



ADMISSION OF LAWYERS

1. Now that the formal part of the proceedings has ended, I would like to warmly welcome you to the Supreme Court of New South Wales. Present with me on the Bench today is Justice to my right who is a judge of the and Justice to my left who is a judge of the Together, we constitute the Court that has, in exercise of its jurisdiction, admitted you to practice.
2. Today is a day for celebration. It is a day which marks the culmination of your legal studies to date, when you can look back with pride and relief on those caffeine-fuelled nights spent trying to memorise your carefully tabbed and annotated case summaries with the aid of an entire rainbow of highlighters, the many hours in lectures spent analysing carbolic smokeballs, eggshell skulls and snails in bottles, and even those precious few seconds spent hurriedly trying to complete your readings just before class. There can be no doubt that you have all worked incredibly hard to get here.
3. For many of you, these achievements would not have been possible without the support of your family and friends. They have been there with you through the seemingly endless years of study, and have also, from time to time, been on the receiving end of your finely-polished skills of argument and persuasion. I hope you take the time today to thank them for their support.
4. The ceremony you have participated in today forms part of a tradition which has its origins in Europe in the twelfth century, when it first became common for those representing others before courts to swear an

oath before being allowed to practice.¹ This tradition came to Australia through the adoption of the English common law, and has been followed ever since the first admission ceremony in this Court was conducted in 1824.² Back then, the old courthouses across the square from where we are now had not yet been built. Instead, the ceremony had to take place a couple of blocks away, on what is now the site of the David Jones women's department.³

5. Of course, this is not the only change to have occurred to the legal profession since the early nineteenth century. For almost a hundred years after that first admission ceremony, women were not permitted to be admitted to the legal profession. Today, more than half of the solicitors with a practising certificate in New South Wales are women,⁴ and many of the most senior judicial positions around the country are occupied by women.⁵ The profession is more diverse than it has ever been before, and this is something we should celebrate.
6. Now, I will be the first to admit that we still have a long way to go. There are still systemic barriers which prevent women from advancing in the profession, as well as prejudices and biases which can hinder lawyers from different backgrounds.⁶ But, when we look back at how far we

¹ James A Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (The University of Chicago Press, 2008) 295–304.

² J M Bennett, *A History of Solicitors in New South Wales* (Legal Books, 1984) 47, citing *Sydney Gazette* (Sydney, 27 May 1824) 2 <<https://trove.nla.gov.au/newspaper/page/494858>>.

³ J M Bennett, *A History of the Supreme Court of New South Wales* (Law Book Co, 1974) 5.

⁴ 'Practising Solicitor Statistics: 31 December 2018', *Law Society of New South Wales* (Web Page) <<https://www.lawsociety.com.au/sites/default/files/2019-01/201812%20Practising%20Solicitor%20Statistics%20-%20Dec%202018.pdf>>.

⁵ 'AIJA Judicial Gender Statistics – Judges and Magistrates (% of Women) March 2019', *Australasian Institute of Judicial Administration* (Web Page) <<https://aija.org.au/wp-content/uploads/2018/03/JudgesMagistrates.pdf>>.

⁶ See, eg, Law Society of New South Wales, 'Diversity and Inclusion in the Legal Profession: The Business Case' (Report, June 2017) <https://www.lawsociety.com.au/sites/default/files/2018-03/DIC%20business%20case_0.pdf>.

have come, which at one time would have been seen as an unachievable dream, it should give us hope that these challenges, too, will not be insurmountable.

7. The revolution in the diversity of the legal profession which we have seen over the last several decades reflects the changes which have occurred in the wider community over that same period of time. Never before has Australian society been more multicultural and pluralist than it is today. We are now home to a wide and growing number of people who hold different viewpoints and who come from different backgrounds, and this is unlikely to change in the foreseeable future.
8. Unfortunately, for some, this is cause for alarm. In their eyes, these new experiences are not something to be celebrated, but are fractures in our society which need to be erased. The terrible consequences of this point of view have become all too familiar in recent times. We have seen unspeakable and senseless violence take place in one of our closest neighbours, and we have seen divisive rhetoric become distressingly common at home and abroad. Most worryingly, we have seen the rise and rise of authoritarian thinking which believes that the best way to manage difference and dissent is to suppress it completely.
9. These problems may seem to be far removed from where you are at present. Perhaps one might think that they are more the concern of politicians than lawyers. But these problems strike at the heart of the rule of law in our community, which you have today taken on a solemn duty to uphold. They will not go away simply by being ignored. You have all become lawyers at a crucial time in our shared history.
10. Now, I do not mean to suggest that by becoming a lawyer, you have taken on a responsibility to fix the problems which face our society single-handedly. This is, of course, far too great a job for any one individual or for any one group. You also each have your own interests and dreams which will lead all of you in different directions. Some of you will work at private firms, or move in-house. Some of you will

become criminal lawyers, or take on a position in the public sector. And some of you might choose to pursue careers outside of the law altogether.

