



Supreme Court
of New South Wales

**IN THE SUPREME COURT
OF NEW SOUTH WALES
BANCO COURT**

**Speech by Johnson J at Admissions Ceremony
2.45 pm, 6 May 2022**

1. May I warmly welcome you all to the Supreme Court of New South Wales. Present with me on the Bench today is Justice Adamson closest to my right, who is a judge of the Common Law Division, Justice Lindsay to my left, who is a judge of the Equity Division and Justice Williams to my far right, a Judge of the Equity Division. I am a judge in the Common Law Division. The Common Law Division and the Equity Division are the trial Divisions of the Court. They constitute the engine room of the Court, where a wide range of civil and criminal cases are decided. Together, we constitute the Court that has, in exercise of its jurisdiction, admitted you to practice.
2. We are doing so sitting on the land for which First Nations People, the Gadigal People of the Eora Nation, have cared and been

custodians for thousands of years. The Court pays its respects to the elders of the Gadigal People, past, present and emerging.

3. To all the new lawyers here today, and on behalf of the Chief Justice and all of the members of the Supreme Court, welcome to the legal profession. Today is a day for celebration.
4. You have all worked extremely hard to get here. Many days of legal research, text books, cases in a wide variety of areas. And, for most of you, your journey has involved two very challenging final years affected by the COVID-19 pandemic in which you have been deprived of many of the opportunities for the forging of close bonds with your peers that those years usually present. You have faced and come through this enormously challenging period. That makes your achievement all the more impressive and the fortitude you have developed will stand you well into the future.
5. It is in a spirit of optimism that I express the Court's hope that you enter the profession at a time when our society is exiting the worst aspects of the pandemic.
6. In being admitted as a lawyer of this Court, you join a profession with ancient origins. The custom of advocates swearing an oath

on admission to practice dates back to the twelfth century. This Court first admitted lawyers in 1824. By 1830 the names of lawyers were entered onto rolls in this State, as you will do immediately after this ceremony. You have thus now become part of this tradition, almost 200 years later.

7. The Court is also pleased to welcome those with you today or watching on the live stream. For many of you, the support of your family and friends has been invaluable. You have no doubt expressed your thanks to your family and friends for their support during the challenging years which have brought you to this important day.

8. The law touches every part of our society, and it can and will lead you all in many different directions and career paths. But in whatever direction you head, you must always remember that the oath or affirmation you have just made is a serious one and deserves solemn regard. 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 integrity and your commitment to justice, and must strive at all times to uphold these values.

Admission as a member of the legal profession is a privilege and not a right.

9. 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 the 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.
10. As to formality, you will see from the portraits on the walls of this Court that we are wearing the same robes as have been worn by our predecessors. Symbolically, that highlights the continuity of the rule of law in New South Wales. In a world in which there is much global uncertainty and insecurity, exemplified by the terrible events in eastern Europe, the rule of law is more important than ever and is not simply a theoretical concept. It is the opposite of the arbitrary abuse of power and the rule of autocratic dictators.
11. Although we mark this occasion with formality and tradition, not everything in the legal profession remains unchanging. COVID-19 meant a rapid shift to increased use of virtual courtrooms and

technology, to ensure access to justice continued in the midst of a pandemic. Challenges have arisen in terms of open justice and fairness to participants.

12. But for all the challenges we faced, new opportunities presented themselves, including greater workplace flexibility, which is especially important for lawyers with family responsibilities. Better use of technology also has serious implications for how our legal system interacts with and may become accessible to many people, including those in rural areas, those with a disability, medical conditions or carer's responsibilities.
13. Although the increased use of technology offers a number of advantages, the practice of the law has human interaction at its core. It is best done face to face in the courtroom. 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.
14. There are other areas of change that deserve attention. When we think of the diversity of the legal profession, we encounter the position that we have come very far, but that much still needs to be

done. For example, although women were originally not permitted to practice law at all in New South Wales, since 2018, women have made up more than half of all solicitors with a practicing certificate in New South Wales, and currently make up 64% of solicitors under the age of 30.

