapping proscriptive "themes"' (Grimaldi v Chameleon Mining NL [No 2] (2012) 200 FCR 296, [178]). First, the fiduciary must not act with a conflict or significant possibility of conflict between their duty and interest; their judgment must not be swayed by such considerations. Secondly, any gain which the fiduciary obtains or receives by reason or use of their position, or through knowledge or opportunity resulting from their position, must be given up to the principal. The fiduciary position must not be exercised for personal advantage (Grimaldi [178]). Equitable remedies are potentially available to group members in relation to breaches of fiduciary obligation arising through conduct which both engages the class actions regime and also that which does not. Equity therefore potentially offers an alternative supervisory and remedial path to group members in the carriage of class actions and a correlative compliance risk for those acting in the carriage of those actions who owe fiduciary obligations.		

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AIMS

The Current Legal Issues Series seeks to:

- provide a forum for the critical analysis and discussion of legal issues of current importance;
- bring to bear upon those issues the different perspectives offered by leading academics, judges, members the profession, and public policy-makers; and
- forge stronger links between academic and practising lawyers in Queensland.

FORMAT

Each seminar will comprise a chair, presenter or co-presenters, and commentator.

Papers are normally 30-40 minutes in length and followed by a commentary of 10 minutes.

The chair then invites questions and discussion from the floor (10 minutes).

Where the paper is presented by a judge or leading practitioner, the commentary is normally provided by an academic expert; and vice versa.

CPD

Attendance at each seminar qualifies barristers to claim 1.5 CPD points in Substantive Law, Practice and Procedure, Evidence.

Solicitors should confirm their CPD eligibility with the Queensland Law Society or their relevant professional body.

WEBSITE

Details of all seminars, papers, and speaker biographies, are available from the CLI series website: https://law.uq.edu.au/current-legal-issues-seminars

TIME

Registration	5:00pm - 5:15pm
Seminar	5:15pm - 6:45pm
Drinks	6:45pm - 7:15pm

VENUE

The Banco Court, Queen Elizabeth II Courts of Law, 415 George Street, Brisbane.

Seminars will be followed by a drinks reception in the foyer.

REGISTRATION

Please register your intention to attend the seminars via the following Bar Association of Queensland website link: https://qldbar.asn.au/cpd-events

For further information about the Seminar Series, please contact the Legal Education team at the Bar Association of Queensland:

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