11. However, underlying each of these pathways is the commitment you have made to our system of law, and it is this, I think, which offers the best chance of resisting the slow slide into a society which does not tolerate diversity and debate, and which meets difference with violence. As lawyers, we are committed to resolving disputes by applying the rules which have been endorsed by the public through their representatives in the legislature. Where we believe those rules to be unjust or unfair, we are committed to making our case for change to those representatives, and ultimately, to the public, during free, fair and compulsory elections.
12. Whenever we, as lawyers, apply those rules, we are upholding a system which is based not on the whims and arbitrary decisions of a loud and angry majority, but on the rule of law. This happens when a public lawyer challenges a decision of a public official which has cancelled their client's visa. It happens when a criminal lawyer convinces a jury to acquit their client of the charges of which they are accused. It happens when those who are not practising use their knowledge to educate others about what the law requires. And yes, for those who are wondering, it even happens when you are required to comply with court rules setting out page limits, word counts, and margin sizes in exquisite detail. I should also say that even some of the more experienced lawyers here today could sometimes use that reminder.
13. While we are performing these and other tasks in our careers as lawyers, it can sometimes be difficult to believe that what we are doing really contributes to upholding the rule of law. It is easy to lose sight of the bigger picture. However, as much as lawyers are maligned in the media and popular culture, by everyone from Shakespeare to the cast of *Suits*, I would ask you to remember that, for many people, a lawyer is the last chance that they have for hope. For the parents who have tried

to provide a good life for their children, but who took on more debt than they could afford on terms they didn't understand. For the traditional custodians of land in Australia, who have fought and still fight to have their rights recognised against a history of oppression and injustice. For the business owner, who, buffeted by economic forces outside their control, can no longer afford to pay what they owe. For the people who have to grapple with the complexity of our social security system to make ends meet. And for young people from disadvantaged backgrounds, who often face lengthy sentences of imprisonment for crimes which probably would not have been committed but for their difficult circumstances.

14. By helping them, and others who find themselves in similar positions, we show that we must extend our concern beyond those who simply look and think the same as we do, and that we must be able to stop and look at things from a different point of view. It is our commitment to the rule of law which forces us to think about other people not as the "other", but as individuals who have their own stories and whose rights and freedoms are as equally worthy of protection as our own. Lawyers who advise clients who might be tempted to rely on their wealth, power and influence to get their way must emphasise that they are obliged to act not only within the letter, but also within the spirit, of the law. And it is only then that we might be able to move away from the misunderstanding and resort to violence and oppression which has so often plagued our history.
15. For these reasons, the commitment you have made today to the rule of law is an important one. You have undertaken a duty to administer the law competently, and with honesty and integrity, as have the many lawyers throughout the centuries before you. It is out of respect for this long and proud history that we mark today's occasion with the unique formalities you have just witnessed, including the moving of the lawyers to be admitted, the swearing of the oaths, and even our somewhat strange choice of fashion. I have heard that one young member of the

audience once asked if we were doing Santa photos after the ceremony. I was very sorry to disappoint.

16. But remember, when you leave this place as newly-admitted lawyers, you will not be leaving alone. From now and for the rest of your career, you will always be working with your peers, in whatever area you find yourself practising, and their support will prove invaluable. Although you might find it hard to believe, I was admitted quite a long time ago. I lost my first case, and I lost many more after that. Throughout my 35 years in practice, the other barristers on my floor could always be counted on to share my disappointment at the unfairness of the verdict, the sly tactics of opposing counsel, and most often, I regret to say, the obtuseness of the judge or judges. I hasten to add that I do not include either of my fellow judges on the bench in that comment.
17. Finally, there will be points in your career when you feel overwhelmed, disheartened or distressed. When this happens, you should take the time to turn to the enduring things in your life, like your family, partners or friends. Taking the sensible decision to cut back on your workload is not a sign of weakness. On the contrary, it is essential to longevity. From personal experience, I can tell you that this is how to sustain a lifelong career in the law.
18. On behalf of all of the judges of the Supreme Court, I once again congratulate you on your admission and welcome you to the legal profession.
19. The Court will now adjourn.