

## **A tribute to Justice Ruth Bader Ginsburg**

**Admissions Ceremony  
Friday, 16 October 2020  
Supreme Court of the ACT**

I acknowledge the traditional custodians of this land and pay my respects to their elders, past, present, and emerging. I acknowledge that sovereignty over this land was never ceded. In Australia over the past 29 years, 441 Aboriginal and Torres Strait Islander people have died in custody. Two further lives have been lost since the last admissions ceremonies two months ago on 21 August.

Congratulations to our new admittees. Today is both the culmination of years of hard work and perseverance in studying the law, and the beginning of what I hope will be a rewarding career in the legal profession.

Welcome to the supporters who are here today to witness this important occasion. Some family or friends may be absent because of the pandemic. Wherever they are, I am sure that they are immensely proud of the achievement of their loved one.

In these strange times, our rich and stable legal institutions are particularly important. Unlike politics, where it's now "expect the unexpected". Freedoms that we took for granted nine months ago have been withdrawn indefinitely: the freedom to gather in large numbers, to travel overseas, and to post Instagram stories of Sunday brunches at cafés. On a more positive note, petty politicking has given way to consensus about important matters—for once, a crisis has been prioritised over the budget deficit or holidays in Hawaii. Not to mention the rich array of TikTok videos that have been produced during the boredom of lockdown.

In such surprising and challenging times, people turn to trusted institutions and people. Today, you have accepted the obligations that such trust imposes.

During your studies, you have learned how the law operates, how to critically evaluate evidence, and how to make reasoned decisions. But these skills do not make a lawyer unless they are framed by the values of honesty, integrity, and resilience in the face of adversity, and guided by a commitment to the rule of law.

These values and commitment to the law were epitomised by the life of the late, great Justice Ruth Bader Ginsburg of the Supreme Court of the United States, "The Notorious RBG". Her honesty, integrity, and resilience directed her career—from law clerk, to Professor at Columbia University School of Law, to general counsel for the American Civil Liberties Union, and throughout her 27 years as a judge of the Supreme Court. She was internationally renowned for her activism, her sharp legal mind, and her distinctive attire.

As a litigator and a judge, she championed gender and racial equality.<sup>1</sup> During her time on the Supreme Court, the politics of the Court shifted, and she moved from the comfort of

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<sup>1</sup> Liz Mineo, 'The Life and Legacy of RBG: Harvard Community Reflects on Justice Ruth Bader Ginsburg, A Trailblazing, Tireless Fighter for Rights', *The Harvard Gazette* (online, 20 September 2020)

being part of the majority to the position of being a “dissenter”.<sup>2</sup> However, she was not in the least discomforted and took wicked pleasure in that role.

As Joan D. Winship of the International Association of Women Judges reflected recently, Justice Ginsburg “fought, led, and issued decisions and dissents on behalf of the vulnerable, minorities, male and female”.<sup>3</sup>

When discussing dissents, “The Notorious RBG” said:

Dissents speak to a future age. It’s not simply to say, ‘My colleagues are wrong and I would do it this way.’ But the greatest dissents do become court opinions and gradually over time their views become the dominant view. So that’s the dissenter’s hope: that they are writing not for today, but for tomorrow.<sup>4</sup>

Applying the values of honesty and integrity to your critical thinking and conduct as a lawyer, you too may disagree with the majority and, if you do so, you must say so. Do not be afraid to dissent. If you dissent from a position of integrity and intellectual rigour, you will be supporting the rule of law and enhancing your own reputation.

A reputation for integrity and intellectual rigour is hard earned and easily lost. If you earn such a reputation, others will learn to listen to your dissenting views and appreciate that, if you are not speaking for today, then perhaps you are speaking for tomorrow.

This year, you will have had to draw on your personal resilience to live, work and study through the pandemic.

Despite her minute stature, RBG displayed enormous personal resilience. Through multiple bouts of cancer requiring treatment and falls that injured her, she continued to complete court work.<sup>5</sup> In May this year, she heard legal argument by telephone from her hospital bed!<sup>6</sup>

She refused to retire, hoping to enable the appointment of another liberal judge who would provide leadership to 21<sup>st</sup>-century America. She failed in that final endeavour, but will be remembered for the intellectual integrity, courage, and generosity of spirit that she applied for more than half a century to open doors for many people.

As you pass through doors in your own legal careers, I hope that you too hold those doors open for people coming through behind you—and do it with generosity.

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

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<<https://news.harvard.edu/gazette/story/2020/09/harvard-community-reflects-on-the-life-achievements-of-ruth-bader-ginsburg/>>.

<sup>2</sup> ‘Vale Ruth Bader Ginsburg (1933–2020)’, *Australian Association of Women Judges* (Web Page) <<https://www.aawj.org/vale-ruth-bader-ginsburg-1933-2020/>>.

<sup>3</sup> Joan D. Winship, ‘Honoring the Life and Legacy of Ruth Bader Ginsburg’, *International Association of Women Judges* (Web Page) <<https://www.canva.com/design/DAElbqhXqr4/view#1>>.

<sup>4</sup> ‘Vale Ruth Bader Ginsburg (1933–2020)’ (n 2).

<sup>5</sup> Julia Belluz, ‘Ruth Bader Ginsburg’s Incredible Ability to Bounce Back’, *Vox* (online, 21 December 2018) <<https://www.vox.com/2018/11/12/18080366/ruth-bader-ginsburg-movie-health>>.

<sup>6</sup> ‘Ruth Bader Ginsburg: US Supreme Court Justice Returned to Work from Hospital Bed’, *BBC* (online, 7 May 2020) <<https://www.bbc.com/news/world-us-canada-52567557>>.