SUPREME COURT
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Without Fear, Favour or Affection

Good afternoon everyone. It is a pleasure to be able to join you today, at the start of the national conference for the Council of Australasian Tribunals. To all of you who have travelled here from elsewhere, welcome to beautiful Brisbane. I think you will all agree; we do winter very well here.

I acknowledge Justice Kerri Mellifont, the President of QCAT and Ms Anne Britton, the Chair of COAT, as well as all of the tribunal members participating in this conference. I also join in acknowledging the first owners and custodians of this land, the Turrbal People and the Jagera People. I pay my respects to their ancestors and elders, for the wisdom, courage and leadership.

When Justice Mellifont invited me to speak today, I was very happy to – but the challenge is always what to speak about? She kindly suggested that I could speak about practical tips from the perspective of a fellow judicial officer.

So, here we go.

My name is Helen Bowskill, and it has been one day since I last felt stressed.

In fact, in the last month or so, I have struggled with a number of the things I will mention today: feeling overwhelmed by my workload – at one point, feeling physically ill from it; feeling frustrated about how long it was taking me to get to a judgment and then to actually write it; finding it difficult to balance all the competing demands on my time – judge work, administrative work, people at

work, husband, children, extended family, my own wellbeing – and feeling guilty about which of those things, or people, I was letting down or failing at.

Last weekend, I was in Townsville for the North Queensland Law Association annual conference. I listened to a presentation by a Townsville barrister, Merissa Martinez, entitled '50 Shades of Grey: Fear and failure in the practice of law'. It was a clever presentation, interweaving an analysis of the professional obligations owed by lawyers – including, for barristers, a professional obligation of fearlessness – with personal anecdotes about the impact fear can have on your ability to reach your potential, and how empowering it can be to stare down those fears.

That got me thinking about speaking to you today.

The judicial oath incorporates a number of things, including a promise to do our job **without fear favour or affection**.

Now, of course, that captures the essence of the judicial role within our system of government: independent and impartial.

But I want to play with those words a bit, and suggest to you that they also capture some other ideas.

Without fear?

- Independence – absolutely.
- But what about bravery – courage – freedom?
    - To be yourself – rather than feeling you have to fit a stereotype of a judicial officer?
    - To take on new challenges, even if it feels scary?
    - To make decisions.

Without favour? Obviously – impartiality. But another meaning of "favour" is, simply, kindness. There is an important role for kindness, to others and to yourself, the investment of which reaps rich rewards in terms of wellbeing.

Without affection? Well, sure, that goes without saying when dealing with the disputes that come before us for hearing – but I'd like to suggest that having some affection for your job as a judicial officer, finding a way to love it, rather than loathe it, helps you to do it better and more effectively. To thrive; not just survive.

Justice Jayne Jagot, now of the High Court, gave a wonderful presentation to new judges in 2023, simply called "notes on judging". In answer to the question "what is a good judge [or judicial officer]?", she suggested the following, in this order:

- A good judicial officer is fair.
- A good judicial officer listens – or at least listens more than they talk.
- A good judicial officer is civil.
- A good judicial officer makes decisions which are timely.
- A good judicial officer's decisions are more often right than wrong.

I would add that a good judicial officer prioritises their mental health and wellbeing, so that they can do all of those things. I am sure you know, from your own experience, that when things get on top of you, when you feel overwhelmed, you can sometimes snap at people, be shorter than you mean to, and actually making yourself do things can be very difficult. When you feel calm and under control, everything seems, and is, more do-able.

Now, we are all human beings, and this is not some "Pollyanna" exercise in pretending we will all get it right all the time *if we just try*. I wholeheartedly believe in the things I am talking to you about, and I try to implement them. But my confession at the outset is proof that it doesn't always work. That does not mean we give up trying, or talking about it.

So, on to some tips that I would share, to try to achieve being a good judicial officer.

