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ARTICLES

Commercial litigation in Australia: An empirical study – *Asjeet S Lamba* and *Ian Ramsay*

This article examines litigation events (litigation initiations, settlements and judgments) involving companies listed on the Australian Securities Exchange for the period 1993-2009 (17 years). The issues investigated include when the litigation was initiated, settled or resulted in a court judgment; the type of legal issue that was litigated; the size of the legal claim and the amount of the settlement or judgment; the time between the initiation of the legal claim and its settlement or court judgment; and the size and the industry of the companies involved in the litigation.	22
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Communications by counsel – *Richard Lilley* and *Justin Carter*

Freedom of communication between counsel has historically encouraged the efficient administration of justice promoted by independent barristers. Given the expansion of rights of audience in the courts, barristers must communicate both between themselves and with others, including solicitor advocates and self-represented litigants. This article considers the admissibility into evidence of the content of statements made by counsel in the course of such communications at common law, and the professional obligations attendant upon counsel communicating with each other, with solicitor advocates and self-represented litigants, and with the courts in relation to those communications. This article considers the existing framework of professional rules, as well as comparative provisions in other jurisdictions, to assess the existing state of professional obligations as

to reliance on communications by counsel and the repetition of those communications to a relevant tribunal, to evaluate the usefulness of a new professional rule that deals with the subject.	30
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