

Ceremony for Admission of Legal Practitioners

Friday 18 August 2006

Speech by Chief Justice Terence Higgins

Welcome, and congratulations. You have been admitted as Lawyers of the Supreme Court of the Australian Capital Territory before my brethren, Justices Crispin, Connolly and Marhsall, and myself. Your admission is recognition by this Court that you meet the criteria for participating in the centuries-old traditions of the law as a lawyer. From today you are entitled to apply to the Law Society for a Practising Certificate and can offer your services to the community. You should be proud of this achievement. I am sure that your friends and family, many of whom are here today, are very proud of you.

You are in fact the first group to be admitted in this jurisdiction as ‘Lawyers’, rather than as ‘Legal Practitioners’ or as ‘Barristers and Solicitors’ as in times past. This change is part of a national movement to simplify and streamline the rules of legal practice across all jurisdictions.

The move from the term “legal practitioner” to “lawyer” is but one of many changes that came into effect with the ACT’s new *Court Procedure Rules*, operational in this Court from 1 July 2006. For some years now, lawyers admitted in one Australian jurisdiction have been entitled to practice Australia-wide. However, differences in the rules of court across jurisdictions and between courts in the same jurisdiction, made the work of advocates unduly complicated.

The new ACT Rules provide for a single set of procedures applicable to proceedings in both the Magistrates Court and Supreme Court. This development was born out a recommendation of the ACT Community Law Reform Committee aimed at reducing the cost of litigation and consequently, increasing access to justice.

The streamlining also facilitates court efficiency by modernising and simplifying court procedure. As new practitioners you may not appreciate the apparent oxymoron in the phrase ‘modern and simple court procedure’. But, to some at least, it is quite a bold statement. The law itself is rarely viewed as ‘modern’ and is more often than not a few paces behind broader social change. And as you have no doubt gleaned from your studies, legal matters are rarely simple.

The new rules are modelled on contemporary best practice. And I anticipate these changes will make the life of the newly admitted lawyer that little bit easier to navigate. Specifically, obsolete and duplicated provisions have been removed and greater detail has been added where there was lack of clarity.

Of relevance too is the inclusion of user-friendly drafting which includes the use of non-legal language wherever possible. These changes were made in the knowledge that the Rules, just like the Court and the justice system, must be accessible by both lawyers and non-lawyers alike. This effort is something to be mirrored in your own work as a lawyer. As self-affirming as it may be to talk in ‘lawyer-speak’ or obscure Latin phrases, your role as a lawyer is to be a mouthpiece or advocate for those who are not legally trained. And let’s face it – it’s a rare lawyer who needs to engage in self-affirming exercises.

Efforts made to increase the efficiency of Court, as with the new rules, have a far-reaching impact. On a broad scale, factors such as delays and costs influence the wider public perception of the legal profession and the justice system. This perception is more often than not a negative one, be it with or without foundation.

As far as the Supreme Court is concerned, the latest Productivity Commission Report on Government Services indicates that claims of inefficiency are unfounded. For example, the real net expenditure per matter in this Court stands at \$3885 compared with the Australian average of \$5794. That is, 33% more efficient than the average. What more, this is a busy court with the number of cases lodged far exceeding the national average. It should therefore be noted that the Court is performing at a high standard and below average cost.

As lawyers you should be, and no doubt will be concerned with the timing and cost of legal matters – and in this instance, I do not mean your own billable hours or leisure time (or lack thereof as the case may be). Rather, as lawyers you will be keen to resolve the concerns of your clients efficiently and effectively. A client’s good custom will be influenced by their view of the satisfactory resolution of a matter – and this view will inevitably be shaped by factors such as time and money.

Today is a milestone in your legal education, but for most of you, it merely marks the beginning of a new mode of legal learning. As a lawyer you will find that you become a lay expert in any number of fields so as to best represent your client. This may require close study of the intricacies of commercial transactions, or the mastery of tricky medical jargon. Or perhaps like Rumpole of the Bailey you will be a self-proclaimed ‘expert’ on typewriters and bloodstains. Whatever your area of specialisation, I am confident your legal career will be challenging and fulfilling.

I see that your families, friends and loved ones have come to share today with you. Take this opportunity to reflect upon the support they have given you. If at any point of your career you are faced with an ethical dilemma, or lose confidence in why you embarked on a legal career, remember them and what they expect of you. Of course, if you need professional guidance you also have the support of the Law Society and your fellow practitioners. Do not hesitate to call upon them.

I wish you well in your future endeavours and look forward to seeing some of you for your first appearance here at the Supreme Court.

The Court will now adjourn.