Judgment writing

There is no two ways about it, this is the most stressful part of the job. Justice Robert Beech-Jones, in a speech given this year to new judges, entitled "Seven random points about judging", put it this way:

> "The single greatest concern for almost all [judicial officers] is their number of outstanding judgments. You can easily trace a [judicial officer's] mood by the number of outstanding judgments they have at any given time."

It is worth keeping in mind the "basics" – what is required by reasoned decision-making?

1. Reasons are exactly that – your reasons for making the order(s) that you make.

2. Keep in mind the *reasons* for reasons:
   (a) to explain the outcome – in particular, to explain to the losing party why they have lost, and avoid them feeling a "justifiable sense of grievance" because they do not understand why they lost;
   (b) to facilitate or not frustrate a right of appeal;
   (c) as an element of the principle of natural justice;
   (d) because it is consistent with the idea of democratic institutional responsibility – that those entrusted to make decisions affecting their fellow citizens should be required to explain their decisions;
   (e) as an expression of the open court principle;
   (f) because it promotes good, consistent decision-making, and decisions which are acceptable to and accessible by the community we serve.

3. Your reasons **do not need to be elaborate or lengthy**. In most cases, your reasons will be adequate and sufficient if you:

   (a) Identify the issues you have to determine.

   (b) Set out <u>briefly</u> your understanding of the relevant law in relation to the issue(s), including:

      (i) the standard of proof that applies;

      (ii) the relevant legislation;

      (iii) the relevant legal principles (unless there is a controversy you need to resolve by reference to different cases, you only need to refer to the main case for any particular principle, not other cases that are just examples of the application of the principle);

   (c) Set out any material findings of fact in relation to the issue(s) – that is, findings of fact on which your conclusions depend (especially where those facts have been in dispute). In this regard:

      (i) you are required to *consider* all of the evidence in reaching your decision, and your reasons should demonstrate that you have

done that, but that does not mean you have to refer at length to all the evidence and arguments in your reasons;

(ii) you must deal with evidence, and arguments, on central or critical issues, in order to explain how a case has been decided in a particular way;

(iii) where conflicting evidence of a significant nature is given, you should refer to both sets of evidence, and explain how you resolved the conflict – and just saying you prefer X over Y is not enough – you must go on to say "because …..";

(iv) take care with findings of credit – avoiding calling a witness a liar unless you absolutely have to[1] – frequently there will be other evidence (from witnesses or documents) which will assist you to resolve a conflict in evidence; and

(v) express your findings clearly, by reference to the standard of proof that applies (avoid saying things like "I tend to believe.." or "I am inclined to believe…").

(d) Set out your reasoning process: a basic explanation of the fundamental reasons which led you to your conclusions is sufficient. Use the word "**because**" often.

4. Write simply and to the point, using clear, plain and accessible language.

Ultimately, what is most important is that you **make a decision**, explain your reasons for that decision, get the judgment out and move on. To encourage myself to do that, I have two mantras:

- "Perfect is good; done is better", which was advice given to me early on by a good friend and colleague, although I'm not sure who first said it; and

- "The Ship Must Sail" – which comes from a judgment writing paper written by now retired Justice Pat Keane (quoting one of his friends).

Another good mantra is … "just start writing"![2]

I told you at the outset that I have recently struggled with getting to, and then getting out, a judgment. In part that was a workload problem. I just had so much

[1] See again, Beech-Jones J's "Seven Random Points About Judging".
[2] See again, Jagot J's "Notes on Judging".

on my plate, I couldn't get any clear time to get into the judgment. And the more time that passed, the more anxious I became about the fact that I wasn't doing it. It was keeping me up at night. In saying that, I must acknowledge that I am a bit of a madwoman as far as getting judgments out quickly is concerned – so anytime I can't do that, drives me crazy.

