

cil at any stage. The latter Committee decides whether a complaint of professional misconduct is to be referred to the Bench of the appropriate Inn.

It is of some interest to note that, in England, it is now generally true that the hearings in the Inn are conducted by small committees of Benchers, who are practising members of the Bar, rather than (as was the case at some Inns only a few years ago) before the Full Bench, many of whose members are judges. This point is of some significance in view of the opposition expressed by some to disciplinary matters being decided by practising barristers. In substance the position in England is that, apart from disbarment or suspension from practice, the only sanction resorted to is that of reprimand. There appear to be no formal rules of the Bar laying down and providing for the actual form of disciplinary procedures.

#### Conclusions

The comment and criticism of members of the Bar and the English experience were weighed and considered by the Committee appointed by the Council this year to consider the whole matter, and at its Meeting on Thursday, 8th June, 1961, the Council considered the report of that Committee. It was finally decided by the Council that, bearing in mind the nature of the opposition to and criticism of the circulated scheme and the detailed arguments sent in in response to the Council's request for comments and criticism, the Council would not go ahead with the promulgation of rules of the kind previously drafted and circulated.

In essence, the Council was of the opinion that the advantages flowing from having written rules of procedure were, on the whole, outweighed by the disadvantages which would flow from the opposition of a significant section of the Bar. It was also thought by the Council that, bearing in mind English experience, no special rule imposing penalties such as fines is necessary in relation to matters of professional conduct and etiquette.

The Council is, therefore, of the opinion that it has fulfilled the task set for it by the resolution of the Association made on 21st November, 1957, of preparing and submitting to all members of the Association a report containing definite proposals as to the granting of disciplinary powers to the Council, and as to how and by whom these powers are to be exercised. The Council, therefore, does not propose to take any further steps at the present stage of the evolution of the Bar in relation to this matter.

The point should, however, be made that during the whole of the life of the Association, the Council has had power to "inquire into and decide questions as to the conduct and etiquette of barristers". Throughout the period during which the discussion of formal disciplinary procedures has been taking place the Council has been receiving and dealing with complaints by members and others about the conduct of barristers and about matters of ethics and etiquette. The Council has always had power to condemn specified conduct as malpractice, professional misconduct, or breach of rule or of etiquette.

The decision of the Council to proceed no further with the promulgation of formal rules will leave matters for the future as they stand at present under the Memo-

randum and Articles of Association of the New South Wales Bar Association, and the position in the future will be that the Council and its Etiquette Committee will continue to exercise such powers as they now possess. As in the past, they will have to move from case to case doing what justice requires and evolving such fair procedures of investigation and enquiry, within their powers, as the nature of the problem demands.

#### The Bench and Bar Dinner 1961

The Annual dinner of the Association was held at the Wentworth Hotel on Friday, 12th May, 1961. The Guest of Honour was the Chief Justice of the High Court of Australia, the Right Honourable Sir *Owen Dixon*, G.C.M.G. The attendance was far greater than at any earlier Annual dinner, namely, 165 members and guests. In addition to Sir *Owen Dixon*, there were present (among other Justices and Judges), the Chief Justice of New South Wales, the Right Honourable H. V. *Evatt*; the Chief Judge of the Commonwealth Industrial Court, the Honourable J. A. *Spicer*; the Federal Bankruptcy Judge, the Honourable Sir *Thomas Clyne*; and the Chairman of the District Court Judges, His Honour Judge *Monahan*.

The toast of the Guest of Honour was proposed by *Kerrigan Q.C.* and seconded by *Godfrey-Smith*.

When Sir *Owen* rose to reply, he was given a spontaneous ovation which reflected the affection and admiration which the profession in New South Wales has for him. The Chief Justice's speech included a candid (and occasionally tart) commentary on the membership of the High Court when he first sat as a member of it.

In addition to good speeches, those attending the dinner enjoyed excellent food, and wines to satisfy the connoisseur. The thanks of the Association are due to the House Committee and the Registrar for their organization of the dinner and to the Wentworth Hotel staff for their efficient service.

#### The Law Convention 1961

The Law Convention which was held in Sydney in 1951 was remarkable for the fact that for the first time in its history Australia was visited by a Lord Chancellor of England and a Master of the Rolls who were actually in office. The 1961 Convention which is about to be held is equally remarkable in that for the first time a Lord Chief Justice of England, a Chief Justice of the Supreme Court of the United States, and a Minister of Law of India will be visiting Australia during their actual terms of office.

A note on each of these distinguished visitors is appended.

#### The Rt. Hon. Lord Parker of Waddington

*Hubert Lister Parker*, Baron Parker of Waddington, Lord Chief Justice of England, was born in 1900, at a time when his father (later also Lord Parker of Waddington) was Junior Counsel to the Treasury. His family can trace its origins in Yorkshire back to the 14th Century. He was educated at Rugby and Trinity College, Cambridge, where, after being a Senior Scholar, he took two first classes in natural science. He was called to the Bar in 1924 from Lincoln's Inn of which in 1947 he became a Bencher. He was a pupil and later a "devil" to Lord Somervell of Harrow, and in the early

part of his life at the Bar, specialised in commercial cases.

