

Facing the Heart of Darkness*

Rohan de Meyrick and Peter Tillman relate the experience of fifty-three new barristers who survived the February 1992 Readers' Programme).

"The horrorthe horror"

Those were the words uttered by one shell-shocked reader as the intense pressure and voluminous paperwork mounted, towards the end of week one in the readers' programme conducted by the New South Wales Bar Association. His exhausted colleagues shook their heads in agreement.

At 9.00 am on the 10th of February, 1992, fifty-three new barristers had gathered in the Bar Common Room to face baptism into their new profession. There were ten women and forty-three men in a group of varied ages and legal backgrounds. We were entering a jungle, expecting the natives to paddle us smoothly down the river. However, as the first day progressed we began to realise that the tribal elders were intent upon dragging us by the hair through the thickest undergrowth at breakneck speed. This bruising journey was to include terrifying encounters with many warriors of jungle warfare, as well as some moments of sheer insight from several wily witch doctors, wise in tribal lore.

The morning of day one was not too demanding, with introductory speeches from Coombs QC and Tobias QC followed by a number of general lectures. A drafting exercise for the afternoon meant a working lunch. This was a sign of things to come. Later that afternoon Chris Gee QC succeeded in awakening the readers to the sheer terror of how little we really understood about the practical application of the laws of evidence. Within five minutes of the lecture finishing, Butterworths had sold out of copies of "The ABC of Evidence"!!

For the next four weeks the group was privileged to be addressed by numerous eminent senior barristers and judges. There was a veritable avalanche of information presented in written and oral form. The typical day went from 8.30 am to 6.00 pm with five or six lectures punctuated by a practical session where moot applications were presented before a Judge, Registrar, or Magistrate, under the watchful eye of senior barristers and the dreaded video camera. The briefs for these applications were usually delivered at very short notice resulting in late nights and early mornings in a desperate attempt to adequately prepare.

By week three this hectic programme was taking its toll. Alcohol and tobacco habits were developing in plague proportions, and at least half the group was in desperate need of treatment for caffeine addiction. Eyesight problems were rife as readers spent long hours attempting to read the rainforest-destroying volume of printed materials provided for them. At the same time an *esprit de corps* was developing amongst the readers of a kind usually reserved for those who have fought together in wars.

Week four began with morning tea in the President's chambers, as guests of His Honour Mr Justice Kirby, and ended with a sobering guided tour of the morgue at Glebe Coroner's Court. This typified the breadth of experiences that the programme entailed.

The course culminated in a full-day trial held on Saturday 7th March. Federal and Supreme Court Judges had given up their time to preside. Much work was put into the preparation for these trials, both by the course organisers and by the readers. Senior barristers acted as instructing solicitors, junior barristers as court officers, and actors and architecture students served as witnesses. Readers were briefed in either a common law matter involving an insurance claim on a strangely inflammable brothel, or in a copyright case involving remarkably similar architectural plans. No punches were pulled in these trials, as the readers sought to test their advocacy skills in the adversarial bearpit with a level of competitiveness that belied the "mock trial" tag.

After the trials, well earned drinks were provided in the Bar Common Room for all those involved. Foe became friend as the cases were dissected over a beer between counsel, judges and witnesses. The winners were grinners, the losers were philosophical (except Brad Richards who, after several beers was heard to mumble something about an appeal!). Others seemed preoccupied in putting their new-found persuasive skills to use by making improper advances to the scantily clad young actresses who had portrayed the role of prostitutes in some of the mock trials. In the true spirit of equal opportunity, some of the young male architectural students also got their fair share of attention from female counsel! The day was capped with a dinner in the Bar Dining Room, complete with after dinner speeches, and even a makeshift talent quest, which featured the golden voices of Guy Griffin ("I did it my way") and Francois Kunc ("Nessun Dorma").

