



No mere mouthpiece: Servants of all yet of none

*Edited by Geoff Lindsay
and Carol Webster
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The New South Wales Bar Association centenary essays, *No mere mouthpiece: Servants of all yet of none* was published to commemorate the centenary of the association. Its 17 essays contain something to entertain or inform anybody with any interest in the law, lawyers, the Bar or the history of this state's legal system.

The tone and content range from the analytical to the anecdotal, from detailed historical reconstruction to more personal reminiscences.

Chief Justice Gleeson's essay on the 'Bench and Bar', in his Honour's typically economical and direct style, discusses the establishment of the New South Wales court system and legal profession from colonial times, reflecting on the role of specialist advocates from whose ranks judges were almost exclusively recruited, to the present time when the Bar remains an important but no longer exclusive source of judicial appointments.

Captain W F Cook's 'Recollections' drawn from the 14 years during which he was the registrar of the Bar Association provide an interesting body of information about the work of the Association during that period. Readers will be interested to learn of the disgruntled litigant who was committed to a mental institution after advising during an examination of her mental state that she had recently had a cup of tea with Captain Cook. It also provides an excuse for the author to recount the occasion upon which he refused Sir Maurice Byers a lift on his little red motorbike with the line, 'Sorry, Sir Maurice, I wouldn't take a knight out on a bike like this!'

M G Sexton's essay on 'The role of the solicitor-general' and Mark Tedeschi's

essay on the 'History of the NSW crown prosecutors' are thoroughly researched and readable pieces on those offices.

Similarly, Roslyn Atherton's essay on 'Early women barristers in New South Wales' contains much interesting information, starting with a short biographical summary of the life and career of Ada Evans, who graduated from law in 1902, but was not admitted to practice until 1921, having to wait until the passage of the *Women's Legal Status Act 1918* and the inexcusable delays of those unsure how to cope with the momentous change having a female barrister admitted to practice seemed to represent. Unfortunately, as a result of poor health, family commitments and the long absence from the law, and despite evidence of briefs being offered, Evans was never able to practice. She, however, led the way for Sybil Morrison to become the first woman to practice as a barrister in New South Wales.

The essays on various chambers provides background information on Frederick Jordan Chambers, the history of the Bar at Parramatta (including Rumpole Chambers), Newcastle, Lismore and the Western Regional Bar.

No history of any aspect of law and society in New South Wales would be complete without mention of religion and there is an essay on 'Religion and the Bar' with something for almost everyone – John McCarthy writes of the St Thomas More Society, Richard Gee of the NSW Lawyers' Christian Fellowship and Graham Segal of the NSW Society of Jewish Jurists and Lawyers.

In 'Reminiscences', David Bennett tells of Mary Gaudron's 'Mr Junior' speech and debut as a High Court advocate of some two years' standing. Jane Needham writes in memory of her father, Denys Needham, disclosing that his Honour was in the practice of naming his cars after cases which enabled him to buy them – for example, a long gone Holden known as Hughie was a by-product of *Hughes v Vale* (1954) 93 CLR 1. His Honour's dislike of the phrase 'as he then was' is recalled through a stinging letter sent to the unfortunate editor of the *New South Wales Law Reports* who had inserted the delinquent phrase into the reasons for judgment without telling the author. The essay also discloses why his Honour's photograph on the boardroom wall of the Bar Association is the only one in evening dress.

The photos, reproductions of

documents and lists of presidents of the Bar, Bar councillors and a chronological roll of barristers admitted in the 18th century are fascinating. The photos include the presidents of the Bar Association, the last group of Queen's counsel and the first group of senior counsel, as well as ceremonial sittings held to celebrate the Supreme Court's 150th and 175th Anniversary. There is also a photograph taken on the latter occasion of the Prime Minister, John Howard, and former prime minister, Gough Whitlam QC. While the Prime Minister was formerly a solicitor and spoke on behalf of solicitors that day, it was decided that it could not be said that by so doing he was acting as or holding himself out as a solicitor. Accordingly, it was not necessary that he hold a practicing certificate. However, by wearing a wig and gown to represent the Bar, Whitlam QC might have been said to have been acting or holding himself out as entitled to act as a barrister. Accordingly, the Bar Association arranged \$1 million worth of professional indemnity insurance for him and he was duly issued with a practising certificate current for the day. According to the editors of the book, no claim on the insurance is known to have been made.

With the passing of time, many of the stories featuring the great characters in the history of the NSW Bar are in danger of being lost. Fewer of their colleagues remain to tell of their exploits. Books such as this contribute to the preservation of those memories, personalities and traditions. The Bar in New South Wales has a long and proud tradition and history. In its combination of research, breadth of subject matter and personal reminiscences, this collection of essays is a book, not only for the bookshelf, but one to be read and enjoyed.

Reviewed by Rodney Brender