I knew I was going to be speaking to you about this today, and did not want to be too much of a hypocrite, so I tried to take some of my own advice. Here is what I did to get past that knot of anxiety and deliver the judgment:

- Just start – anywhere, it doesn't matter. Once I actually, properly came back to the judgment, I realised I already had useful words on the page. I had started writing some things soon after it was reserved. I was very grateful for that.

  Most of the time, my strategy is to start a judgment as soon as I possibly can. Letting it sit and gather dust is not a good thing – it just becomes "bigger" in terms of the mental hurdle.

- Just write – even if your words feel "rough" or "not good enough" – put them down. You can always edit later. Don't wait for the perfect sentence to form in your head before committing it to the page. You might find what you've written is better than you think. And writing plainly is a good thing.

- Small steps count – sometimes I think I need a clear day, or even half a day, to get into a judgment. But actually, if you even make the most of an hour here or there, it all adds up. This perhaps works better once you're into it.

- Less is more – write less, write shorter judgments, get to the point – in the end, it's quicker.

- Power of positive thinking. I had built this thing up into my head as a negative. I would, self-deprecatingly, joke with my assistant, associate or colleagues, about this judgment that was causing me grief. You know what I mean …. "I'm in the gulag," etc. One morning, I said to myself, I'm not going to do that today. I'm not going to moan and whinge about this – out loud anyway. And do you know, it actually helped my frame of mind.

- If you hit a roadblock on some part of it, walk away – come back the next day – it's amazing how much clarity that can give you.

- Speak to someone else about it – articulating a point, and your thoughts about it, out loud to a colleague, can also give you clarity.

- Accept "done" over perfect. I recently read an excellent book called 'This is Happiness', by Niall Williams, which I highly recommend. It is full of wonderful words. As one of the characters says, "Never aim for perfection… We are human…".

Fear

Speaking of perfection, I want to say something now about the role of "fear" in making decisions and judgment writing hard and stressful.

I think "fear" has a lot to do with it. Fear of what? Not being able to do it? Getting it wrong? Being criticised on appeal? Feeling embarrassed? Being criticised by the media? Looking like an idiot? Being exposed as an imposter or a fraud? All of those things?

Mostly, I think it's a fear of "failure". Fear of failure can be paralysing – it may be what is behind the delay in making decisions and giving judgments, for some people. It is therefore something worth trying to overcome.

Sometimes the best thing to do about a, possibly irrational, fear is to catastrophise – I don't mean *really;* but rather, challenge yourself by asking "what is the worst thing that could happen?". What am I really afraid of? Is that thing really "failure"?

Let's think about that – where a judgment is concerned:

- Not doing it at all? That is a failure that you need to work on. Our job, our basic function, as judicial officers is to make decisions. But overcoming paralysing "fear" can help you to do this.

- Not doing the basics – considering the evidence; making findings; explaining why – using that word "because"? That does not mean you have "failed", but it is something you need to work on, because that is the very essence of judicial decision-making – demonstrating that you

have considered the evidence, understood the issues and explaining in a reasoned way why you have made the decision.

- Getting it wrong? That is **not** failure – that's why there are appeal processes (as I have said, in fact, one of the *reasons* for giving *reasons* is to facilitate and not frustrate a right of appeal). It's good to remember that the High Court exists. It overturns decisions of intermediate appellate courts – senior judges of the Courts of Appeal across the country – regularly. Sometimes, reasonable minds differ; other times, a judicial officer has just got it wrong. **That does not mean they have failed**. The point is very well made in that paper by Justice Jagot on "good judging":

