



Law Symposium
Marriott Hotel, Gold Coast
Friday 7 March 2003
“Toast to the law”

Chief Justice Paul de Jersey AC

That this annual Symposium has reached its 42nd anniversary bears fine testimony to the vibrant commitment of the legal profession in Queensland to continuing education; well attended generally, and more significantly, many sessions on vital subjects well attended. The public should be reassured by that commitment.

Now what I have just said respectfully puts to one side the Shorter Oxford English Dictionary’s primary definition of “symposium”, which is “a drinking party”, although the dictionary fortunately expands on that with the terms “a convivial meeting for drinking, conversation and intellectual entertainment”. Well of course the conviviality of this annual meet, history shows, is a very secondary consideration for all of us.

I am asked, while on the subject of education, to remind you of tomorrow afternoon's great debate on the question: "Mediation – more civil than litigation?" The combatants will enthral: Ian Hanger QC, Dr Nadja Alexander, Patrick Mullins, Greg Vickery, Melinda Shirley...and someone else. An enormous crowd is expected – national media coverage, possible attendance by a member of the royal family, with an airlift to the Brisbane Convention Centre should facilities here prove inadequate. So I am asked to advise you be there early. Is that all I need say Joan Bennett?

Reverting to the matter of conviviality, I recently had the honour to address a breakfast of the Institute of our fellow professionals, the engineers. I accepted my Associate’s suggestion that I remind the engineers of Baron Rothschild’s jest that “there are three principal ways to lose money: wine, women and engineers. While the first two and



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more pleasant, the third is by far the more certain", going on impertinently to observe that "some male lawyers would probably object to their exclusion from that list, if not because they are more than capable of losing client's money, then because they inaccurately perceive themselves as having an unrivalled attachment to wine and women". That may be, but if a festive spirit may beneficially leaven intense intellectual application, then what's wrong with that?

I regularly compliment the profession, and with sincerity, on its recognition of the public orientation essential to true professionalism, and that is starkly evident with the ever increasing substantial commitment to pro bono work in particular. Undoubtedly contemporary society gripped by terrorism looks to enduring professions as a source of social stability, and ours, as guardian of the rule of law, is topically pre-eminent. Yet we struggle to engender a more sympathetic public response. One need look only to the results of the annual Morgan Poll on perceptions of professions. In 2002, only 30% of Australians perceived lawyers to have "high" or "very high" standards of ethics and honesty. In 1976, at the inception of the poll, the comparable figure was 43%.

Unfortunately the public airing of the mischief, if not evil, of a few, tends to infect the whole. Our profession is not like the curate's egg, and our public bears none of the curate's charity. But none of that should daunt us as we continue to discharge our great public responsibilities, and as we hone our skills to do so optimally in the public interest.

We must of course grasp reality, and respond realistically, as I was reminded recently while attending the opening of the legal year events in Darwin and Alice Springs, as guest of the Northern Territory Law Society.

One of their Honours of the Supreme Court of the Northern Territory told me of a special local approach to the punishment of criminal offenders. A moselle styled "fruity gordot"



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apparently has appeal in the Territory, notwithstanding, to the preciously refined palate, its being a little raw. "Your Honour", said defence counsel, of the accused, "he'd been drinking "fruity gordot". "At what temperature"? enquired the Judge, sitting in a courthouse surviving an atmosphere of 100 degrees fahrenheit, "Oh, room temperature your Honour". The Judge winced: "Punishment enough – admonished and discharged!"

Will you please rise and join me now, ladies and gentlemen, in acknowledging that stipulation for social interaction, that noble system upon which our public service so essentially depends:..."the law!"