



IN THE SUPREME COURT OF NEW SOUTH WALES

Supreme Court
of New South Wales

ADMISSION OF LAWYERS

(Bell CJ speech, Newcastle, 24 Feb 2023)

1. May I warmly welcome you all to this ceremonial sitting of the Supreme Court of New South Wales to mark the admission of new lawyers.
2. I am delighted to note that sitting with me today are his Honour Judge Roy Ellis to my right, his Honour Judge Peter Whitford SC to my left, and his Honour Judge Peter McGrath SC to the right of Judge Ellis – all judges of the District Court of New South Wales who sit either permanently in Judges Ellis and McGrath’s case, or regularly in the case of Judge Whitford, in the city of Newcastle.
3. As you know, this ceremonial sitting is taking place on the land for which the Awabakal and Worimi peoples have cared and been custodians for thousands of years. I acknowledge their rich traditions and, on behalf of the Supreme Court of New South Wales, pay my sincere respects to Elders past and present and extend those respects to all Aboriginal and Torres Strait Islander people.
4. To all the newly admitted lawyers, welcome to the legal profession. Today is one for celebration. We know how hard you have all worked to get here; it is

a memory that never really leaves you! Your journey has been made more difficult, and is thereby more impressive, because it has been so materially affected by the pandemic.

5. I am also pleased to welcome those with you today. For many of you, the support of your family and friends has been invaluable. No doubt, they have also been on the receiving end of your finely polished or developing skills of argument and persuasion. I encourage you to take the time to thank them. Depending on how good an advocate you are, you might even convince them to shout you a civilised lunch or dinner to celebrate the day!
6. Although there is no permanent judge of the Supreme Court located in Newcastle, my colleagues and I regularly travel to Newcastle for sittings of the Supreme Court, and from time to time, for sittings of the Court of Appeal and Court of Criminal Appeal, most recently in December 2022, when I sat with Justices Julie Ward and Helen Wilson.
7. I am very pleased to return to Newcastle for what is, after a brief pandemic-induced hiatus, the first admission ceremony to be held here in two years. The Supreme Court has now held admission ceremonies in Newcastle for over 25 years, in recognition of the strength of the contributions made by the local legal community to the justice system in New South Wales. I thank the indefatigable Dean of the Newcastle Law School, Professor Sourdin, as well as her colleagues and Mr Banks of the Legal Profession Admission Board for their efforts in organising this special sitting.
8. As many in this audience will be aware, the Newcastle and Hunter region has produced a rather extraordinary crop of Australian lawyers and judges,

including High Court judges the Hon Michael McHugh AC KC and Justices Stephen Gageler AC (from the Hunter region), Justice Kevin Lindgren AM, formerly of the Federal Court, and my colleague Justice Julie Ward, who is the President of the New South Wales Court of Appeal and a proud Novocastrian.

9. Justice Lindgren was at the forefront of the establishment of a permanent law school within the University of Newcastle, which has over time become one of the most highly regarded and innovative law schools in the country. I was honoured to deliver an address in September last year to mark its 30th anniversary.
10. Today you, the newly admitted lawyers, follow in the footsteps of the many hard-working and high-achieving lawyers that Newcastle has produced, and in being admitted as a lawyer of the Supreme Court of New South Wales, you join an honourable and ancient profession, with the custom of advocates swearing an oath on admission to practice dating back to the twelfth century.
11. The Supreme Court first admitted lawyers in 1824, nearly 200 years ago, and by 1830, the names of lawyers were entered onto rolls in this State, as you will do immediately after this ceremony. You have become officers of the Court with all of the ethical and professional responsibility that that entails.
12. It is in acknowledgment of this weighty responsibility that we observe today's unique formalities, including the fact that your admission has been moved by someone who is already a member of what is now your profession, and that you have made a formal oath or affirmation in the presence of your family and

peers. They are all witnesses to the promises and undertakings you have made today, as am I and the judges sitting with me.

13. When admission ceremonies are held in the Banco Court of the Supreme Court in Sydney, I typically draw the audience's attention to the portraits of former judges hanging on the walls of the courtroom, and I observe that the judges sitting on the bench are wearing the same ceremonial robes – in some cases literally – as have been worn by our predecessors. Symbolically, that highlights the continuity of the rule of law in New South Wales, although the judges wearing the robes are now drawn from an increasingly diverse pool.
14. As to continuity of the rule of law, in a world in which there is much global uncertainty and insecurity, the rule of law is more important than ever and not simply a phrase of some theoretical import. It is the opposite of the arbitrary abuse of power and the rule of autocratic dictators and populists. There is nothing theoretical about that.
15. The law touches every part of our society, and it can and will lead you all in many different directions and career paths. Some of you will stay in Newcastle. Others will venture further afield. But in whatever career and geographical direction you head, you must always remember that the oath or affirmation you have made this morning is a serious one and deserves solemn regard.
16. Whether you work in private practice, at the bar, in a community legal centre, a crown law office, a government department or agency, or in an entirely

different field, you should be known for your honesty, your integrity and your commitment to justice, and must strive at all times to uphold these cardinal values. Admission as a member of the legal profession is a privilege and not a right.

