



What has changed in my 40 years in the law?

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Forgive me an indulgence but I celebrate having been a lawyer in active practice for 40 years on 11 July 2020. And the obvious thing is to reflect on that time and think about what has changed.

Technology

This is probably the one area which has changed radically since I started practising and it no doubt will continue to do so.

I always remember my late stepfather, who was the founder of the practice, having a quill pen on his desk and telling people proudly that it was his "word processor". I also remember him going through the mail each morning with his secretary who would take down his instructions in shorthand.

As a bright young lawyer in 1980, I thought using a secretary to take shorthand was archaic. So, I started dictating onto micro tapes. That was certainly an advance but given that the secretary was using an electric typewriter, the dictation had to be very clear, ordered and was not able to be changed other than by going back to the beginning and starting all over again!

As for computers, we got our first one in the late 1980's – with a 10KB hard drive! And we only had the one; we couldn't justify more than that. Not like our fully integrated local network of today!

The law

The law is always changing and, like technology, will continue to change.

In 1980, the *Companies Act* was a State-based piece of legislation and was fairly limited.

Now we have an enormous piece of Commonwealth legislation in the form of the *Corporations Act*. From my foggy memory, the *Tax Act* was probably only about one volume - these days it's many volumes with a huge amount of text!

The big change was when de facto relationships were finally recognised at law with the passing of the *De facto Relationships Act* in New South Wales in 1984.

Now it has been broadened by virtue of the fact that the principles under that old Act are incorporated into the *Family Law Act* and dealt with through the Family Courts.

And then there was the further extension of the legislation to cover same-sex relationships. A very different scenario compared to 1980 when property disputes between de facto partners were extremely difficult to run and to get a fair result.

What hasn't changed?

The most obvious thing that has not changed is the fact that clients still get into legal difficulties, still suffer from "legal pain" and still need assistance in finding a remedy for that legal pain.

However, the scope of legal work has changed significantly and generally, there are more opportunities to litigate than ever before.

An area of our specialty, succession law, has seen an extensive broadening of the scope for taking action. As an example, the Reinhardt case is a classic for showing great opportunity for beneficiaries to make a claim against a trustee in relation to the trustee's management of the trust. And the extent of mixed families and late in life second marriages has meant there are more areas of dispute in respect of wills and estates.

In our area of specialty with commercial law, commercial "divorces" (where people in family businesses can't get on or small businesses where the proprietors have had a falling out) are becoming just as difficult as marital breakdowns. But, at least with commercial matters, there is scope to manage the breakdown of commercial arrangements in the manner of Shareholders Agreements, joint venture agreements and the like.

Where to from here?

The way we receive instructions from clients for legal work and the way we deliver our advice and services will no doubt continue to change and develop through technology. The recent pandemic has significantly contributed to this sooner than the legal profession may have otherwise expected.

We have already started down that path with using our on-line induction programs for [Family Law](#) and for [Estate Planning](#). These are designed for improved client experience; less stress, less time and less cost.

Artificial intelligence in some areas of legal work has also been introduced and this is likely to increase. But in my view, when a person is suffering a legal pain, they need someone who is empathetic, caring and prepared to listen and I doubt talking to a computer will fill that need.

But you never know, as a sceptical, cynical practitioner of 40 years, my view of the future may be clouded by my past!

Contacting E&A Lawyers

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