



# Admissions Ceremony 15 June 2004

## Chief Justice's observations

This is the last occasion on which the Supreme Court will admit barristers and solicitors as such. At the next admissions sittings – which falls on the first day of the new court term 12 July – the court will admit applicants generically, as “legal practitioners”. That more pedestrian nomenclature flows from the *Legal Profession Act* 2004; legislation which commendably however, reflects the recently distilled national scheme for the regulation of legal practice.

This will probably also be the last occasion on which newly admitted barristers appear robed before the court to take their oaths of office or make their affirmations, though barristers will still robe when they appear in court representing clients. Under the new scheme, barristers and solicitors will be inaugurated into those particular roles by their respective professional associations, after securing practising certificates.

The occasion today is therefore of historical note, and warrants some brief reference to almost a century and a half's court practice.

The first barrister admitted to practice by the Supreme Court was apparently Edward O'Donnell MacDevitt, and that occurred on 20 February 1864. He was Attorney-General in 1874. The historian Ross Johnston (*History of the Queensland Bar*, 1978, p 106) has described MacDevitt as “quite a brilliant Irish Catholic, with a glib tongue and a sectarian bias”. I am not for one moment suggesting that set any enduring pattern for Queensland barristers of that religious persuasion: my experience, over three decades, has suggested balance and objectivity as the widespread hallmarks of our Bar.

The first entry on the roll of solicitors is Charles Lilley, admitted on 14 August 1858, prior to separation. He went on to become Chief Justice, serving in that role from 1879 to 1893. The first admittee post-separation was one Henry Scott, on 2 December 1859.

The court has over the ensuing 16 decades, including today, admitted a total of 16,763 lawyers to practice, 3,038 barristers and 13,725 solicitors.

While admissions ceremonies were infrequent in earlier times, in recent years we have conducted as many as eight a year. The first and last admissions ceremonies of the year in particular have witnessed large numbers of new entrants to the profession. The Principal Registrar Mr Toogood believes the record for the last decade was set on 29 January 2002, with 206 practitioners admitted in the course of seven ceremonies. I vividly recall that day – while demanding and a little enervating beneath this regalia, it was invigorating to experience that large influx of talent and commitment.

Every admissions day sees excellent application by Mr Toogood and his staff, for which the Judges are most grateful.

The Principal Registrar will make the old rolls available for viewing following this morning's ceremony. The drift from the copperplate handwriting of times gone by is patent, with the advent of typewriters, dictating machines, word processors and computers.

From 1 July, the present Barristers Board and Solicitors Board will be replaced by the Legal Practitioners Admissions Board. I use this opportunity to thank the practitioners who comprise, and have comprised, the Barristers and Solicitors Boards over the years: those Boards have performed sterling service in aid of the court, and notably, the members of the Boards have carried out their substantial duties voluntarily. I also express thanks to the employed staff of the Boards, who have discharged their important responsibilities with admirable efficiency. I particularly acknowledge the current Board chairs, Mr Marshall Cooke QC and Mr Greg Moroney, who have given unstintingly of their time and acumen.

For all these changes, those admitted to practice will still remain officers of the Supreme Court, and be subject to its disciplinary powers. Notably, it will fall to the Chief Justice, with the new Board, to delineate acceptable academic and practical training requirements for admission, where necessary; and the ultimate disciplinary body, the Legal Practice Tribunal, which the Chief Justice will chair, will be constituted by the Judges of the Supreme Court. It is that Tribunal which will determine the more serious charges of ethical dereliction. The workings of the Tribunal, effectively part of the Supreme Court, will accordingly exhibit the transparency and independence necessary to guarantee public confidence.

The Judges have naturally been attentive to the lively public debate over the last couple of years as to the appropriateness of the existing complaints mechanisms, especially the role of the Queensland Law Society in investigating complaints and the Solicitors' Complaints Tribunal in determining them. I am left in no doubt now that the new regime should mean substantial and timely improvement. The Legal Practice Committee and the Legal Practice Tribunal do not exclude professional input, but allow for it in balanced measure, and in the case of the Tribunal, in only an advisory way. With relative independence from the profession, those new entities should therefore dispel any perceptions of partial treatment of fellow practitioners.

These are quite momentous changes, many directed towards maintaining and enhancing the already high standard of legal services in this State, and increasing public confidence in the ethical commitment and accountability of our State's legal profession.

We Judges are doing our best to ensure a streamlined transition to the new regime. In finalizing the requisite admission and tribunal rules, the Rules Committee has been greatly assisted by Departmental officers Ms Imelda Bradley and Mr Terry Ryan. I am very pleased to note the presence here this morning of Ms Rachel Hunter, the Director-General, whose support of the courts is greatly appreciated.

...

*(New practitioners will be asked to stand.)*

One thing will not change, and that is the thrust of the sentiments I express on these important occasions to the admittees, sentiments, which, while congratulatory, also draw attention to responsibilities newly assumed.

Ladies and gentlemen, you join a noble and beneficial profession. You owe your professional lineage, or legitimacy, to this court. We Judges expect much of you in return: at the least, competence, expertise, integrity, altruism and balance.

When I say "balance", I mean a lifestyle where work does not overwhelm. The best lawyers generally have diverse interests. A lot of pressure is these days put on our bright young lawyers to work unduly long hours: you must resist that pressure – sometimes difficult I agree, and firms should be astute to this: there is no utility, for anyone, in

“burning out” talented young lawyers by their mid-20’s. Now I acknowledge that in the euphoria of these occasions, rarely would any particular piece of advice be remembered. But I do urge you to try to remember that one: an obsession with long and “billable” hours is vastly underwhelming, and would diminish you as interesting and talented human beings.

In congratulating you on your substantial personal achievement today, we acknowledge the great support you will ordinarily have been given by your parents, your families and friends, so many of whom we welcome to the Banco Court this morning.

You go forward now with our best wishes for productive and fulfilling professional careers.

---