15. Women also occupy many of the most senior positions in the law, including, of course, the Chief Justice of the High Court of Australia, the Commonwealth Attorney General, the President of the NSW Court of Appeal and the State and Commonwealth Directors of Public Prosecutions.
16. There should also be strong representation of lawyers from 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 in a system reflective of our broader community.
17. The admissions ceremonies on which I have sat, since becoming a judge 17 years ago, highlight that there is a far greater diversity of

background amongst junior lawyers than in former years. That is a very good thing.

18. These are important developments which will continue to occur in this State.
19. You, the newly admitted lawyers, are in a unique position as you enter the profession at a time when, more than ever, your words and actions are having an impact for good. You should speak up for the things that matter and in which you believe. You are the future of the profession and will steer the direction it will take.
20. I also urge you to engage with your communities outside the law. Your training as a lawyer in systematic thought, the importance of matters of principle and fundamental fairness, including due process, equip you very well for service beyond day to day practice. You will also derive great satisfaction from such engagement.
21. 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.

22. 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. Justice Gageler, before he was a High Court judge, once said: “You must be prepared to give the same answer to the same questions for the same reasons, no matter who asks the question or for what purpose or in what context the asking may occur.” That is very good advice, as you might expect.
23. 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. An individual in need of your services as a lawyer is in most cases an individual facing some kind of great personal challenge affecting his or her liberty, property, personal wellbeing or health or financial position. For these reasons, you must always strive to deliver legal services sensitively, competently and fearlessly, but always with courtesy and integrity.
24. In this context, I wish to emphasise the importance of civility. Aspects of the law, especially if you are involved in court proceedings, can be confrontational. The practice of the law can

be stressful and demanding enough without friction 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.

25. Please keep in mind that the best advocates can and do make their point simply and succinctly. Often, less is more. For a non-lawyer, law is often difficult to understand. One of your roles as a lawyer will be to make law accessible to others, sometimes by unravelling legal complexities and poor drafting. You should strive to be clear and concise at all times, in both your writing and your speaking.

26. The practice of law involves both success and failure. At various points of your career, you will make mistakes, some minor, some more serious. We all make mistakes from time to time, especially when we are starting something new. Even judges make mistakes which is why there is a Court of Appeal. What is important is that you try not to make the same mistake twice. 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.

27. Your physical and mental health are both extremely important. There may be times when you feel overwhelmed or burnt out. 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 we all have from time to time, try to take a step back and recapture some perspective or suggest gently to your colleagues that they do so.

28. In this context, also remember that in times of difficulty, the support and friendship of your peers will prove invaluable. Always remember that you are not alone. You should also not be afraid to seek professional help if needed. Both the Law Society and the Bar Association in this State are fully attuned to the potential stresses of practice.

29. The law is a great profession: stimulating, challenging and satisfying, and populated by intelligent, committed and dynamic people. You should be proud to be a lawyer, and of your

achievements to date. A legal career is one that can take you in many different directions, all of which are interesting and rewarding.

30. Earlier in these remarks, I mentioned the history of the Supreme Court where lawyers were first admitted in 1824.
31. After this ceremony, you will all travel down to the ground floor. It is customary these days to move into Queen's Square to take photographs on the steps of this Court, especially on a sunny Sydney day like today.
32. If you look around Queen's Square, you will be surrounded by history. You will see standing next to the famous St James Church, the oldest courthouse in Sydney. The original courthouse was built on King Street in the 1820s. Other parts were added to the original courthouse in the 1850s and 1890s.
33. That courthouse continues to be used as a working courthouse. Criminal trials have been conducted there for many years. I have had the honour to preside in many cases at that courthouse.

34. When I enter the old courthouse, as I have many times over 17 years, I cannot help but think of its history, the trials and sentencing proceedings over nearly two centuries.
35. If you enter the courthouse these days, you will see criminal trials where juries, made up of members of the public, judges and lawyers strive to do their best to reach a just verdict according to the law and the evidence. It is a working courthouse with living links to the past administration of justice in this State which extends back nearly 200 years.
36. That courthouse serves as a reminder of the history of the Court, and the practice of law in this State, which you join today with your admission as lawyers.
37. On behalf of the Chief Justice and all the judges of the Supreme Court, I once again congratulate you on your admission and welcome you to the legal profession.
38. The Court will now adjourn.