

8 October 2015

Dear .

Voting in the Bar Council election opens on 16 October 2015. Last year a selectively distributed ticket was circulated amongst some members of the Bar and a bloc of members on the ticket was elected to Bar Council. Regrettably, there is a concern that the same tactic may be used again.

We the undersigned, who are drawn from diverse practice areas and chambers, have reluctantly come to the view that this year we must stand and nominate as a list of candidates.

Our principal aim in joining together as a list of candidates is that the NSW Bar Council should be a strong independent body representing diverse interests at the NSW Bar comprised of people who believe that we are at our best when we strive to uphold the constitution of the NSW Bar, meet together as a Bar Council and decide issues openly based on evidence and, most importantly, when we each act independently.

The NSW Bar Association should at all times be beyond reproach. The Bar Association has three equally important functions which are set out in its Constitution:

1. Firstly, **to promote the administration of justice** – caught up with that are the other objects which include making recommendations with respect to legislation, law reform and to ensure that the benefits of the administration of justice are accessible to all members of the community.
2. Secondly, **to promote, maintain and improve the interests and standards of our barristers in NSW** as well as to arrange and promote continuing legal education. There are ancillary functions such as assisting members or ex-members of the Bar Association, or the spouses, widows, children or other dependants of such members or ex-members who are in need and deserving of assistance. Further, are the acquiring, establishment and maintenance of lecture rooms, libraries, reading rooms, meeting, dining and other rooms and buildings.
3. Thirdly, **to promote fair and honourable practise amongst barristers**: to suppress, discourage and prevent professional malpractice and professional misconduct. This includes the investigation of such matters and if deemed necessary to report on such matters to the Supreme Court and to the public and/or to initiate proceedings. Aligned to this is the object to exercise such powers as may be conferred on the Bar Association by statute, rules of court, or otherwise.

On the last object, it is important to note the provisions of the Legal Profession Uniform Law which came into effect on 1 July 2015.

The Uniform Law does not impinge on the Association's constitution or the Council's role except for the making of rules. The Legal Services Council is now the rule making body. The Bar Association will continue to decide matters in relation to conduct matters under a delegation by the Legal Services Commissioner dated 18 June 2015. This is an important function of the Bar Council which requires experienced individuals to assist in its discharge.

We are drawn from the senior Bar, senior juniors and those under 5 years. We believe in the virtues of stability and experience. We have not agreed in advance to vote in any particular way on any issue and will not vote as a bloc on any issue that may come before the Bar Council.

We believe that party politics and secret meetings of Bar Councillors to determine policy matters outside of Bar Council should have no place at the NSW Bar.

If elected, we will seek to strengthen good governance and a transparent and committee-based practice of Bar Council decision making, referring issues raised by members to dedicated committees, seeking advice on such issues, and being guided by research, expertise and evidence.

Of course the way the NSW Bar conducts itself can be improved, and we each dedicate ourselves to that goal. We will do so, however, after taking into account the views of the Bar and each acting independently according to our consciences.

We believe that there is an important role for the NSW Bar in the administration of justice in this state. We will support practitioners and members of the judiciary from ad hominem attacks, seek to correct publicly stated misrepresentations about the rule of law and raise concerns in relation to public interest matters that involve the infringement of rights.

We are dedicated to maintaining a voice for the Bar in the process of law reform. Before acting, we will be informed by evidence, including from leaders of the respective practice areas.

We each believe that the Bar Council should be focussed on the broad range of issues affecting members. We will not be consumed by narrow single interest agendas.

If elected, we believe in open communication with members about issues. We will obviously not agree about all issues. Some members will disagree with decisions that the Bar Council will make. You can be assured, however, that if we are elected, we will dedicate ourselves to improving the NSW Bar and the lives of its members.

If you share our aims for the NSW Bar, we urge you to vote for the 21 members on this list - this will have the strongest chance of success against an organised ticket. Many of you sharing our broad aims may also wish to vote for other good candidates standing for election. If you do so, we urge you to make sure you nevertheless vote for 21 candidates in total and no more.

Noel Hutley SC	5 St James Hall	Chrissa Loukas SC	Public Defenders
Tim Game SC	Forbes	Julia Lonergan SC	12 th Floor
Andrew Bell SC	11 Wentworth	Michael McHugh SC	16 Wardell
Arthur Moses SC	New Chambers	Dominic Toomey SC	11 Garfield Barwick
Tony Payne SC	Sixth Floor		
Elizabeth Welsh	Frederick Jordan	Sophie Callan	12 th Floor
Paresh Khandhar	Frederick Jordan	Catherine Gleeson	New Chambers
Anna Mitchelmore	Sixth Floor	Greg Antipas	Ground Floor Wentworth
Kara Shead	Public Defenders	Lisa-Claire Hutchinson	Forbes
Ruth Higgins	Banco	Julia Roy	Sixth Floor
Warwick Hunt	Forbes	James Mack	Level 22 Chambers