> "If your basic job is to make decisions - day in and day out - no matter how hard you try, you are going to get some of those decisions wrong. It is best just to accept that immediately. At some time, every one of us has or will get it wrong. And I don't mean that we will reach a decision about which reasonable minds might differ. I mean plain wrong. A judge who has never been wrong is just a judge who hasn't made enough decisions or enough tough decisions. And we should also accept this - we can be wrong whether or not we are overturned on appeal. In addition to being wrong, we can be told we are wrong or wrong enough by an appellate court. Being wrong is just what happens in any human system. And in our system, of judicial hierarchy, it's the final appellate decision which counts. But all decisions, first instance or final, are human decisions, subject to the reality of human error.
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> Why does this matter? It matters because if you think it is the end of the world as you know it ever to be wrong or told you're wrong, you can wind up either not being able to make a decision at all or not being able to make timely decisions. No-one enjoys being told they are wrong. But we do have to accept that being wrong or told you're wrong is inherent within our system. And we all need to find a way to move past this and be able to keep making decisions that are timely."

So, try your best at all times. And if you have done that, let the rest go. Having courage and being brave – to make decisions, commit to them, let them go – is

not an absence of fear; but it does involve facing the fear, and moving on, rather than letting fear paralyse or curtail you.

Oral decisions

Nothing that I have said so far is intended to suggest that you should reserve and write decisions you would otherwise give orally. I expect there are many decisions that you can and do deal with orally, on the spot or maybe after taking a break, even overnight, to gather your thoughts. I strongly encourage you to do that whenever you can, because it is a much more efficient way to get a decision out: remembering that a good judicial officer is one that makes timely decisions.

And, of course, there are some decisions – purely procedural, or minor interlocutory matters – where no reasons are required.

If you are not sure what the answer is, or the matter is complex, or involved a lot of evidence, of course you must take time to consider your decision. But if it's appropriate, and you are comfortable with the view you have reached, then **back yourself** and give your decision orally. The same principles apply – you still need to explain your reasons – but it will be finished and done.

Think about how you can best equip yourself to give an oral decision. Reading the material in advance helps (if you have time). For me, having copies of the relevant documents in front of me helps, and I use different coloured highlighters and post-it notes, so that things stand out as a reminder that I must refer to them in my reasons. That's not very "electronic", I know, but it's what works for me in terms of efficiency, so that's what I do, at least for now. I also try to make the parties slow down enough that I can understand what they are saying as they go – rather than sitting there hoping it will all make sense later (it rarely does!)

Judgment writing and oral decision-making are skills that you get better at with time and practice. But you can also improve your skills through education. Appreciating that your tribunal may have differing rules about this, if it is accessible to you, I strongly encourage doing a judgment writing course at an early stage, including the oral judgments course given by the NJCA.

Kindness

I am moving now on to the role of kindness, to yourself and to others, in the course of your work.

As Justice Jagot identified in her paper on "judging", courtesy and civility are amongst the essential characteristics of a good judicial officer.

I'll start with parties and their lawyers. I once read an article about the secrets of a long and happy marriage. One of those "secrets" was that it hinges on the five things a day that you do ***not*** say. You might wonder whether there could really be *five* such things in a happy marriage – but in any event, the analogy is an apt one for a long and happy judicial career.

Despite the perception of some media outlets, and perhaps some within the community, judicial officers are human beings. We get annoyed, frustrated, impatient, or sometimes even outraged, by things said or done in hearings before us.

But restraint in a judicial officer is important. There are at least two aspects to this. One is the importance of addressing what might be described as judicial rudeness or bullying. That is an important topic which could be the subject of a standalone presentation. The courtroom is a unique working environment: hierarchical, adversarial and stressful. Judicial bullying – which may include intimidation, abuse, humiliation, sarcasm, rudeness, shouting and belittling (in short, a lack of respect) – can undermine a practitioner's confidence and capacity to work and diminishes public trust in the integrity of the judicial system.[3]

Another aspect of the importance of judicial restraint is concerned with avoiding saying things that might give rise to a reasonable apprehension that you might not bring an impartial mind to your task.

There is an inevitable overlap between those two things.

