



COLLEGE OF LAW GRADUATION CEREMONY

City Hall, Brisbane

Thursday, 1 December 2005, 6:30pm

Occasional Address: "Issues of relevance to newly admitted legal practitioners"

**The Hon P de Jersey AC,
Chief Justice**

Good evening ladies and gentleman, young lawyers (or I should say, soon-to-be "legal practitioners"!), family and friends. I thank Ms Kenny for giving me this opportunity to speak. I relish the opportunity to speak with young lawyers about their careers. I'm not sure you will necessarily equally relish the opportunity to hear me speak, especially on an enlivening occasion like this, so I will be short. Not a second over 60 minutes.

This evening's is a particularly significant ceremony. The College of Law is the largest provider of practical legal training in Australasia and one of the oldest and most respected in the common law world. Not that I need advertise the College – particularly to you, the converted! – the College's reputation precedes it. What makes this ceremony significant, of course, is that it is the inaugural Queensland Graduation Ceremony of The College of Law. Previously, the College only operated in Australia from Sydney and Melbourne. Some national firms would send their Brisbane graduates to Sydney, to ensure standardization of practical legal training for all their graduates across Australia. As a result, Brisbane graduates would undertake a course based on the laws of New South Wales. Following completion of that course, they would be admitted in New South Wales and then in Queensland via the Mutual Recognition Scheme. Obviously it is preferable our graduates undertake practical legal training based on the laws of Queensland. In that vein, I applaud The College of Law, and its joint venture partner, the Queensland Law Society, for starting the Queensland Professional Program.

Ms Kenny has invited me to speak on issues of *relevance* to newly admitted solicitors. I will broaden the topic just a little – some of you in this room no doubt aspire to enter the "other branch" of the profession.



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To those of you who aspire to be barristers, my advice is that you be prepared to take on a variety of cases, to develop capacity to deal with a variety of challenges. 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. This provided wonderful experience for someone intent on developing skills in advocacy. In that era, we would appear there at least three days out of every five. The fees 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!

And do not be discouraged by the forensic failures which will come. Good advocacy, you must know, survives the odd mistake. Judicial officers strive to encourage young practitioners, not rebuffing them or becoming impatient with inexperience – provided a genuine effort is being made.

Of course, with those who have been around longer, the Judges may be a degree more robust. The Oxford Companion to the High Court mentions Sir Anthony Mason's recollection of a Solicitor-General concluding his argument with the words: "that concludes the first branch of my argument", whereupon Sir Douglas Menzies – dubbed the "laughing Cavalier" of the court – responded: "Mr Solicitor, would not "twig" be a more appropriate word?" Then Mason himself, to counsel's concession: "your Honour has me on the ropes", responded: "on the canvas would be a more accurate expression."

Over three decades have passed since my admission to practice in 1971. For the solicitors' branch especially, change over that span has been dramatic – there has been an utter transformation in the scale of legal practice, and that has spawned its own pressures.

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



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staff; to command increasingly complex banks of legislation and judge-made law; and master intricate legal concepts. 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 practitioner is challenged to display true professionalism in the face of intense business pressure especially.

How does the young practitioner, in particular, proceed, in the context of this raft of pressures?

There is no single right answer. You should calmly do your 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 and discussions; attain the Law Society's specialist accreditation in your field; write articles for a professional journal; deliver papers on specialized subjects at CLE 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. Always remember, however, that your duty is first and foremost to the court – that is what distinguishes our profession.

But these are obvious. What are the intangibles that help make a successful lawyer? Self-esteem is critically important. So is good health. But what is enormously important, I believe, is that practitioners not operate in isolation. One cannot overstate the beneficial value of human interaction – within the firm, the chambers grouping, the community. But even more important, in my experience, is family support. That will be fostered by keeping the professional role in proper perspective: you need to support your family, minimizing time away – communicating, maximizing social contact, engaging together in diverse activities.



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This does not mean you should shy away from challenges. Work hard, but sensibly, and creatively. Think laterally if you can to achieve this balance. This is something only you can do – striking a balance between work and family life is a different exercise for each of you. To do so successfully, you must know your own limits. When you are overwhelmed and disheartened, turn to enduring things – like the compassionate support of your family. Cutting back your workload when your work life is overshadowing your family life does not make you a less successful lawyer. To the contrary; from personal experience, it will be your family and social interactions which will sustain you throughout your career. No doubt gratitude is due to your families and friends here tonight, who will have encouraged and assisted you to this point.

But the last thing I want to do is rattle on. That, also, is important advice! It is said that

"When President Franklin Delano Roosevelt was a young lawyer just getting started in New York he was retained to handle a difficult civil case. The opposing lawyer was a very effective jury pleader and completely outshone his youthful rival in the argument to the jury. However, he made one fatal mistake: he orated for several hours.

As he thundered on, Roosevelt noticed that the jury wasn't paying much attention. So, playing a hunch when his turn came, he rose and said, 'Gentlemen, you have heard the evidence. You also have listened to my distinguished colleague, a brilliant orator. If you believe him and disbelieve the evidence you will have to decide in his favour. That is all I have to say.' The jury was out only five minutes, and brought in a verdict for Roosevelt's client." (Drew Pearson and Robert S Allen, *Washington Merry-go-round* cited on www.anecdotage.com)

Whilst I cannot claim to have been as concise, I do hope you can draw utility from my advice. It is a most exciting time to be at the beginning of your careers and I wish you all the best in your endeavours. Congratulations on reaching another fine milestone!