

December 10, 2020

Dear Mr Hoffman QC,

I refer to your recent email to members reminding them of the Rules around public commentary of cases that we, as barristers, are involved in and assumed your purpose was because of contact you have had about the article in the Advertiser which featured me. You have not contacted me at all so I am speculating.

Your enclosure of the relevant rules – while not spelling it out because you wouldn't need to I would have thought – show that as a client I am not covered by the particular prohibitions contained therein.

I am not being my own barrister and have briefed an interstate silk who did not comment.

However, I suggest, considering the important topic the Advertiser article about me did refer to, that you could have also included the Bar policy on discrimination, bullying and harassment (<https://sabar.org.au/docs/Discrimination%2C%20Bullying%20%26%20Harassment%20Policy%20%28October%202020%29.pdf>) and the Bar Rule (117) on the same.

I have cc my solicitors who did comment in the Advertiser article and Ms Barnes – who is the chair of the Women at the Bar committee who I have contacted since your email (but have not heard back from either).

I am sure you are aware that the Bar is a dangerous place for women barristers. Research shows that women barristers are the most bullied and harassed of all women lawyers and research also shows that barristers are the perpetrators towards other women barristers and to also towards female solicitors.

Education of barristers about their conduct being unacceptable and about calling out the conduct of others is important. And must be ongoing to be successful. While I have not the statistics to back up my theory I think the Christmas period is one where women are more at risk by those at the Bar who are perpetrators and, who having been allowed, through a lifetime of having their conduct unchecked and/or swept under the carpet will continue to prey on us.

A reminder that this conduct is not acceptable would be compelling coming from you, as President, to those barristers who behave in such a way.

"The standard you walk past is the standard you accept." Lieutenant General David Lindsay Morrison AO

Regards,

Claire O'Connor SC

Barrister