



**SUPREME COURT
OF QUEENSLAND**

Australian Young Lawyers Conference
“Professional fulfilment: an elusive goal?”
Banco Court
Friday 20 September 2013, 10:15am

The Hon Paul de Jersey AC
Chief Justice

There is something of a paradox in a comparatively old lawyer's being asked to address a gathering of young lawyers. It is for me a privilege not to be squandered. While I have not been a practising lawyer for as many as 28 years, I regularly observe and interact with the practising profession, and so have been in a position to note changes and identify trends. But I also note our unchanging personal goal, and that is I suggest to enjoy a state of professional fulfilment.

Professional success is obviously a key contributor to our securing professional fulfilment. For those engaged in the practise of the law, whether in a firm or at the Bar, it helps to have clients for whom you do a good job. It helps to be busy in a competitive milieu. Your attractiveness to prospective clients, and in the case in Counsel to solicitors, will be enhanced if you keep up-to-date in the areas in which you practise, and regularly participate in programmes of continuing professional development. All of that is obvious enough.

But the quest for professional fulfilment for young solicitors in particular, has been rendered the more difficult in these contemporary times by a level of pressure quite unknown when I was in practice at the Bar in the 1970s. The changes to the work of solicitors over the subsequent four decades have utterly transformed the scale of legal practice, spawning huge pressures.

I was admitted to the Bar in 1971. As a junior barrister for 10 years, I grew up professionally over the first few years with a healthy diet of what we called “crash and bash” property damage: motor vehicle collision claims in the Magistrates Court. That



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provided excellent experience for someone intent on developing skills in advocacy. In that era, a junior barrister would appear in that jurisdiction at least three days out of every five. The fees I should say were not massive: if appearing for a plaintiff who recovered more than \$1,200 for example, the fee on brief was \$78.60; if between \$500 and \$1,000, \$56.70. My fee book reminds me that my first court appearance on 21 January 1972 was in an extradition matter. The fee, covering conference advice and appearance, was the substantial amount of \$31.50. Dare I say it, this was the time to make one’s mistakes and learn from them. I hope I did not occasion too much injustice. The sheer volume of work one accomplished in the Magistrates Court in that era meant a real chance of developing advocacy skills.

Unfortunately young barristers do not enjoy that opportunity these days, when most of those sorts of cases are resolved consensually. While novice barristers these days are nevertheless aided by the pupillage programme, they must be astute to seize any work which comes along and make the very best fist of it they can.

I should however move forward now to contemporary times. I mentioned before a level of pressure upon young lawyers these days of a quite different order. Consider the case of young solicitors.

There are pressures to meet high and relentless overheads; to attract and keep clients who are more inclined these days to move from firm to firm, with firms now often obliged to tender competitively for work, and being driven even to the lengths of retaining marketing staff; the need to operate in an increasingly regulated domain such that to protect and promote both the position of the firm and the rights of individual people, human resources staff need often to be employed; the need to command increasingly complex banks of legislation and judge-made law; to master intricate legal concepts, the courts unfortunately sometimes not assisting with judicial definition marked by particular precision. These sorts of pressures, the product of the changes in practice which have characterized the whole of my professional life to date, mean that the modern



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practitioner is challenged to display true professionalism in the face of intense business pressure especially.

There are additional pressures associated with ethical issues: the entitlement to fees in "no win/no fee" or speculative type arrangements for example; the treatment of complaints of professional misconduct levelled against solicitors. How does the young practitioner, in particular, proceed, in the context of this raft of pressures?

Primarily, one should "keep one's head", with a keen eye on the professional objective. That means, calmly do one's professional best, remembering that the objective is optimal service to the client, thence the public. You should demonstrate a lively commitment to professional excellence, wherever your task lies. A practitioner should work to expand, to push the boundaries of his or her professional talents, and keep up-to-date through reading – hard copy and the internet – and discussions; attain your Law Society's specialist accreditation in your field; write articles for a professional journal; deliver papers on specialized subjects at continuing professional development sessions; if briefing Counsel for advice on complicated problems, research them fully and be prepared to argue the toss in conference. Push the boundaries of your professional capacity.

