

The doctrine of advocate's immunity is of particular interest to barristers. The decision of the High Court in *D'Orta-Ekenaike v Victorian Legal Aid* (2005) 223 CLR 1 established that the central public policy sustaining that immunity is the need for finality in litigation.

As the High Court observed in *D'Orta-Ekenaike*, 'A central and pervading tenet of the judicial system is that controversies, once resolved, are not to be reopened except in a few narrowly defined cases' (at [23]).

This central and pervading tenet in its many guises is explored in this year's Sir Maurice Byers Address by the Hon A M Gleeson AC QC, which *Bar News* is delighted to publish in this issue.

As the address shows, the principle of finality is an important part of many areas of the law.

For example, the variety of estoppel which prevents a party taking a point which could reasonably have been raised in earlier litigation is sustained largely by the public interest in the finality of litigation.

Likewise the need for finality is an important consideration for an appellate court in determining whether to disturb the conclusions

reached by the court below.

This issue of *Bar News* also includes a piece by Chief Justice Bathurst on the question whether lawyers are a help or a hindrance to commercialism. The chief justice concludes that lawyers and the legal system play an important role in facilitating efficient business operations.

Later in this issue Ian Barker QC recounts some of his favourite anecdotes of life at the bar, drawing on his more than fifty years in practice.

In his discussion of the principle of finality in the Sir Maurice Byers Address Gleeson AC QC remarks:

In the criminal area, a striking example of the collision between the interest of finality and the need to recognize, and where possible, remedy a miscarriage of justice is a case where, after rights of appeal have been exhausted or time for appeal has elapsed, there is evidence that a conviction was wrongful.

One such collision is discussed elsewhere in this issue in an article by Caroline Dobraszczyk on the McDermott case. Frederick McDermott was an itinerant shearer who was found guilty in 1947 of the murder of a man in Grenfell.

In May of this year, some sixty six

years after McDermott's conviction and thirty six years after his death in 1977, the Court of Criminal Appeal reviewed McDermott's conviction on a reference by the attorney general. In the light of new and cogent evidence that had come to light since his trial, the court entered a verdict of acquittal.

In this issue we also examine the lives of two notable barristers. Philip Selth has a piece on Kevin Murray QC, a prominent and formidable Sydney silk in his day. And Emily Pender has a piece on John Mortimer QC, well known as the author of *Rumpole* and other works.

Other articles in this edition of *Bar News* include James Renwick SC on his recent deployment in Afghanistan, a look at two important recent decisions by the US Supreme Court on marriage equality by Jonathon Redwood, and a discussion by Rebecca Gall of two cases which examine the extent to which a judge can rely on 'cutting and pasting' counsel's submissions into judgments.