

## Practice in the Fast Lane

(A paper delivered to the Queensland Young Lawyers Association  
on 2<sup>nd</sup> March, 2004 at Toowoomba by His Honour M.W.Forde DCJ)

### Introduction

When I was asked to speak to you tonight I had been told of a topic by a former speaker who wanted to show you how much one can earn if successful at the bar.

I do not want to speak to you about such a topic, as I feel that what I want to say is really the antithesis of that topic. Over the last nine years as a judge, there have been many associates who have gone into private practice particularly in the large to medium size firms. The common complaint is that practice is not particularly enjoyable to use a less emotive term. What I intend to say tonight may influence you and those whom in the future will work for you in the practice. My comments are really related to the solicitors in the profession.

## Why are you a solicitor?

The practicalities of life require us to make enough money to pay our bills, particularly mortgages, and then educate our children, take our holidays, buy our fashionable car and perhaps our hobby farm or beach house. At this stage of preparing this talk, the air conditioner in my study at home went off as the power demand in Brisbane last Saturday afternoon was just too much and we lost power.

Such an important part of life now to have a air conditioned office. What may be of more importance is to determine what one's goals are. Even with airconditioning it is a useless exercise to go to work, be unhappy and not achieve one's goals. My goal on Saturday was to write this paper. I was sweating profusely at this stage and the power came back on. I kept at the task. You too must decide whether you are achieving your goal and if not what are you going to do about it. Sit there re-reading files and filling in time sheets and then feeling guilty about charging a client for that "lost hour" of lack of concentration or do something about it.

I am now going to ask each of you to ask yourself "why did I decide to practice law?" If the answer is "to make money" then ask yourself "am I achieving that goal?"

I do not want to dwell on that goal. Everyone has to make money to live. If your answer was “to help other people” then perhaps you can build on that, make enough money to pay the necessary bills and then achieve that goal.

### The Nature of Practice in the last century

When I left university having finished an Arts degree I worked with a Supreme Court Judge in Rockhampton for a few years and then in a solicitors office for over a year. I was still studying. I then spent 20 years at the Bar before coming onto the bench. My goal in practising law was to change society for the better. I may not have achieved that goal.

However, I regarded a client’s problem as a challenge to solve. I wanted the client to believe that I would strive to get an acceptable result. When I had a hopeless case I would try to negotiate an acceptable settlement. I did not think “how much money can I get out of this client”.

### The Nature of Practice in the 21<sup>st</sup> Century

In many ways the introduction of time sheets into professional life has detracted from the term professional. Practice managers see time sheets as essential for budgeting purposes and maximising profits. I can see that the former is an essential part of any business. However, for young

practitioners has the bar been raised too high in some firms for productivity consistent with the need to learn and to practice law in a truly professional way.

There are many practitioners in Queensland and certainly in Toowoomba who have given much more to the community than just making money in the practice of a solicitor. The late Lindsay Statham was one of those practitioners who spent much of his time helping other organisations and also helping clients for whom he acted. He was a truly professional man. From my own knowledge of Toowoomba, when the Toowoomba Community Legal Service was established in about 1981 it was opposed by the local Law Society. There was a perception that it would take work away from the practices of solicitors. That official attitude was ignored by such people as Edwin Dean, Mark Orchard and Pat Nunan and the service was commenced and continues today. It catered for a niche in the community for those who could not afford a solicitor. In the medical profession, also, there are some who go that extra yard to care for patients.

### Conclusion

The meaning of the word “profession” should not be diluted and perhaps lost. Each of you must decide whether you are to be a true professional

person in the years to come. You will one day employ young articulated clerks or solicitors who will look to you for guidance as to how to conduct themselves professionally. Do not educate them in the narrow and material way which ignores the community obligation which every professional person owes to the client and that is to provide a service in an ethical and effective manner.

I want to share a joke with you which might illustrate the point:

A lawyer was getting out of his Porsch near the Breakfast Creek Hotel when a truck came past and ripped off the door of his pride and joy. He was to say the least very upset and the word “sue” and other appropriate expletives were used. A policeman pulled up just after the accident and told the lawyer who had identified himself by this time to settle down. He said: the trouble with you lawyers is that you are obsessed with material possessions. Look you have lost half your arm and you are concerned about the bloody door.” The lawyer looked shocked by this statement. “What?” he said, “ Oh no and I was wearing my Rolex watch on that arm”.