

Beware of e-rosion Glass

The use of technology was compromising the principle of open justice, the head of the NSW Supreme Court's commercial list, David Hammerschlag, warned, describing the "e-rosion" of the right to be heard.

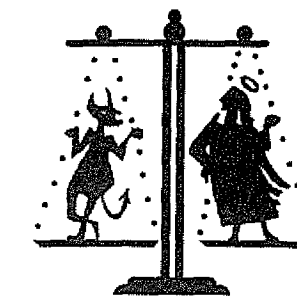
Justice Hammerschlag said that while there were benefits from electronic filing, vigilance was required to ensure advancements were "a means to some end, rather than an end in themselves".

"There is, it seems, an inexorable drive to make everything electronic: electronic filing, electronic court records, electronic video link evidence, electronic courtrooms are even now in vogue," he told the Rule of Law Association conference in Sydney last Friday. "The question is: does that drive ... have the potential to erode the rule of law? I think it is a challenge to the rule of law in a number of practically important ways."

Those included information being conveyed to the court electronically not being open to general observation. He said it was fundamental to the rule of law that justice be administered in public, save in exceptional circumstances.

He also agreed with former High Court judge Michael Kirby who said hearings promoted dialogue and contributed to the settlement of disputes, which were harder to achieve in a virtual courtroom.

James Eyers



HEARSAY

Darryl McDonough has plenty of experience making strategic, big-picture decisions. The new managing partner at Clayton Utz has previously sat on the Clayton Utz board, and is no stranger to other boards either. He's a current director of Sup Cheap Auto and has been director of Bank of Queensland, Cellnet Group, Queensland Competition Authority, Brisbane Cricket Trust and GWA International.

Lawyers who straddle both partnership and directorial roles have become an increasingly rare breed; Gilbe + Tobin boss and National Australia Bank director Dann Gilbert is a notable exception.

McDonough, who will take up his role from July 1, is also heavy-hitter in the Brisbane infrastructure market, having worked on BrisConnections.

It is understood Clayton Utz started planning for David Fagan's successor about six months ago and commissioned executive search firm Heidrick & Struggles to interview every single partner for the characteristics they desired in their leader. McDonough's competition came only from within the firm: Sydney-based head of litigation Stuart "SS" Clark was said to be a strong contender, along with merger and acquisition partner Wally McDonald, head of banking Grant Fuzi, and Michael Klug, who runs the Brisbane office.

After Dealbook on afr.com reported McDonough's ascension to the throne on Monday, there was nary a whisper from the man himself — he has taken off on pre-

TO PLACE A LEGAL, PUBLIC OR COMPANY NOTICE

TELEPHONE: 02 9282 3540 or
EMAIL: notices@afr.com.au

All notices are subject to confirmation prior to publication.

DEADLINE: 12 noon business day prior to publication

Great by themselves...