We as judicial officers have a duty to sit and hear cases. That is our job. We should ensure that we do not do things, or place ourselves in a position, that might prevent us from doing that. I include in this, saying or doing things that might, objectively, give rise to an apprehension of bias. Where there is, on appeal, a finding of apprehended bias, the whole decision is vitiated, and must be set aside. That is a profound waste of resources. It also diminishes confidence in courts and tribunals and the judiciary.

My "tip" in this regard is to try to always conduct yourself in a courteous and patient manner. That is not inconsistent with being firm when you need to. Avoid losing your temper, or raising your voice. Stay calm – and in control. Avoid

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[3] Kate Eastman AM SC, '*Judicial Bullying: let's have a conversation',* Judicial Commission of New South Wales, Judicial Quarterly Review, Vol 1, Issue 3, February 2024.

making sarcastic or derogatory remarks. If you feel you are getting frustrated – adjourn the hearing, take a break, and clear your head. If you are dealing with a difficult litigant, or a difficult lawyer, this can also give them a chance to calm down.

Dealing with self-represented litigants can be a significant source of stress and difficulty in our role; and can at times put your patience to the test. More and more we have to engage directly with the people involved in the disputes or matters that come before our courts and tribunals, rather than indirectly through a legal representative. In the case of administrative tribunals, I appreciate that in many areas this is the default position – that is, that the people involved will appear for themselves. This brings multiple challenges, including the emotional energy required to engage directly with the person concerned (who is likely to be in a high state of stress, possibly even distress) and also the increased difficulty and pressure on you, because you cannot rely on a legal representative to draw the relevant legislation or authorities to your attention. Another dimension to this which is a cause of stress is the direct engagement you then have with the person(s) affected by your decision, in respect of which there is a much greater level of emotion work involved.

There is no easy solution to this. Different people will have different strategies to suggest. Something I find useful, in most – but not all – cases is a structured approach, where you explain in plain language at the start how the hearing is going to run, so that the person representing themselves knows what to expect, and does not panic that they will not get to say their piece. Sometimes, giving each side a fair and equal, but set, time to make their submissions can help too. Staying calm is the most important thing – because you will set the tone for the court or hearing room. If you start to get agitated, frustrated, angry, worked up – so will the people appearing before you.

It is worth re-reading the Council of Chief Justice's Guide to Judicial Conduct on a regular basis. But on this particular point, may I emphasise the following advice that it provides at [4.1]:

> "It is important for [judicial officers] to maintain a standard of behaviour in court that is consistent with the status of judicial office and does not diminish the confidence of litigants in particular, and the public in general, in the ability, the integrity, the impartiality and the independence of the judge. It is therefore desirable to display such personal attributes as punctuality, courtesy, patience, tolerance and good humour. The trial of an action, whether civil or criminal, is a serious matter but that does

> not mean that occasional humour is out of place in a courtroom, provided that it does not embarrass a party or witness. Indeed it sometimes relieves tension and thereby assists the trial process.
>
> Nevertheless, the entitlement of everyone who comes to court [or a tribunal] – counsel, litigants and witnesses alike – to be treated in a way that respects their dignity should be constantly borne in mind. Bullying by the [judicial officer] is unacceptable…"

The Guide also includes the following, in relation to critical comments, at [4.12]:

> "Particular care should be taken to avoid causing unnecessary hurt in the exercise of the judicial function. This includes taking care about comments made in court (see 4.1 above) and observations made in reasons for judgment or in remarks on sentence."

That of course applies to what you say in court. But I suggest that you also always do a "politeness" edit before delivering a judgment. Take out any unnecessary commentary or criticism (about a party, witness or lawyer). Sometimes it is cathartic to write those things, especially if you felt really frustrated or annoyed by ineptitude, or inefficiency or whatever. But think about the impact those things might have on the person, personally or professionally. If it is not needed, as part of the reasoning for your decision, take it out.

