

## **Barristers Immunity Reading List**

### **Immunity in England and Scotland Combined Index**

Seneviratne, 'The Rise and Fall of Advocates' Immunity', (2001) 21 Legal Studies 644 **(1-19)**

Case Comment, 'Right of Access to Court Impeded by Barrister's Immunity to Prosecution and Unavailability of Legal Aid', (2002) 5 EHRLR 660 **(20 – 22)**

Chlo Philips, 'At the Door of the Court', (2005) New Law Journal **(24 – 27)**

Treager and Castle, 'The Bar Immunity: Private Interest or Public Policy? An Examination of Barristers' Immunity', (1996) 4 International Insurance Law Review 234 **(28 – 39)**

Giliker, 'Osman and Police Immunity in the English Law of Torts', (2000) 20 Legal Studies 372 **(40 – 60)**

Keh Leng, 'The Demise of Advocates Immunity', (2000) 9 Nottingham Law Journal 74 **(61 – 73)**

English, 'Forensic Immunity Post-Osman', (2001) 64 Modern Law Review 300 **(74 – 82)**

Baker, 'Counsellors and Barristers: A Historical Study', (1969) 27 Cambridge Law Journal 205. **(83 – 107)**

Ryland, 'A Comparison of the Liability of Arbitrators, Adjudicators, Experts and Advocates', (2005) 21 Construction Law Journal 11 **(108 – 116)**

Jolowicz, 'Immunity of the Legal Profession: Case Comment', (1968) 26 Cambridge Law Journal 26 **(117 – 120)**

Andrews, 'A New System of Civil Appeals and a New Set of Problems', (2000) 59 Cambridge Law Journal 464 **(121 – 123)**

Seneviratne, 'Advocates Immunity In Scotland', (2003) 12 Nottingham Law Journal 89 (This article raises some very interesting points which are relevant to Ireland. Useful to see why Scotland rejected the immunity and why they thought the English reasons for doing so wouldn't apply in their legal system) **(124 – 127)**

News Stories about Barristers Immunity and Effect on Professional Indemnity Insurance **(128 – 144)**

## **Australia and Barristers Immunity Combined Index**

Charles, 'The Immunity of the Advocate', (2003) 23 Australian Bar Review **(2- 25)**

Groves and Derham, 'Should Advocates Immunity Continue?', (2004) 28 Melbourne University Law Review 80 **(26 – 70)**

Hampel and Clough, 'Abolishing the Advocates' Immunity From Suit: Reconsidering *Giannarelli v Wraith*', (2000) 24 Melbourne University Law Review 1016 **(71 – 82)**

Mancuso, 'Is it deleterious to the administration of justice to allow a barrister to be sued or is it simply a question of the courts looking after their own?', (2005) 16 Insurance Law Journal. **(84 – 110)**

Cane, 'The New Face of Advocates' Immunity', (2005) 13 Torts Law Journal **(112 – 120)**

## **Canada and Barristers Immunity**

Fera, 'Harris v Quain: A Comment', (1978) 24 McGill Law Journal 303 **(1 – 13)**

Short Summary Barristers Immunity Canada (1982) 14 Ottawa Law Review 165- 168 **(14 – 17)**

Smith, 'Liability for the Negligent Conduct of Litigation: The Legacy of *Rondel v Worsley*', (1982-83) 47 Sask Law Review 211 **(18 – 93)**

## **Ireland**

2 Short Summaries of Irish Position, Stephen O'Halloran

## **America**

Although there is no Barristers' Immunity in the US, if we abolished the advocates immunity, that standard required to hold an advocate negligent might be similar to something called Ineffective Assistance of Counsel in the US (which is a ground in Habeas Corpus proceedings to overturn a conviction)

Ekins, 'Defence Counsel Incompetence and Post-Conviction Relief: An Analysis of How Adversarial Systems of Justice Assess Claims of Ineffective Assistance of Counsel', (2000-03) 8 Auckland University Law Review 529