In 1934, he was appointed Junior Counsel in Common Law to the Admiralty and from 1945 to 1950 held the same position in the Treasury. For many years before he went on the Bench in 1950 he was briefed as junior counsel for the Commonwealth of Australia before the Judicial Committee of the Privy Council. Appointed to the Bench in 1950, he sat in the King's Bench Division until 1954 when he became a Lord Justice of Appeal. As a Lord Justice, he sat on the Franks Committee on Administrative Tribunals and Enquiries and was Chairman of the Tribunal which inquired into an alleged leakage of information that the bank rate was about to be changed. He was appointed Privy Councillor in 1954.

In 1958, he succeeded Lord Goddard as Lord Chief Justice of England and received a life peerage as a baron of the United Kingdom.

His Lordship is a Fellow of the Royal Geological Society; his hobbies are farming and collecting old furniture and books.

#### The Honourable Earl Warren

The Chief Justice of the Supreme Court of the United States, the Honourable *Earl Warren*, has held that office since 1953. Born in 1891 and educated at the University of California, he graduated as a Bachelor of Laws in 1912 and received the degree of J.D. in 1914. He was admitted to practise in California in 1914 and practised in San Francisco and Oakland until 1917 when he joined the United States Armed Forces as a First Lieutenant and served in that capacity during the years 1917 and 1918. Upon his return to civil life he became clerk to the Assembly Judiciary Committee of the California Legislature in 1919 and after serving as Deputy City Attorney of Oakland and in the District Attorney's office of Alameda County until 1925, was District Attorney for that County from 1925 to 1939. From 1939 to 1943 he was Attorney-General of the State of California and in 1943 he became Governor of that State to which office he was elected three times. He held office as Governor until his appointment as Chief Justice in 1953 and in that year was special United States Ambassador to attend the Coronation of Queen Elizabeth II in London.

His interests have not been limited to the mere practice of law. He was from 1932 until 1940 a research associate of the Bureau of Public Administration in the University of California and since 1953 he has been Chancellor of the Board of Regents of the Smithsonian Institute and Chairman of the Board of Trustees of the National Gallery of Art. In addition he was the holder of numerous appointments within the Republican Party until in 1948 he was the Republican Candidate for the Vice-Presidency of the United States. He is a trustee of the American Philosophic Society and a trustee of the National Geographic Society of the United States.

During his term as Governor of California he overhauled the State Prison System and established a Youth Authority to supervise all criminals under the age of 21 years. During his youth in order to pay his way through college he was a farm hand and a freight handler.

Early in his judicial career he had a relationship with

the "Frankfurter" School but since then he has associated himself with the liberal group on the Supreme Court. His questions to Counsel are very frequently based upon moral issues and perhaps the most noteworthy series of cases upon which he has been engaged have been the School Segregation Cases which have excited world attention throughout the last two or three years.

#### Shri A. K. Sen

Shri *Ashok Kumar Sen* is the Minister of Law in the Government of India. He was born at Faridpore (East Bengal) in 1913. He was educated at the Calcutta University and the London School of Economics. He qualified for the bar from Gray's Inn in 1941, and joined the Calcutta Bar the same year. He practised at the Calcutta High Court from 1941 to 1950, and was Junior Standing Counsel for the West Bengal Government from 1950 to 1956.

From 1941 to 1943 he was Professor of Law and Economics in the City College, Calcutta. For a long time he was the editor of the Law Journal published from Calcutta. He is also the author of "Handbook of Commercial Law".

He was one of the Indian delegates to the 10th session of the U.N.O. in 1955.

He was elected to the Lok Sabha (Lower House of Indian Parliament) in the 1957 general elections from the Calcutta North-West Constituency. He has held his Ministry since May, 1957.

He is married, and has two sons and two daughters.

#### International Bar Association

The International Bar Association proposes to hold its ninth conference at Edinburgh between 16th and 20th July, 1962. Members of the Association who wish to attend this convention will need to be members of the International Bar Association and to be accredited by the Law Council of Australia. Details of the procedure may be obtained upon application to the Registrar or to *Toose Q.C.* who is honorary secretary of the Law Council.

#### Social Life v. Chamber Work—1774

Boswell, the biographer of Samuel Johnson was a practising barrister in Edinburgh from 1766 until 1786 when he went to the London Bar. His diary for Monday 11th July, 1774 (after recording a heavy drinking party on the previous Saturday) reads as follows: "My Saturday's debauch had relaxed me so as that business seemed irksome; and yet I had a number of papers which I was absolutely obliged to write in a short time, and some of the agents (i.e. solicitors) were complaining of delay. In the forenoon Captain Erskine called and gave me a special invitation from Lady Colville to dine with her. To accept of it seemed incompatible with my present state of business. Yet I could not resist. I considered that it would only throw me an hour or two more behind, and that I should be so refreshed with the agreeable interview with quality friends in the country air that I should be able to labour twice as well. I accordingly went. . . . I was gently happy and did not heat myself at all with wine. My wife came and drank tea. Captain Erskine walked with me as far as the New Town. I came home in admirable spirits and dictated papers with ease and alacrity".