

## Editor's note

Ian Harrison SC stirred debate in this journal when, in his first message as President, he said 'Advocacy is, at its purest, an intellectual exercise where hormones and chromosomes have no relevance. I continue to be troubled by the notion that the fight to equalise the opportunities for women at the Bar so often starts with the proposition that they are a separate group. I consider that equalising levels of representation should be a goal which drives the debate.' A substantial purpose of this issue is to open up further debate and discussion on the role of women at the New South Wales Bar.

At the risk of over-simplification, there are two rather different perspectives on the issue. The first perspective starts from the premise that there is not a great deal to debate. Women barristers should be treated like any other barristers. If they are good they will get ahead, if not then otherwise. There is no systemic or evident discrimination from other barristers, solicitors, judges or clients that requires addressing. If the percentage of women at the Bar is low, and the percentage of female silk even lower, that is simply a reflection of historical developments and over time it will change.

The second view is that the above perspective is far too superficial. For any organisation or institution to have such a low percentage of women as its members, and an even lower representation at senior levels, reflects a fundamental problem. The causes of that problem need to be identified. Solutions, even if radical, need to be pursued. There needs to be a stirring of debate and egos may need to be bruised.

A blended view would be that a number of members of the Bar Council or the Equal Opportunity Committee have worked hard over a number of years to introduce practical measures to improve the situation. Some of those initiatives are listed in Virginia Lydiard's article in this issue. In some of these areas the

New South Wales Bar has been a leader - for example, the programme introduced in 1991 for visits to chambers by final-year female law students, and the voluntary mentoring scheme, for which many male barristers have volunteered. According to this view, that hard work needs to continue, but the fruits of that labour will progressively be seen.

It seems that a sensible starting point would be to ascertain what the facts are as far as possible. Accordingly, this issue contains an analysis from the computer and other records of the Bar Association of male and female intakes, retention rates and appointments to silk over time. This is followed by the results of an investigation with quite a number of women at the Bar of various levels with their views on the reasons for the low female intake. An interview with a leading female criminal barrister, Margaret Cuneen, is followed by a series of profiles displaying the variety of female experiences at the Bar. We also have a recent address by Dominique Hogan-Doran at St James Church and a perspective from Virginia Lydiard, Chair of the Bar Association's Equal Opportunity Committee. The Editorial Committee urges members and readers might participate in a debate which could be reflected further either in the columns of this journal or by other forms of communication within the Bar.

Hopefully this issue contains other good reading for members as well. We are proud again to record the Sir Maurice Byers Address, given this year by the Hon. Justice Keith Mason AC, President of the NSW Court of Appeal on the question 'What is wrong with top down legal reasoning?' Also continuing our travels around the NSW Bar, Terry Ower brings us an article on the Newcastle Bar.

Justin Gleeson SC

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