The programme was a resounding success. We had experienced a gruelling month that simulated the workload of successful counsel, whilst being flooded with the experienced advice and guidance of numerous Judges (including His Honour Mr Justice Gleeson the Chief Justice of New South Wales and His Honour Mr Justice Kirby, the President of the Court of Appeal), judicial officers from various jurisdictions, the Honourable Peter Collins MP QC Attorney General, as well as many senior counsel and senior juniors.

In the great chasm between knowledge and experience, we had faced the heart of darkness, only to emerge with light at the end of the tunnel and a sound understanding of how to reach our destination.

With its emphasis on ethics, etiquette, and the proper conduct of professional practice, the Bar Readers' Programme imparted to us the importance of ensuring that the Bar continues to provide a high standard of service to the law and to the community it serves in order to justify and maintain its independence and relevance in the years to come.

Thanks and gratitude are extended to Murray Tobias QC, Phil Greenwood and their fellow Reading Committee members for the care and attention given to devising the Programme. Thanks also to Michelle Goodwin (the Bar Association's Education Officer), for organising such an intensive and effective four weeks.

In addition we are forever grateful to the following persons who, during the course of those four weeks, shared with

us the fruits of their extensive knowledge and experience:

Stevens QC and David Davies (pleadings), R Angyal, M Walker and Bennett QC (ADR), R P Greenhill (on a range of topics), Mr Justice Sheller (presentation of legal argument), West QC (opinion evidence), Peter Garling (subpoenas), Deputy Chief Magistrate Mr Gilmour (Local Courts), Porter QC (committals), Horler QC (a number of topics), J Bishop (criminal trials), His Honour Judge Flannery, M Walker, Bellanto QC and Cowdery QC (jury empanelment), Ellicott QC (judges), Simpson QC (opening addresses), Knoblanche QC (addressing the Court from the Judge's perspective), Coleman QC and Letcher QC ("chief"), Burbridge QC, Collins QC and Brett Walker (cross examination), Wheelahan QC (Witnesses), Sullivan QC (advices), Mr Justice Cole (Commercial Division), Graham QC and L Levy (interlocutory applications), Malcolm Oakes and G CLindsay (equity), Registrar Berecry (Registrar's Court), Masters Windeyer, McLaughlin and Greenwood (Masters' Court), Mr Justice Beaumont and Mr Justice Davies (Federal Court), Alan Dawson (Federal Court mediation), Einstein QC, Grieve QC and L Delaney (practice management), Mr Justice Coleman (Family Court), Mr Justice Hunt (Defamation List), Mr Justice Young (a number of topics), Mr Justice Wood (Common Law listing), C T Barry (Common Law procedures), Mr Justice Bannon (Land & Environment Court), McAlary QC (closing), S M Grant (Compensation Court), and Mr Glass (Coroner) and staff of the Coroner's Court.

In particular, we are grateful to the legion of others who gave their time freely to contribute and assist.


To all the abovementioned, the class of Feb.'92 salute you! ☐

Rohan de Meyrick
Peter Tillman

* With apologies to Joseph Conrad.

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I have now approved payment to you of 80% thereof, that is \$296.00 and a cheque for this amount is accordingly enclosed.

Yours faithfully

Solicitor.

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Hole in One

At a recent sittings of the Compensation Court in Broken Hill Judge Moroney was hearing a case arising out of an assault at the Wilcannia Golf Club.

During the course of submissions his Honour sought some information as to what sort of a place Wilcannia is.

His Honour: "How many golf courses are there in Wilcannia?"
Mr Wilkins: "I don't know but if there were two that would be all there were."
His Honour: "How far is Wilcannia from Broken Hill?"
Mr Wilkins: "About 200km."
His Honour: "Where is it from Broken Hill?"
Mr Wilkins: "It is east of Broken Hill."
His Honour: "Is it as big as Broken Hill?"
Mr Wilkins: "No, it is a small place."
His Honour: "Does it have as many people as Broken Hill?"
Mr Wilkins: "No, it has a small population."
His Honour: "Then why is it a diocese?"
Mr Wilkins: "Because there are lots of kangaroos in need of pastoral care." ☐