

# Editor's Note

**Catherine Gleeson SC**  
New Chambers

Having served on *Bar News* for some 14 years,<sup>1</sup> I approached the task of my first editorial with a sense of occasion and more than a little trepidation. Stuck for where to begin, I turned to my forebears for inspiration. That exercise led to a very rewarding journey through the history of our journal.<sup>2</sup>

The first editions of *Bar News* were no help – there was nothing from the editor. This was unsurprising, as the editorial board then comprised only Ruth McColl SC<sup>3</sup> and she presumably had more than enough to do. Instead, there was a note in the inaugural issue – Winter 1985 – by then NSW Bar Association president Murray Gleeson QC, proclaiming ‘what the Bar needs if [sic] a good free journal’.

The first ‘editor’s notes’, when introduced, were surprisingly short. Ruth McColl SC’s first note in the Spring 1999 edition came after a lapse in publication of *Bar News*, and she explained its return thusly:

A variety of factors have thwarted the publication of *Bar News* in recent years. In 1999 the combination of a rush of blood to the editor’s head and a new editorial board inspired a return to production. This issue is intended both to bring current events to notice as well as to catch up with some which are more historical.

That issue brought together ‘some articles which, though of (relative) antiquity nevertheless warranted publication ... in the interests of conveying an historical perspective’. One contemporary occasion covered in that issue was the dinner celebrating the 175th anniversary of the Supreme Court of New South Wales in May 1999. The Chief Justice, Murray Gleeson, was quoted as saying:

Whatever changes be ahead, the essence of the Court’s character will remain unchanged. As in the past, so in the future, it will be as explained by Francis Forbes: uncontrolled and independent, bowing to no power but the supremacy of law.

At time of writing, we will shortly hear from our current Chief Justice, Andrew Bell – whose first edition as a member of the newly created editorial board was Spring 1999 – on the occasion of the 200th anniversary of the Supreme Court. The next edition of *Bar News* will be dedicated to the bicentenary.

Justin Gleeson SC’s first editor’s note was in the Summer 2000/2001 issue. He said nothing there about his ambitions for his new role, focussing instead on the sad news of the passing of Justice John Lehane. The president’s message for that issue was

delivered by Ruth McColl SC.

More was said in Gleeson SC’s final issue, Summer 2004/2005, in which he reflected on what he had set out to do:

My broad aim has been to try to present material of interest and relevance to members across a broad spectrum, from recent developments in the law and their practical implications for barristers; the activities of the New South Wales Bar Association and its interaction with members, both professional and social; addresses or speeches by prominent members or judges; through to sport or humour. Sometimes the balance may not have included enough at the lighter end, but then again distinguished subjects like Bullfry QC develop new tricks slowly.



Gleeson SC also spoke of the expansion of the editorial committee over his tenure, which was designed to include members from as many areas of the Bar as possible: 'As the spread of the committee becomes broader, so hopefully there is a better means to extend the subject matter of the magazine across more areas of the Bar'.

Andrew Bell SC assumed the role of editor for the Winter 2005 issue. He wrote in his editor's note:

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.

Bell SC was the editor when I first joined *Bar News*, some five years later, and my observation was that he had entirely succeeded in his aim. The *Bar News* we read today largely follows the format he established as editor. One artefact of *Bar News* in the Winter 2005 issue was the publication of letters to the editor.<sup>4</sup> A striking example was from Justice Arthur Emmett. It is so good that I have set it out in full, as published, here.

Typically generous and effacing, Jeremy Stoljar SC also did not say anything about his approach to editorship in his first editor's note, in the Autumn 2012 issue. Instead, he recognised Bell SC's contribution as editor and thanked him for it. His valedictory issue, Spring 2017, was more of the same: there were thanks to the committee members and well wishes for the incoming editor, nothing more.

Stoljar SC's contribution to *Bar News* was legion. A born – and published – storyteller, he attracted a number of excellent historical and contemporary pieces that were as entertaining as they were informative. He introduced some of the most amusing regular features, *Advocatus* and the *Furies*, which achieve maximum hilarity by the device of anonymity.

Finally, Ingmar Taylor SC set out at some length his ambitions for *Bar News* in his first editorial, in the Summer 2017 issue:

As the journal of record for the NSW Bar, *Bar News* should record what the Bar was, what it is, and perhaps most importantly as a forum of ideas, what it can be.

Taylor SC also spoke of changes to the style and layout of *Bar News* to make it more accessible and readable. *Bar News'* covers

became more stylised and conceptual during Taylor SC's tenure. Rocco Fazzari became a regular illustrator and brought us some of the journal's best images.

I have been privileged to work on *Bar News* under three excellent editors, who in turn inherited a first-class publication from the first two editors. This leaves little more to do as editor than to seek to do as they did, safe in the knowledge that I am supported by a dedicated, creative and enthusiastic committee and a tireless and superbly organised Bar Association staff member, Rebecca Seraglio.

Indeed, attempts to introduce changes to *Bar News* are not without risk. An early attempt to persuade close friends and colleagues to write on members' appointments or obituaries was met with a constructional critique courtesy of Brendan Lim and Surya Palaniappan (see p 87) – you give instructions to former associates of Chief Justice Gageler at your peril.

I am keen to ensure that *Bar News* remains a journal of record for the NSW Bar and, just as importantly, a journal that our members want to read. I welcome contributions, but I am just as interested in feedback about what works and what doesn't, and suggestions from members about what should or should not be in *Bar News*. BN

#### ENDNOTES

- 1 My first issue was Winter 2010. I was not yet out of my reading year.
- 2 Back issues can be found on the NSW Bar Association website: <https://nswbar.asn.au/the-bar-association/publications/bar-news-archive> and on Austlii: <https://classic.austlii.edu.au/au/journals/NSWBarAssocNews/>.
- 3 Without meaning any disrespect, but to avoid repetition, 'as his/her Honour then was' has been omitted here and in what follows. For reasons of historical accuracy, people are described here as they were at the time.
- 4 I am unsure whether there was ever an editorial decision to stop publishing these. I suspect the well simply dried up.

## 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