



Bar Association of Queensland Conference 2007
Saturday, 17 March 2007, 9:30am
Sheraton Mirage Hotel, Gold Coast

Chief Justice's opening remarks
(with Attorney-General and President of the Bar Council)

The Hon Paul de Jersey AC
Chief Justice of Queensland

I am very pleased to have the opportunity to speak briefly this morning, to congratulate Helene Breen and Dan O'Connor on their having devised an interesting and potentially very helpful programme, and to wish you well, ladies and gentlemen, as you participate in this, the third consecutive Annual Bar Conference.

I was interested to note the depiction of Themis on the front of the conference brochure. She is probably an American Themis, because she holds the "Corpus Juris". Our Brisbane depiction has become emblematic of the court system in this State, with almost nightly display in television coverage of legal proceedings: the ancient goddess whose influential message still defines civil society.

The design brief for the new metropolitan courthouse in Brisbane requires, by the way, a place to be found on the new site for our Themis.

I am very pleased to acknowledge the Attorney's support for this important project. We of course, from our professional aspect, recognize its significance. And so should all our people. This will be the largest Brisbane CBD development ever. But its significance, obviously, surpasses the dollars. I am confident the people of Queensland will at last secure a metropolitan courthouse, for their highest courts, of which they will be immensely proud. I am a member of the judging panel for the design competition. On Wednesday this week, we were given presentations by the three architectural firms which were invited to submit designs. The three, I can assure you, are breathtaking. Here is a grand opportunity for the State to establish a tremendously exciting legal precinct, at and around Queensland Place: at one end of George Street, the reassuring grandeur and elegance of Parliament House; at the other end a worthy counterpoint – a courthouse which will not only reassure, but also inspire and enthuse.



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Our Themis is one of the better aspects of our current courthouse. It is now, after 20 years, an historically important work of art, sculptured by Maria Papaconstantinou, donated by Mr Angelo Efsthathis CBE, and unveiled in 1987 by the then recently appointed State Governor, Sir Walter Campbell, who we especially acknowledge for another role. You may or may not have noticed that our Themis is customized to Queensland – on her belt she bears a casting of the Supreme Court seal.

Like ours, the American Themis on the brochure is not blindfolded. The scales on the cover of the "Corpus Juris" reflect an emphasis on objective judgment; while her holding the "Corpus Juris" and pointing to the page of the other book she is holding, involves an admonition to deliver not idiosyncratic justice, but justice according to law.

Most depictions of Themis, including ours in Brisbane and the American version on this conference brochure, suggest a number of important themes: the separation of judicial and executive power, the rule of law, the provision of objective unbiased judgment. These are concepts we Australians rather take for granted. But we will enjoy democratic life only so long as they are jealously guarded.

Themis serves as a reminder of the values we must strive to preserve, values the current Fijian administration seems bent on trampling out of existence. There is also the disquieting recent dismissal of Pakistan's Chief Justice Iftikhar Chaudhry. You may or may not know that I now chair the Judicial Section of LawAsia, which gives me, and the State, a greater opportunity to promote observance of the rule of law, and of course, to promote our assistance to the many vastly under resourced jurisdictions which surround us.

That the brochure presents this image of Themis reminds us also of the critically important relationship between the Bar and the judiciary, with each contributing, in complementary ways, to ensure the delivery of justice according to law: a process in which we



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respectively play fiercely independent, although as I say complementary roles. The Judges depend substantially on counsel, as we are increasingly these days reminded when litigants appear without legal representation. I gratefully acknowledge the very high quality of the representation our Bar strives to deliver, and by and large succeeds in delivering.

Martin Daubney has told me of a recent change to the continuing professional development rules, rendering compulsory, attention to at least two of the three subjects, advocacy, ethics and practice management. I respectfully commend the Bar Council on that reorientation.

It would be somewhat odd were attention not directed to the essential objective of the barrister's role, advocacy. And the decline in the extent of oral advocacy in the civil arena does not mean a diminution in counsel's role as advocate. That is because of the marked shift to written presentation, which demands advocacy skills of a different character.

Advocacy is all about persuasion, and I can assure you, as an illustration, that a well-prepared outline of argument, in what has become the current comprehensive format, can be powerfully persuasive in the formation, out of court, of an at least preliminary view as to the likely disposition of the case.

Then in the courtroom, more often than not these days Socratic dialogue replaces counsel's informing approach of two or three decades ago, for now the court is substantially informed, in advance. In the applications jurisdiction also, Judges are these days much more inclined to cut quickly to the central issue, which one hopes then becomes a matter for incisive debate with counsel.

The atmosphere of the contemporary civil courtroom is therefore much more lively, inquisitive and challenging than certainly was the case two or three decades ago. And the demands upon the advocate are correspondingly much greater.



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Advocacy: these I suggest are the keys – mastery of the facts and the law, efficiency before the court, and elegance in presentation. While truly outstanding advocacy may be rare, impressive and persuasive advocacy can be cultivated, and we not infrequently experience it in this State. May I assure you: it is never lost on grateful Judges.

As to the other central subjects, ethics and practice management, I am pleased to acknowledge my view that high ethical standards distinctly characterize the Queensland Bar. We are not here plagued by taxation dereliction, in particular, which undoubtedly led to erosion of public confidence in the practising Bars in the south. As to practice management, the issue is simply one of practical efficiency, while I acknowledge that individual capacities to order our affairs obviously vary. But efficient management of the practice is critical, if the barrister is to be left to discharge his or her obligation to the client without unnecessary distraction.

At admission ceremonies, I often inform newly-admitted practitioners of the substantial proportion of our Queensland profession, with more than 900 barristers holding practising certificates and more than 7,000 solicitors with practising certificates. My point is to emphasize the competitive nature of current practice, and to invite a mindset directed to the continual honing of professional skills.

Your presence here demonstrates your acknowledgement of that position, I am confident, quite apart from the compulsory demands of the CPD scheme. I trust you find the conference useful – as well as being enjoyable, and that you leave tomorrow feeling better equipped to play your important role in the mission which Themis so interestingly defines.