17. Notwithstanding the formality and tradition attending this ceremony and to which I have referred, not everything in the legal profession remains unchanging. For example, the rapid technological shift brought about by the pandemic has had profound implications for the way in which our legal system interacts with members of the community, and has delivered greater workplace flexibility for practitioners, particularly those with family responsibilities and in regional and remote communities.
18. While the increased use of technology offers a number of advantages, the practice of the law has human nature and human interaction at its core. An essential part of being a good lawyer is understanding people, how others react to different situations, perform under pressure and deal with each other.
19. There have, of course, been other important changes in our profession that deserve attention in addition to those brought about by the pandemic.
20. When we think of the diversity of the legal profession, we encounter the duality that we have come very far, but that much still needs to be done. One notable example relates to the role of female lawyers. In New South Wales, women were originally not even permitted to practice but, since 2018, have made up more than half of all solicitors with a practicing certificate in New

South Wales, and currently make up more than two thirds of solicitors under the age of 30.

21. Some of the most senior positions in the law in Australia, moreover, are held by distinguished female lawyers, including the current Chief Justices of the High Court and Victoria, Queensland and the ACT, the President of our Court of Appeal, this State's Director of Public Prosecutions and Senior Public Defender, and the Presidents of the New South Wales Bar Association and the Law Society of New South Wales.
22. There should also be strong representation of lawyers from the many different backgrounds which comprise our cosmopolitan community. Diverse representation amongst solicitors, advocates and judges assists in ensuring that all people who become involved in our justice system can (and feel that they can) be properly heard and fairly engaged with by a system reflective of our broader community.
23. The admissions ceremonies on which I have sat since becoming a judge four years ago, including this ceremony, highlight that there is a far greater diversity of background amongst junior lawyers than when I commenced practice. That is a very good thing and leaders of the profession and the courts are working hard to foster inclusiveness and diversity. That in turn builds trust in and respect for both the judiciary and the legal profession.
24. Let me now offer a little bit of professional and personal advice.

25. As a lawyer, you will often need to make difficult ethical decisions. You must use the tools you have developed to think critically, and not compromise on your fundamental duties to the court and the administration of justice.
26. At various points of your career, you will make mistakes, some minor, some more serious. We all make mistakes from time to time. When you do make mistakes, your commitment to honesty, integrity and the administration of justice means that you must take responsibility, correct what you can, and learn from those errors. One mistake you must not make is to give your clients the advice you think they want to hear. That will not be good advice, and they will not welcome it in the long run when the true picture emerges.
27. Being a lawyer means that you are an advisor, a problem solver, a mediator, and an advocate. As you go about your day to day work, remember that you are not merely dealing with the law in a vacuum, but law as it applies to people's lives.
28. An individual in need of your services as a lawyer is in many cases an individual facing some kind of great personal challenge or crisis affecting his or her liberty, property, personal wellbeing or health or financial position. For these reasons, you must always strive to deliver legal services not only competently and fearlessly but always with courtesy, integrity and sensitivity to the circumstances of the matter.
29. In this context, I wish to emphasise the importance of civility. Aspects of the law, especially if you are involved in the litigation side of practice, are confrontational. The practice of the law can be stressful and demanding enough without personal animus and antagonism between practitioners

adding to the load. It is essential that you maintain your detachment, balance and good humour, remembering at all times that you are members of a profession and not a business.

30. And remember this: the best advocates can and do make their point simply and succinctly. Often, less is more. Some of the most experienced lawyers and judges could also use that reminder from time to time. For a non-lawyer, law is often incomprehensible. One of your roles as a lawyer will be to make law accessible to others, sometimes by deciphering legal complexities, other times by deciphering poor legal drafting, and sometimes by simply getting to the bottom of messy factual situations and explaining them in their proper legal frameworks.
31. Strive to be clear and concise at all times, in both your writing and your speaking. To do so facilitates access to justice.
32. In the practice of the law, your physical and mental health are both extremely important. There may and I dare say will be times when you feel overwhelmed, burnt out or distressed. Legal practice can be all-consuming and physically and mentally taxing. You must work hard to keep your balance, and keep your eye out to ensure that your colleagues do as well. If you do get overwhelmed by it all, as frankly we all have from time to time, try to take a step back and recapture some perspective.
33. Also remember that the law is a highly collegiate profession.
34. Can I say this to you all in closing?

35. The law is a wonderful profession: stimulating, challenging and satisfying, and populated by intelligent, committed and dynamic people. You should be proud to be a lawyer, of your achievements to date and the profession you have just joined. It is a very important profession that underpins stability and cohesion in our community. You are now a very important part of that very important profession.
36. Work hard, take pride in your work, look out for your colleagues, contribute to your community and don't take yourself too seriously.
37. We wish you all the very best of luck on the exciting journey that lies ahead and a full and rewarding career.
38. On behalf of all the judges of the Supreme Court, as well as Judges Ellis, Whitford and McGrath, I once again congratulate you on your admission and welcome you to the legal profession.
39. The Court will now adjourn.