



Griffith Law School “Meet the Profession” event

Banco Court

Thursday 13 March 2014, 6pm

The Hon Paul de Jersey AC Chief Justice

It is a pleasure to be with you, this evening, as you move closer towards entry to this noble profession.

What distinguishes the legal profession from other equally respectable callings is the orientation towards service of the public.

Lawyers daily exhibit that ethos insofar as they provide legal assistance to clients otherwise unable to resolve their legal problems unaided, and the lawyer is ordinarily appropriately rewarded.

The ethos is more starkly evident in the pro bono initiative, where no financial reward follows. That has been part of our response in recent decades to the inaccessibility – because of cost – of civil justice. The profession, including the law schools, has embraced this initiative with commendable enthusiasm. I hope that whatever your own destination in the profession, you will find the time and inclination to exhibit this altruism.

The modern profession to which you are heading is very different from the profession I joined in 1971. In those days, copies were made with carbon paper not even a facsimile machine, and even electric typewriters and dictaphone machines were a novelty. Computers were virtually unknown, as were mobile phones. Legal research was carried out in the library, using hard copy books.

Practice was otherwise quite different – in fact a world away, and a substantially less pressured world.



Griffith Law School "Meet the Profession" event
Banco Court
Thursday 13 March 2013, 6pm

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 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 by current standards: 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 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



Griffith Law School "Meet the Profession" event
Banco Court
Thursday 13 March 2013, 6pm

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

Your progressive Law School will I am sure be equipping you to deal with these sorts of challenges, by keeping one's head, being astute to the importance of continuing professional development, and drawing on the support of friends and colleagues.

At University, you will have appreciated the value of a balanced approach to your studies, where the study is not all-enveloping. I think the solicitor firms are increasingly attentive to the wish of younger practitioners especially, not to be involved in some sort of 24 hour firm culture. As now, you will in practice seek balance between professional commitment and the rest of your lives.

In my 43 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.

When you enter into practice, whether in private practice, or in a company or at a university, your youthfulness will serve you well as positive agents for change which will work towards a more balanced and even more altruistically inclined profession.

There are two other points I wish to make finally this evening, as we note your movement towards professional practice.

The first is that these days the playing field is comparatively level. When I entered the profession, as long ago as 1971, there were still vestiges of family influence, with dynasties in the firms and the courts. I think they did probably ease the paths of some novice practitioners. I remember my father being apprehensive that not coming from what we termed a "legal family", I would be at a considerable disadvantage. But I assert you



Griffith Law School "Meet the Profession" event
Banco Court
Thursday 13 March 2013, 6pm

need not worry about that phenomenon these days. If talent is identified, it will be accommodated regardless of considerations of legal lineage or heritage.

Which brings me to my second point, identifying what I have referred to as talent. There is no doubt a solicitor offering a placement will look primarily to the academic record and past experience. Summer clerkships and the like provide the opportunity to impress a possible future employer by your capacity and application. But increasingly, I sense, the solicitor, the judge, the corporation, the university, look for something in addition, something which will help ensure a balanced, interesting approach. So develop and highlight that interest – whether it be in voluntary community engagement, in the arts, in sport, or proficiency in chess! You will be more attractive for a placement if the blinkers are off.

This occasion is potentially fruitful for you. It also provides a good demonstration of the breadth of our profession, in all its progressions, student to practitioner to the judicial stream, not forgetting academia. Griffith is a fine and distinctive law school which is equipping you well to seek out and secure good placements. In that endeavour, my judicial colleagues and I wish you well.