The same goes for appellate decisions – which some of you might have to give. I have already spoken about the fear of appellate scrutiny. Being overturned sometimes is a fact of judicial life. But being subject of personal criticism in that context is not. You should not have to deal with that, when your decisions go on appeal. And, when you are giving such decisions, I urge an empathetic approach, and that you avoid making negative comments of a personal kind directed at the decision-maker whose decision is the subject of the appeal. Sometimes it might help to say "there but for the grace of [a higher being] go I", and do unto your fellow judicial officer, what you would have an appellate court do unto you.

Wellbeing

Kindness extends to yourself, which brings me to the last part of my "tips". To be a good judicial officer, with all the characteristics that I have referred to earlier, you have to be mindful of your mental and physical health and wellbeing.

The job we do is difficult, demanding and stressful – both in terms of our workload and also, at times, the nature of the work, by which I mean the

traumatic material concerning the suffering of others that we are sometimes exposed to.

You may be familiar with the research undertaken by Carly Schrever, in relation to judicial stress and wellbeing. In a recent publication entitled "The privilege and the pressure: judges' and magistrates' reflections on the sources and impacts of stress in judicial work",[4] arising from that research, a list of 46 sources of stress were ranked, on the basis of surveys and interviews with judicial officers. Number one was workload. Number two was the nature of the work or case content. There is then a big gap to number three, which was, interestingly, media/public scrutiny. In terms of the things I've already talked about, number nine was the burden of decision-making and number ten was "being appealed". I won't go through all 46 of them.

In relation to media scrutiny, I always remind myself of the advice I was given by the Chief Judge when I was first appointed to the District Court: today's news is tomorrow's fish and chip wrapping – metaphorically speaking, now that most of our news is online. That is sometimes easier said than done, especially when the reporting is inaccurate or, as sometimes occurs, unrelenting. The most helpful thing for me, when a decision I've made has been the subject of intense media scrutiny, has been the support of my colleagues – and being an ostrich. Ignore it; don't read it.

But, separately, I think courts and tribunals do have a role to play in contributing to the knowledge and understanding that the community have of the work that goes on in the court and the decisions that are made. The way we conduct our courts and tribunals, and ourselves in those places, the explanations we give in *ex tempore* decisions, and the clarity of our written judgments all contribute to that. But beyond doing the best we can in those respects, there's not much we can do about inaccurate or sensationalised reports. It will happen sometimes. It's one of those things where Marcus Aurelius has the answer – do not get worked up or trouble your soul about things you can't control.

In terms of dealing with the stress of our jobs as judicial officers more generally, of course it is not stress *per se* that is the problem; but rather unmanaged stress that has the potential to be problematic. So, how to manage it. We are all going to approach this differently, but for me the following things are helpful:

[4] Schrever, Hulbert and Sourdin (12 May 2024).

(a) Try not to let things – that is, judgments – fester and gather dust. Get onto them quickly; it's often easier to write less if you start writing straight away (than if you come back to it months later).

(b) Keep a comprehensive "to do list", and regularly review and update it. This will ensure you do not overlook something, but also give you a pep in your step when you can cross things off.

(c) Find a few close colleagues you can trust, to talk about an issue you are battling to solve or which is presenting as a "roadblock". This is not to delegate the decision-making responsibility; but it can be useful to have a sounding board, the opportunity to articulate out loud what is floating around in your head.

(d) If there are other things troubling you – a difficult, upsetting case; an awful hearing; or a problematic lawyer or litigant – speak up, talk to someone about it. We should all be encouraged to be emotionally honest with our colleagues, without fear of criticism or judgement. Compare Michael Kirby writing in 1995 on this "unmentionable" topic, and the response to that article, entitled "get up off the ground".[5] We are beyond that now. As the saying goes, a problem shared is a problem halved, especially when you share it with someone who can understand and relate.

(e) More generally, let the leaders of your tribunal know if you are having difficulties, either with workload or type of work or whatever it might be. If they don't know, they can't help you. The research data in this area consistently identifies organisational responsibility as a key factor in addressing this issue.

