

EDITORIAL

“... but men which chuse
Law practise for mere gain, bold soule, repute
Worse than imbrothel'd strumpets prostitute”
— Donne, *Satyre II (on lawyers)*

One wonders why lawyers have always had, and probably always will have, such a poor reputation. This reputation, whether merited or not, appears to be related to the unique position of trust which is essential to the relationship between the lawyer and his or her client.

This has two principal implications. First, in order for the relationship to function effectively, the client must disclose extremely personal information, a factor particular to lawyers and a small number of other professions. Secondly, the lawyer can greatly affect the client's fortunes. The lawyer, as the client's personal representative, acts as negotiator, agent, and advocate, and is fundamental in safeguarding the client's interests. Both of these factors mean that people are inherently suspicious of the relationship.

This leaves the lawyer with a large responsibility. His or her ability can make all the difference to the client's success and survival. In light of this, the lawyer's attitude towards that responsibility can be harshly criticised in view of the recent trend towards chasing the client dollar. Overt competition among law firms has the unfortunate corollary of emphasising the depth of the client's pocket.

Associated with the poor reputation of lawyers is the perception that the profession is inaccessible to women. In the last fifteen years women have made significant inroads into the legal sphere, although it is one hundred since they gained the vote and almost as many since they were first allowed to practise law. More specifically, in 1971, nearly eighty years later, only two per cent of practising lawyers were women. In 1981, this had risen to nine per cent, and in 1993 the figure is twenty-two per cent.

It is thus appropriate to mark the centenary of emancipation with a collection of essays on issues relating to women and the law. This symposium, which is the first ever published by the Auckland University Law Review, will hopefully set a precedent for future years. It examines issues such as feminist legal theory, pay equity, and affirmative action. Our efforts will be rewarded if these contributions help to highlight the role of women in the profession.

This is not to detract from the rest of this year's issue, which includes a range of articles. The issue of takeover regulation, and the recent Takeovers Bill and proposed Code are examined. There is also a discussion of the principle of *restitutio in integrum* in relation to the law of contract damages. The concept of

loss of a chance in relation to causation in the law of negligence is also analysed. Other topics include the concept of sustainability in the Resource Management Act 1991, the viability of graphically presented legislation, the relevance of the New Zealand Bill of Rights Act 1990 with regard to interlocutory injunctions in defamation actions, methods of alternative dispute resolution in the Family Court and the Employment Tribunal, and a discussion of the law of provocation.

Each year the Law Review grows both in content and size. Last year the Law Review moved to its own desktop publishing system. This year, as noted earlier, the first symposium will be published. We would like to acknowledge the work of the sub-editorial team, in addition to the contribution of Leeanne O'Brien. We also take this opportunity to thank the Library and Faculty staff of the Law School for their continued support. Finally, we are grateful for the assistance provided by the Faculty Advisors, Associate-Professor Bill Hodge and Rosemary Tobin.

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