It is enormously important, I believe, that practitioners not operate in isolation. One cannot overstate the beneficial value of human interaction – within the firm, the chambers grouping, the family, and the usefulness of community orientation. These interactions help ensure the individual remains balanced. They also keep the individual in touch with community attitudes, and that is itself important in the approach to the client. As to community orientation, the value of pro bono schemes and voluntary work again cannot be overstated – though undervalued and insufficiently acknowledged by some critics. As to teamwork within the firm, the professional staff and the support staff must obviously seek to work together in harmony and mutual cooperation. Every person within a law firm has obligations to all others: if they are discharged amicably and conscientiously, the individual will be energised and the firm will exude confidence. Harmonious teamwork is a very



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important key. Self-esteem is critically important. So is good health. But even more important, in my experience, is family support. That will be fostered by keeping the professional role in proper perspective.

It will also be fostered by mutuality: you need to support your family, minimizing time away – communicating, maximizing social contact, engaging together in diverse activities. Professional life these days is much more challenging and demanding than it was when I was at the Bar. Competition is more fierce. Cases are longer and harder, office problems more sophisticated. Legislation is frequently now of Byzantine complexity: the case law apparently expands exponentially. Understanding the legal aspects of complex financing these days, for example, seems to require mathematical acuity. How to succeed?

John Grisham’s protagonist in his novel of the ‘90s “The Firm”, “would start at 5.30am, unless someone could top that; then he would arrive there at 5.00, or 4.30, or whenever it took to be first. Sleep was a nuisance. He would be the first lawyer to arrive at the Bendini Building on this day, and every day until he became a partner. If it took the others 10 years, he could do it in 7. He would become the youngest partner in the history of the firm, he had decided.”

Not my answer, and not yours! Work hard, but sensibly, and creatively. Think laterally if you can. Keep a balanced perspective. Work was only one of the things for which you were created. When you are overwhelmed and disheartened, turn to enduring things – like the compassionate support of your family. But always interact with your family.

I have referred for the need for balance. I want to say just a little more about that. I believe the firms are increasingly attentive to the genuine wishes of younger practitioners especially, not to be enveloped by some sort of 24 hour firm culture, where you work until 1am, dream about the firm until 6am, and then talk about work through all meal breaks.



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You should through associations, like Queensland Young Lawyers and its other State counterparts, continue to apply pressure for balance between professional commitment and the rest of your lives: the best lawyer is the contented lawyer, and contentment never follows from a blinkered view of life. In my youth in this State, the Articled Clerks Association was heavily into rates of pay, though as I recall not with great success. I think ears are these days more receptive to the voices of young lawyers. Use them for the betterment of us all.

In my 42 years in the law, I have witnessed many very sad consequences of obsessional devotion to practice, especially through fractured and destroyed relationships. Depression, too, is apparently and regrettably the illness of our contemporary profession. Getting out of the office and helping others, retaining a bit of community focus and perspective, can only help with this I think.

I also have this morning mentioned pro bono work. I think it is very interesting that in some larger firms which expose young practitioners to the prospect of burnout through overwork, the juniors especially, embrace pro bono work: as being more diverse, refreshing I suppose for there being no need to complete timesheets, and for the chance to meet real people, rather than forever review endless swathes of documentation.

I have been distressed in recent years to hear of young lawyers forsaking the profession through disillusionment. Now you are not primarily inclined the pro bono way to preserve your professional sanity, or I certainly hope not. But if it injects more inspiration into the daily grind, then that provides added attraction.

Overall, my message to you this morning is not to let the pressure of practice erode the fresh enthusiasm you presently exhibit, and to give that fresh enthusiasm and altruism some extent of expression, through helping your fellow beings, in the most commendable way possible for a lawyer, and that is doing it both well, and for no or limited financial return.



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There is a prevailing view that people my age find generation "Y" incomprehensible. Not so. You may take longer to "hook up", but your attitudes – good attitudes, are I think promoting a re-think of issues once perceived as of cardinal importance in our profession: such as, when the big case comes around, working through the night; being seen not to take a luncheon break; and firmly believing that not being appointed as an associate partner is irretrievably the kiss of death to any prospect of professional fulfilment.

Our profession is popularly regarded as resistant to change. Our change is I suppose gradual, but probably more acceptable in the end on that account. You are positive agents for change, now I believe more than ever, and the change you are promoting is plainly very beneficial, in that it works towards a more balanced, altruistically inclined profession.

I have endeavoured this morning to offer a few observations drawn from my own experience of ways of developing and enhancing professional fulfilment, the ideal we all would embrace. I hope it characterizes, or will come to characterize, your own professional careers. I wish you all well.