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Quiz

Advocate's Immunity Part 5

1. How did the respondent in *Kendirjian* argue that *Attwells* should apply?
   a. *Attwells* could not be distinguished from the facts of *Kendirjian*
   b. *Attwells* could not be distinguished but should be reconsidered
   c. *Attwells* could be distinguished
   d. *Attwells* could be distinguished and if this argument failed, it should be reconsidered

2. What were the key facts in *Kendirjian*?
   a. Mr Kendirjian alleged that the barrister had been negligent in the conduct of the trial
   b. Mr Kendirjian alleged that the barrister and solicitor had been negligent in providing him with advice on settlement
   c. Mr Kendirjian alleged that the solicitor had been negligent in preparing expert witnesses for trial
   d. Mr Kendirjian alleged that the barrister had been negligent in advising him on his prospects of success

3. What is the key rationale for the continuing existence of advocate's immunity?
   a. Preventing the relitigation of previous decisions
   b. Protecting advocates, as a special class of professionals
   c. Preventing litigation against lawyers, as this would render the cost of litigation excessive

d. None of the above

4. What did the High Court say about the application of the immunity to settlement advice?
   a. Advice leading to a compromise of a dispute cannot lead to the possibility of collateral attack upon an exercise of judicial power to quell disputes
   b. Advice not to settle proceedings merely has a "historical connection" with the ultimate conduct of the proceedings
   c. Advice not to settle does not attract the immunity
   d. All of the above

5. What is the current test for whether advocate's immunity applies?
   a. The immunity applies to work in court or work out of court that relates to settlement of proceedings
   b. The immunity applies to work in court or work out of court that relates to the evidence that a court will hear
   c. The immunity applies to work in court or work out of court which is intimately connected to work in court
   d. None of the above

Answers:

1. d 2. b 3. a 4. d 5. c