

Ceremony for the Admission of Lawyers
Speech delivered by Chief Justice Higgins
on 17 August 2007

Ladies and Gentleman, I welcome and congratulate each of you who have been admitted this morning as lawyers to the Supreme Court of the Australian Capital Territory before my brother Justice Crispin, Master Harper and myself. I also acknowledge the traditional owners of this land, the Ngunnawal People.

As I am sure you are aware, you are now entitled to hold a practicing certificate and to offer your professional skills to the community as a lawyer. You are entering the legal profession at an interesting and troubling time both nationally and internationally. It is not so long ago that it would have been fanciful for a headline to read, "Pentagon loses track of 190,000 weapons in Iraq"¹ – although, I suppose it is not so surprising given they couldn't find weapons of mass destruction there either – or for a Federal Court Judge to be so placed as to state that he would fail the character test he was applying in respect of an immigration matter². Recent events show, and I need only mention the names of David Hicks, Mohamed Haneff and Jack Thomas, that the determination of lawyers to uphold the rule of law and pursue justice is of critical importance. That is so, whether or not it attracts majority acclimation.

¹ 'Pentagon loses track of 190,000 weapons in Iraq,' *Reuters*, (posted on ABC News website), 6 August 2007, available at www.abc.net.au/news/stories/2007/08/06/1997817.htm.

² Justice Spender quoted in "I would fail character test: Haneef judge", *The West Australian*, 18 July 2007, available at <http://www.thewest.com.au/default.aspx?MenuID=145&ContentID=34797>.

As you enter the legal profession, you attract the rewards and challenges of its membership. There are many challenges that come with being a lawyer – not the least of which is making a living. You are placed in a position of trust and responsibility, and your intellect and interpersonal skills will be tested on a daily basis. Your role as a lawyer is not limited to advocacy or advice writing. You are also, and most importantly, an intermediary between the law and members of the community. You must be able to explain the law in a way that your client can understand, and this skill of translating legal concepts into Plain English provides an invaluable service to your client, and the community. There will also be many occasions throughout your career where your “ethical alarm bells”³ will ring and you anxiously question the path your professional ethical obligations require you to take. During such times, do not hesitate to seek advice and guidance from your colleagues in the profession at the Law Society or Bar Association. They are there to assist you and will do so.

Another challenge many of you will face, if you have not already, is negotiating a healthy work-life balance. That is particularly important given the recently reported high levels of depression within the profession.⁴ Make sure that throughout your career, if you are feeling stressed and pressured, you take time out to relax.

³ to adopt the words of Reid Mortensen coined during his appearance on ABC Radio, “Barrister who withheld Information,” *Law Report*, 29 May 2007 available at <http://www.abc.net.au/rn/lawreport/stories/2007/1934886.htm> .

⁴ ‘Survey reveals depth of depression problem’ (2007) 81(6) LIJ at 22.

I am pleased to see that almost half of you being admitted today are women, particularly so this week as Justice Susan Kiefel became the third woman to be appointed to the High Court. Whilst regrettably the glass ceiling still exists for female lawyers⁵, improvements are being made to promote equal opportunity for women and family-friendly work practices. The fact that 10 major Australian law firms now feature on the 2007 EOWA Employer of Choice for Women List⁶ is one such improvement. Such a thought might have been alien up to five years ago.

As you enter the profession you may also be greeted with negative stereotypes about lawyers, usually referring to such concepts as greed and ignorance. Indeed, I sometimes think that the media - and perhaps the public at large - would prefer 190,000 lawyers, not weapons, were lost in Iraq. However, each and every one of you can, and I hope will, challenge these stereotypes and enrich the profession with your passion and intellectual rigour, with diligent service to the community and fidelity to the fundamental principles of the law.

You need not look far for examples within the profession of lawyers playing a critical role in pursuing the law and justice. The advocacy of counsel in the landmark Stolen Generation case⁷ handed down at the beginning of this month by the South Australian Supreme Court, is but one example. In that

⁵ See, for example, Chief Justice Higgins, "Women in Law: Past Achievements and Future Directions" (Speech delivered at the Sir Richard Blackburn lecture, 16 May 2006) available at <http://www.courts.act.gov.au/supreme/content/pdfs/Blackburn%20Lecture%202006.pdf>

⁶ See EOWA - Equal Opportunity for Women in the Workplace Agency website available at www.eowa.gov.au, and in particular http://www.eowa.gov.au/EOWA_Employer_Of_Choice_For_Women/Organisation_List_07.asp

⁷ *Trevorrow v State of South Australia* (No 5) [2007] SASC 285 (1 August 2007).

case, Mr Trevorrow successfully sued the State of South Australia for his unlawful removal from his parents and was awarded just over half a million dollars in compensation. In this day and age, particularly in an election year when we are wondering if we will get another Tampa, the work of lawyers to vindicate the rights of individual members of the community and to use the law to publicly acknowledge the harm that was perpetrated at the hands of the state, is commendable and something to aspire to.

Upholding justice and the rule of law is not limited to the courtroom, and informed critique and criticism by individual practitioners and professional bodies is a strong feature of the legal profession, and Australian democracy. Your legal education places you in a privileged position to speak out against injustices and inequalities that continue to plague this world, and I hope that you use that voice wisely.

As you begin your careers as lawyers, take every opportunity to learn from your colleagues, and I do not mean just about the allure of billable hours. As Justice Kirby wrote some 10 years ago now, and I quote, “[w]e must certainly all hope that the basic ideal of the legal profession, as one of faithful service beyond pure economic self-interest, will survive. But whether it survives or not is up to us, the lawyers of today”.⁸

⁸ The Honourable Justice Michael Kirby, “Legal Professional Ethics in Times of Change” (1996) 14 *Australian Bar Review* 170 at 184.

My congratulations once again to you and those who have supported you throughout your studies. I wish you all the very best you future careers, wherever they may take you.