(f) Share a laugh with friends or colleagues – humour is a great healer.

(g) Have other interests – so that you can, or have to, leave work behind. When I first started giving presentations on this topic, I used to say my children were my hobby – but, jokes aside, they do make me leave work. Just recently, as part of my confessed stressed-out state, I found myself approaching the end of the day, feeling tense and worried about all the things I had still not done. But we had made a plan, for all our family to get together for dinner and to watch Eurovision. Although part of me was

[5] Justice Michael Kirby, "Judicial Stress: An Unmentionable Topic" (1995) 13 *Australian Bar Review* 101; and a commentary on that paper, by Justice Jim Thomas, entitled "Get up off the ground": (1997) 71 ALJ 785.

tempted to just keep working, there was no way I was going to let them down, so I went home. And I can't tell you how therapeutic it was to sit down and watch the glorious ridiculousness of Eurovision with my young adult and nearly adult children, howling with laughter and "singing" at the tops of our lungs. I felt so much better. That was a really important reminder. Happily, I can also report that I now have an actual hobby as well, which is horse-riding lessons.

(h) All the usual advice: exercise, try to eat well, and don't drink too much. These can be the easiest things to drop or forget when you're really busy at work – you skip your morning walk to get in early and feel the need for a (or an extra) glass of wine to unwind at the end of the day. But as I'm sure many of you have experienced, those things can be counter-productive – especially to that other important thing, sleep.

(i) Take your leave, regularly – whether for a break at home or a holiday away.

Importantly, if you are struggling, don't hesitate or wait too long, seek professional help as soon as you can. Whilst lifestyle changes and "self-care" measures are beneficial and important, at times what is really required is medical treatment. I think we should view this as no different from what you would do if you had a serious physical ailment. I would like to think the stigma associated with mental health issues has been significantly reduced over recent years. But there is still work to be done to remove barriers which prevent people from comfortably speaking up and getting the help they need. We all have a role to play in that.

I have spoken about this topic a number of times in the last three or four years and I have made no secret of my own mental health challenges from my late teens and early 20s. So when I say "seek help, if you need it", those are not empty words. You would do it if you broke your leg, or found a mysterious lump, so why not do it for what is probably your most precious resource, your mind?

Affection

And that leads me to the last tip – affection. Finding a way to love your job is a key to happiness. This is another reason to take care of yourself, because the research in relation to judicial wellbeing reveals that the judicial officers who are sourcing the most enjoyment from the role are those who prioritise their own wellbeing. Acceptance, gratitude, honesty and authenticity also play their part, as does recognising, and valuing, the enormous personal and professional satisfaction that comes with the work that we do.

I mentioned authenticity at the start, in the context of thinking about what it might look like to act "without fear". I think the generational shift within the legal profession and the judiciary in particular has been liberating. If you look at my court today, it bears no resemblance to the Supreme Court at the time I started in practice in the late 1990s. Just to give a superficial example, I can walk down the corridors of judges' chambers and chat and laugh with multiple colleagues all wearing colourful dresses and jackets. I don't feel as though I have to be someone I'm not, or pretend to act a certain way; and I hope that empowers others within the profession also.

I can honestly say that, despite the heavy workload and the toll that sometimes takes, I absolutely love my job and daily feel grateful for the opportunity that I have to do it. I feel confident in saying that this is what helps me to do it effectively and efficiently, at least most of the time, even though, being human, sometimes I struggle.

On that note, can I leave you with one more passage from "This is Happiness":

> "At the time you're living it you can sometimes think your life is nothing much. It's ordinary and everyday and should be and could be in this or that way better. It is without the perspective by which any meaning can be derived because it's too sensual and urgent and immediate, which is the way life is to be lived. We're all, all the time, striving, and though that means there's a more-or-less constant supply of failure, it's not such a terrible thing if you think that we keep on trying. There's something to consider in that."