

**Ceremony for Admission of Lawyers
Speech delivered by Chief Justice Terence Higgins
On 19 October 2007**

I welcome and congratulate each of you on behalf of myself and our only other resident judge, my brother Justice Gray. 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, on obtaining a practicing certificate, to offer your professional skills to the community as a lawyer. This is a fine accomplishment, and I am pleased to see so many of your family and friends here today to celebrate this achievement with you. Completing law school and attaining admission is often a long and stressful process that is shared by family and friends, and I extend my congratulations to you and to those who have supported you.

The past month has been a difficult time for this court. We have farewelled two highly regarded judges, their Honours Justice Crispin and Justice Connolly. Last Wednesday the Court held a ceremonial sitting on the occasion of the retirement of his Honour Justice Crispin who had sat for a decade as a judge of this Court. It was only a week earlier that we farewelled his Honour Justice Connolly, whose sudden death came as a terrible shock to all of us who knew him.

While the loss of these fine judges will continue to be felt by this Court and throughout the community, we can draw upon their experiences as outstanding examples of the practice of the law.

His Honour Justice Crispin was called to the Sydney Bar in 1973, with little experience and a lot of tenacity. His rise from barrister to Senior Counsel to Judge and, more recently, to the owner of a silver Porsche Boxster S was marked with distinction and a remarkable amount of sanity. His Honour's achievements in the law were guided by his steadfast adherence to his ethical responsibilities, by felicity to the rule of law and dedication to social justice. What is more, his Honour's successful legal career did not come at the cost of his family life.

A healthy work-family balance is something our late brother, his Honour Justice Connolly, also shared. His Honour's career remarkably, and seamlessly, traversed the three arms of government, and within this court he was the Master before becoming a judge. Throughout his successful career, his Honour always prioritised his family. His Honour never allowed the stresses and demands of being a legal advisor to Government, a Member of the Legislative Assembly, Attorney General, Master or judge to overtake or damage his family life.

I commend their Honours to you as role models of highly successful legal practitioners who nevertheless maintained a robust work-life balance. I implore each of you, as you enter the legal profession, to make an effort to

maintain a healthy and active interest in those of your passions that fall outside of the law – and by that I don't mean illegal activity. The recently reported high levels of depression within the profession forms another reason for each of you to ensure that you make time to relax outside of work. His Honour Justice Connolly was also a passionate athlete, and he often advised young lawyers to make exercise part of their daily routine.

Their Honours Justices Crispin and Connolly were both strong advocates for social justice and human rights. This was not a transient concern for them. Whilst at the bar, his Honour Justice Crispin represented former patients of Chelmsford hospital in the Royal Commission into “deep sleep therapy”, and as a judge his Honour continued to critique the treatment of those suffering from mental illness or brain injury within the criminal justice system. Similarly, his Honour Justice Connolly chose a career in law as he saw the law, and I quote him, as “the primary weapon in the fight for social justice”. His Honour long championed human rights. As Attorney General he endeavoured to provide the ACT with a Bill of Rights. It was almost a decade later that the *Human Rights Act 2004 (ACT)* was enacted, and his Honour was able then, as a judge, to ensure observance of that Act.

Their Honours were always willing to assist individuals to exercise their right to be heard. I would encourage you also to be as fearless, and dedicated, as their Honours in advocating for the rights of the most marginalised members of society.

Their Honours were also supportive of the legal profession through their involvement in various groups and committees, and in mentoring and assisting young lawyers. His Honour Justice Connolly, for example, was the Patron of the ACT Law Society's Young Lawyers Committee, and freely gave his time and wisdom to new legal practitioners. Mentoring is a great feature of our profession and I hope that each of you call upon your colleagues for support and counsel throughout your career. And don't be afraid to ask for assistance. As Justice Connolly said earlier this year in "Obiter Dictum", the ACT Young Lawyers Committee Newsletter:

A law degree goes to underlying principles, legal workshop gives you more practical skills. From admission day, it's not assumed that you know it all. Any person who doesn't ask questions is either a genius or deluding themselves.

Now I don't doubt your genius, given so many of you are graduates of the Australian National University as I am. However, there will be times in your career when you are unsure which 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 happily do so.

Their Honours approached the law with humanity and compassion. In his speech at the ceremonial sitting for his retirement, his Honour Justice Crispin compared two persons he sentenced for armed robbery. One had a record of violent crime and committed the offence in a violent and abhorrent manner. The other had no prior convictions, was sexually abused as a child and committed the offence so as to facilitate her planned suicide. The former was

sentenced to 12 years imprisonment, the latter received psychiatric care and rehabilitation, and responded well. In his Honour's words "judges must strive to do justice, not merely appease simplistic demands for toughness", that is toughness on crime. This is akin to the approach of another former judge of this Court, the late Justice Kelly. His Honour recognised the innate humanity even of those guilty of the most horrendous crimes, and he viewed punishment as rehabilitative, rather than vengeful.

I hope that you too approach the law with humanity and humility. I hope that your practice of the law is distinguished by diligent scholarship and fidelity to the rule of law. 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.

Finally, the loss of both their Honours from this Court at the same time has had a significant impact on the administration of justice in this Territory. Although the passing of Justice Connolly was unexpected, the retirement of Justice Crispin was foreshadowed well in advance. It is the case that the Executive Government of this Territory is unlikely to replace Justice Crispin until 2008. It was, of course, known in March this year that his Honour would retire in September 2007. The words of Chief Justice Murray Gleeson delivered in a speech to the Judicial Conference of Australia a fortnight ago are particularly pertinent, and I quote his Honour:

Governments have a responsibility to provide courts with adequate resources, including a sufficient number of permanent judges to dispose of the workload of the courts within a reasonable time.

Hopefully that will occur. In the past, when court lists have burgeoned, the profession responded by ensuring that matters that could be resolved without litigation were so resolved. This, obviously, will not solve our current problem. However, it demonstrates the importance of the legal profession to the administration of justice. As you now form part of the legal profession, I hope you endeavour to ensure that the work you do for your clients, and as part of the machinery of justice, is done by the most efficient means possible.

I hope that you will look forward with eager anticipation to your future careers in law and the rewards that await you – which may or may not include a Silver Porsche Boxster S. I congratulate you and your families on your admission as lawyers of this court, and wish you all the best for your future wherever it may take you.