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# Editor's note

The current issue of *Bar News* is very much a mixture of past and present. We feature the recent publication of *Dowling's select cases 1828 to 1844* jointly edited by Professor Bruce Kercher and Tim Castle. The story of this monumental and significant historical project is tracked by David Ash, a fresh face on the Bar News Committee and a name well known to readers of the letters page in the *Sydney Morning Herald*. In keeping with the historical theme, but moving forward, is a note by Steven Rares SC on the occasion of the 50th anniversary of Counsel's Chambers Limited. Overlapping with that period is, of course, the career of Hughes QC whose forensic presence was brilliantly captured by Jiawei Shen in a portrait, which was an Archibald Prize finalist in 2004. A number of senior members of the Bar, in an act of admirable generosity, acquired the painting and it was presented to the Bar Association on 18 March 2005 at a ceremony in the Common Room. (The portrait of Hughes QC on the cover of this issue is a different portrait by the same artist and hangs in the National Portrait Gallery, Canberra). Another giant of the NSW Bar, Justice Michael McHugh, spoke about Hughes's career as an advocate at the presentation. His remarks on that occasion are reproduced.

*Bar News* is also delighted to publish two of the excellent papers delivered at the 'Working with statutes' conference. On that topic, the full text of the Sir Maurice Byers address delivered this year by Justice Gummow will be published in the next issue of *Bar News*. We also publish opinion pieces by Molomby SC, Barker QC and Toner SC, together with a reply to the latter by the federal attorney-general. There are also substantive pieces by Justice Peter Hall on 'The role of counsel assisting in commissions of inquiry' and by Alister Abadee on advocates' immunity. Cassidy QC, having clocked up 50 years, writes on the topic of reasonable prospects. There is also a series of notes on recent important cases as well as a significant number of book reviews. Coombs QC, for many years a contributor, has now achieved exalted status as a columnist and Poulos QC continues to display his artistic talent.

As members would appreciate, there was a spate of appointments to the Federal, Supreme and District courts in the first four months of the year, in particular to the Common Law Division which, as Spigelman CJ observed at the swearing in of Justice Latham, 'is losing a considerable amount of accumulated experience in an unusually short period of time.' As *Bar News* went to press, the appointments of Graham QC and Edmonds SC to the Federal Court had been announced but their Honours had not been sworn in. Their appointments will be covered in the next issue.

*Bar News* also records with great sadness the untimely deaths in recent months of two outstanding judges of the Federal Court, Justice Richard Cooper and Justice Brad Selway. Although based in Brisbane and Adelaide respectively, they were both highly regarded and respected by members of

the New South Wales Bar who had the privilege of appearing before them. Our sincere condolences are extended to their families.

I wish to pay tribute to the unstinting and outstanding work performed by Justin Gleeson SC in his role as editor of *Bar News* over the last five years. That work, together with his membership of the Bar Council over a number of years and the leading role he played in the establishment of compulsory professional development programme and in the application of the professional standards legislation to the Bar should be and is acknowledged and applauded. Special mention should also be made of Rena Sofroniou who has left the Bar News Committee this year because of her numerous other commitments. Her interviews, in particular, have been a highlight of recent issues.

It is my aim as the incoming editor of *Bar News* to maintain the high standard which the publication has achieved, to seek to ensure that it 'speaks' to as many members of the Bar as possible in its treatment of issues, and is an organ for debate, publication and analysis of important developments both in substantive law and matters affecting practice, as well as remaining an accurate and interesting journal of record.

Contributions are warmly encouraged.

Andrew Bell

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## Letter to the editor

Dear Sir,

My attention has been drawn to an article in the summer 2004/2005 number of *Bar News*, a journal which I understand is now published under your editorship. The article is attributed to AW Street SC and deals with amendments to the *Trade Practices Act 1974 (Cth)*.

On page eight of the journal, the article cites a passage that is said to be from 'paragraph 224 of De Iniuriis in Book II of the *Institutions of Gaius*'. It is not. Both you and your predecessor as editor should well know that Gaius Book II.224 refers to the *Lex Falcidia*. '*De Iniuriis*' is the title heading of Justinian's Institutes Book IV.4, where Gaius III.224 is substantially reproduced, at IV.4.7. Both Gaius and Justinian refer to the XII Tables.

If two recipients of the Thomas P Flattery prize were unable to discern the difference between the *Lex Falcidia* and the XII Tables, what hope would there be for the *iuventus legum cupida* of the future? I can only assume, therefore, that the solecism was, to employ a term used by my predecessor, as Challis Lecturer, when addressing the predecessor of Mason P, merely intended to tease.

Arthur Emmett