

Admission of Lawyers Ceremony

11 December 2015

Supreme Court of the Australian Capital Territory

Chief Justice Murrell

Introduction

To the newly admitted practitioners, your families and friends – welcome. Today I am sitting with the Honourable Justice Burns and Acting Justice Walmsley.

The Court acknowledges the traditional custodians of this land. We pay our respects to their elders, past and present.

We congratulate the newly admitted practitioners. For each one of you, your admission today is a great personal achievement. We warmly welcome you to the legal community.

An admission ceremony is not just about the new practitioners. It is also about their support crews. We congratulate the support crews, the family and friends who have helped a loved one through the stress and exhaustion of many years of study, followed by more study, practical experience and more study. Well done – you didn't choose to enrol in law, but you have probably more or less done the course, and now you have made it to the finishing line.

A few things have changed since August 1977... Although I'm told, much to my amazement, that flared jeans are back in fashion.

But, the substance of the oath that is taken by newly admitted legal practitioners has not changed.

Today, you new legal practitioners have undertaken that you will well and honestly conduct yourselves in the practice of law as a lawyer of the Supreme Court of the Australian Capital Territory according to the *best* of your knowledge and ability.

You may never have to front another judge – this may be your first and final appearance in a courtroom – but whether you become a barrister, a lawyer for Hollywood celebrities, or you use your legal skills in business, you have made a commitment to give your *best* to the law.

That means upholding the rule of law.

The Rule of Law and Magna Carta

Today, you have been admitted to a privileged professional community. But it is not “the monochrome club of Anglo-Celtic males”¹ which it once was. Nor is it a fabulously glamorous or edgy club populated by the likes of Janet King, Cleaver Green and Harvey Specter.

The legal profession that you have joined is a diverse community of people who are bound together by their concern for justice and a fair society.

These are perennial concerns. This year is the 800th anniversary of the sealing of the Magna Carta, the Great Charter of the Liberties, agreed by King John of England at Runnymede on 15 June 1215. That particular agreement was short lived, but it has survived the centuries as a symbol of liberty and freedom and as the seminal proclamation of the rule of law; that everyone (including the King, or these days the executive government) is equally subject to the law. To put it bluntly, the law trumps the arbitrary exercise of power.

The defining statement about the rule of law in the Magna Carta of 1297 is part of the law of the ACT. It provides:

No freeman shall be taken or imprisoned, or disseised of his freehold, liberties or free customs, or be outlawed or exiled or in any other wise destroyed; nor will we pass upon him nor condemn him, *but by lawful judgment of his peers or by the law of the land.*²

¹ Michael Kirby, ‘Legal Professional Ethics in Times of Change’ (1998) 72 *Australian Law Reform Commission Reform Journal* 5, 10.

² *Magna Carta* (1297) 25 Edw 1 c 29 (emphasis added).

In the ACT, we are also fortunate to have a *Human Rights Act*.

But 800 years on, the principles of equality before the law and freedom from the arbitrary exercise of power that are associated with the Magna Carta remain fragile.

The “threat of terrorism” is a platform commonly used to justify legal shortcuts. This week, in only one of several controversial comments, Donald J Trump called for all Muslims to be banned from entering the United States. That statement was a harsh reminder of the ongoing risk that uninformed opinion will trample equality before the law.

The equality which the rule of law ensures means in our society, the race is not always to the fastest, the battle not always to the strongest, the victory not always to the wealthiest.³

Who will guard and defend the rule of law? Not Donald Trump.

Of course, all educated and rational members of a democratic society have that responsibility.

It is not just judges, but every man and woman who, in everything they do, can give the world little nudges that in conjunction with all its other little nudges, can affect where the world goes.⁴

Everyone is responsible for giving the world those “little nudges”.

But as members of the legal profession you have particular responsibilities. You have the means to ensure that the slow, the weak and the poor do in fact have access to the law. You have the skills to illuminate public debate. You have the capacity to “build bridges for others to cross”.⁵

³ Chief Justice Bathurst, ‘Admission of Lawyers’ (Speech delivered at the Admission of Lawyers Ceremony, Supreme Court of New South Wales, February 2015), citing Justice Stephen Gageler, ‘2011 Graduation Speech’ (Speech delivered at the Australian National University, Canberra, 15 December 2011).

⁴ Hal Wooten AC QC, ‘Living in the Law’ (Speech delivered at the Hal Wooten Lecture, University of New South Wales Faculty of Law, 2008).

⁵ Associate Justice Sandra Day O’Connor (Speech delivered at the Stanford University 113th Commencement Ceremony, Stanford University, 13 June 2004).

If, as we hope, you have entered the legal profession because you value justice, because you want to participate in the larger public dialogue and because you hope to build bridges for others to cross, then for you the responsibilities associated with being a legal practitioner will not be a chore, but a source of great satisfaction.

The Court wishes you well for your lives in the law. It will be an adventurous journey through a constantly changing landscape. But if you adhere to your oaths that you will give your best to the law, not only will the law benefit, but you too will be rewarded.

We will now release you so that you can sign the roll and then celebrate with your family and friends.

May the road rise up to meet you, wherever your journey leads.