

In my last editorial for *Bar News* I commented upon my first 100 days in office, referring to it as a period of some considerable turmoil. The following 265 days have not been much different. Details of the causes have been chronicled in my column in "Stop Press" over the year.

This edition of *Bar News* reproduces a speech I made at the Noosa conference of the Australian Bar Association last July. It was delivered with some trepidation, much like my President's Column in my first

"Stop Press". However, it apparently struck a chord with some of our interstate colleagues as I was subsequently asked to attend the annual dinner of the South Australian Bar Association and to provide a shortened version of that speech. This was done in the context of that Association giving consideration to adopting the New South Wales Bar Rules, particularly those relating to direct access. What I said caused some consternation, especially among the more senior members of that Bar but, generally, I understand it was reasonably well received.

The Queensland, Victorian and West Australian Bars are also giving consideration to adopting the New South Wales Barristers' Rules. The ACT Bar has already done so. Each would be subject to some local variations bearing in mind that none of the States or Territories referred to have provisions equivalent to some of those contained in the NSW Legal Profession Reform Act. At the Law Council Meeting on 10 December next, it is likely that the constituent bodies will resolve that our Advocacy Rules should become the National Advocacy Rules.

As members are aware, the General Council of the Bar of England and Wales also has a reform program which is now

well under way. The policy unit established by the General Council recommended that, on the issue of direct access, the functional approach of the NSW Bar should be adopted. Ultimately, the Council rejected any form of direct access for the time being but it is anticipated that the issue will be revisited before the end of the year.

The NSW Barristers' Rules seem to be working well. There is a deal of fine tuning still to be done, particularly with respect to the issue of fee disclosures on which we are working

in co-operation with the Law Society. As a consequence of submissions received, there is some refinement to be carried out to Rule 75. A revised version will probably be adopted in the near future. This will clarify various aspects relating to what a barrister can or cannot do when accepting instructions direct from a lay client which should reduce any confusion amongst those who are accepting direct access work. All these teething problems are being assessed and further research is required. In the New Year our collective experience will be analysed. Where appropriate, amendments will be sought to the Act or our rules redrafted.



The year has been a memorable one, but I think a considerable amount has been achieved for the Bar at both State and National level. There is still more to be done and I am confident that the new Bar Council will continue to be as progressive about the issues facing the profession and as proactive on community issues as the 1994 Council has been. Both are important in consolidating the resurgence of the NSW Bar as an institution which has earned and is, therefore, entitled to respect. □