

Supreme Court of the Australian Capital Territory

Ceremony for Admission of lawyers

Speech delivered by the Honourable Justice Richard Refshauge

10:30am, Friday 20 August 2010

The Court, which on this occasion comprises of The Honourable Chief Justice Higgins, The Honourable Justice Gray and myself extends its warmest congratulations to each of you on your admission day today. We also pay our respects to the Ngunnawal people past and present, the traditional custodians of the land on which this ceremony takes place.

Your admission as lawyers of the ACT Supreme Court is confirmation of substantial intellectual achievement and a good deal of application and persistence. Even though we Judges were admitted as barristers and solicitors some time ago, the demanding course of meticulous study prerequisite to admission as a legal practitioner never leaves one's recollection. You are all to be commended and congratulated for reaching this important milestone which marks your entitlement to practise your now recognised professional skills in the community as a lawyer.

But, do not forget that this is a milestone to be shared with parents, grandparents, aunts, uncles, partners and perhaps, even children, all of whom, I am sure, are immensely proud of you and equally immensely relieved that this day has finally arrived. They will remain sources of encouragement and inspiration as you move forward and begin your careers as legal practitioners.

The practice of law, since I was admitted, has changed considerably. It is no longer linear, leading, for the very successful, ordinarily to partnership in a firm or appointment as Senior Counsel. There are opportunities for you to pursue your legal careers in the ACT, interstate and overseas, whether as a solicitor or barrister, in private practice, community legal service, in government in a large number of ways, as an academic or as corporate counsel.

Indeed, the environment in which you will practice is ever changing with a new National Legal Profession regime and here in the ACT even the prospect of a virtual District Court. Parliaments pump out legislation at a great rate, much of which affects the practice of law in some way.

However, some things, thankfully, have stayed the same. It is still, essentially, a helping profession and that is one of the most satisfying things that one human can do for another. Whether it is helping a family acquire a first home, helping a person accused of a crime to respond to the charge, helping someone build or expand their business, helping someone challenge a government decision or the government uphold it, or helping to keep the community safe and well regulated, the practice of law contributes to an improvement in the well-being of the society in which we live. And, it still can be, in many ways a most satisfying and rewarding career.

It is important now, for you all to note, that with rewards come responsibility. The English jurist Lord Chancellor Frederick Maugham described lawyers some seven decades ago as 'custodians of civilisations, than which there can be no higher or nobler duty', and his words are as apt today as they were then. This is not empty grandiloquence from a quieter or more genteel past, because you do, now, become part of the mechanism which guards the lynchpin of our civil society, the rule of law, and you must take that responsibility seriously.

Without it people can lose their human rights or at least have them ignored and at best fail to be able to develop their potential, at worst suffer poverty, abuse, discrimination, torture or death. Unfortunately, you only need to look to some jurisdictions in our geographic region and, indeed, around the world to see some of these disastrous consequences. It is your duty to be vigilant to see that the rule of law is protected and promoted even though that may be unpopular and inconvenient. The rule of law is no empty mantra. It should be a bright lodestar to underpin your professional work. It will require you to do things you may prefer not to do and to stop you doing things you may think would be good to do. It is an underpinning of the kind of civilised society in which we all hope to live.

Before you set off in your aspiring, and I am sure, rewarding legal careers, I have a few words to get you started on your way:

1. Firstly, you have not stopped learning. Don't groan too loudly at that thought. In fact, you will spend your lifetime learning the law. Just when you thought you knew it all and you could throw away your law summaries, even if they were not yours! There are many times when, I, too, am reminded of this fact, both by counsel who appear before me and by the Appeal Court both of whom have no hesitation in telling me when I am wrong and need to learn even more! The most effective lawyers – those who serve their clients and the Court well - are those who continue, throughout their professional lives to broaden their professional knowledge and hone their professional experience. You will be surprised how soon people will come to rely on your professional knowledge and experience. You will soon learn just how important your responsibilities are to your client, to the court and to the profession itself
2. Secondly, it is important for you, especially in your early years as lawyers to ask for assistance and not suffer in silence. The great and legendary stuff-ups

– and that is a technical legal term you may come across in practice from time to time – stuff ups in legal practice usually occur because a practitioner was not prepared to ask for guidance and assistance. Your supervisors or Partners will not think any less of you, they may in fact think more of you for your preparedness to seek guidance and assistance. A great and important tradition in the legal profession is that no practitioner, however, senior, will refuse ready assistance to another practitioner who genuinely seeks it. Of course, it should not be merely a short cut to doing your own work. I hope you, in time will be able to repay the benefits you receive from the tradition.

3. Thirdly, know what is expected of you. As officers of the Court, we all expect much from you: integrity and honesty, legal understanding, sound judgment, industry, and not the least, moral courage and we expect this depth of character and learning so that you will best serve the people who will depend on your expert capabilities for the resolution of their difficulties. If you are ever unsure of your responsibilities and duties, you can seek assistance from your colleagues or the ACT Law Society or the Bar Association.

4. It is popular to disparage lawyers and the legal profession. They are often depicted as stupid, grasping, greedy, uncaring, disinterested in justice, even subhuman. Yet, whenever anyone gets into trouble with the law, they go to a lawyer if they can. The demand for legal services is growing and is unlikely to abate in the near future. Of course people resent paying, and often paying a lot, for legal services, but they grumble too at the cost of going to the doctor, at the cost of electricity, even at the cost of parking. We are also often told that the legal profession is not necessarily universally respected or valued. Much of the criticism of the profession is demonstrably unfair to its conscientious members. The lawyers I know in Australia and beyond and whom you will be proud to call colleagues, as I am, are for the most part

committed professionals who deliver high quality services with commitment to high ethical principles. You should be proud to join their ranks as you have done today.

5. Lastly, it is fundamentally important for you not to lose your sense of perspective. You should constantly aspire to maintain a balance life. There may be some of you who have abandoned your interests and passions to focus on your studies and I urge you to re embrace those interest and passions. The law cannot and should not be your entire life.

As you rightly bask today in the lustre of your achievements, I know you will remember not only those you are destined to serve, but also those who have helped you to the position you now enjoy, especially as I have said, your parents, families and friends.

The Court wishes you all the best for your careers which I am sure will be satisfying and productive. I congratulate you again on achieving this important next step in your career. I am sure I speak for all the judges and the master of this Court that we would be delighted to have you appear before us as practitioners.

You are admitted today into a great profession and as officers of the Supreme Court of the Australian Capital Territory. No matter where you find your skills employed, you are now part of a privileged community. Enjoy the rest of your day, enjoy a celebratory drink or two with family and friends – but probably not too much more, and especially enjoy the road that being a lawyer has opened for you wherever it may lead.