

ADMISSION OF LAWYERS

- 1 **BATHURST CJ:** Now that the formal part of these proceedings has ended I would like to offer a few words of congratulations and encouragement to the newly admitted lawyers of the Court.
- 2 Present with me on the Bench today are two other Justices of the Supreme Court. Together, we constitute the Court that has, in exercise of its jurisdiction, admitted you to practice.
- 3 You may think your time as a student has ended. No doubt your friends and family hope that it has, for many will have felt over the years that they were doing your courses with you. Let me be the one to break it to you – the law is a pursuit of constant learning. It is ever changing. Indeed, many of you will be involved in making changes to it. The law's answers, when they may be found at all, are often wrought from endless hours of research and reading. And just when you think you've reached the pinnacle of your career, for example as senior counsel or a judge, some bright young thing will step into the well of the court and teach *you* a lesson. It is my prerogative, therefore, as Chief Justice of your admitting Court, to give you *your first lesson* as newly admitted Officers of the Supreme Court of New South Wales.
- 4 Today you join an ancient profession. Advocacy in some form has existed at least since the time of the Ancient Greeks. Specially trained legal representatives started popping up in Europe around the Twelfth Century AD. However the most important development that led to your being here today happened just six and a half hundred years ago. No time at all in legal terms. Mid-way through

the Thirteenth Century the practice of law became more than a mere trade or hobby. It became a *profession*. In fact it is one of the oldest professions. What this means for those of you being admitted is the subject of my lesson today.

- 5 It is said that the term profession “in the rigorous sense applies to a line of work that is not only useful, but that also claims to promote the interests of the whole community as well as the individual worker. A profession in addition requires mastery of a substantial body of esoteric knowledge through a lengthy period of study and carries with it a high degree of social prestige. When individuals enter a profession, moreover, they pledge that they will observe a body of ethical rules different from and more demanding than those incumbent on all respectable members of the community in which they live.”¹
- 6 I will say something on each of these, community, knowledge, prestige and ethics, in turn.
- 7 First, you are joining a professional *community*. The law is a stimulating and rewarding profession, but it can also be highly pressured and stressful. When clients are demanding, when cases do not go your way and when work is not progressing in the way you might have hoped, remember that you are part of a community of lawyers and that you will always find support from the members of your profession.
- 8 Many of you fall into what we might refer to politely as the “high achieving” category. (Your friends and family no doubt have their

¹ Brundage *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* 2008 (University of Chicago Press: Chicago and London) 2.

own more colourful terms for this tendency.) While this characteristic was invaluable in getting into and surviving law school, you must be careful to avoid the pitfalls of perfectionism. In law, you can't win them all.

- 9 I lost my fair share of cases over the years – certainly far more than I think I should have – and the other barristers on my floor could always be counted on to share my commiserations on the unfairness of the verdict, the sly tactics of opposing counsel, and the obtuseness of the judge. Their support was invaluable, and made the past 35 years of my career not only rewarding, but a great deal of fun. So when the going gets tough, remember that you are a community, and lean on one another.

- 10 Second, legal professionals must master a substantial body of esoteric knowledge. It may surprise the non-legal family and friends here today to discover just how peculiar some of this knowledge is. The newly admitted lawyer knows all about peppercorns, Victorian chimneysweeps and carbolic smoke balls. If they're an equity lawyer, they also know an awful lot about horses. They can tell you who is responsible for a snail floating in a bottle of ginger beer, and even how long to wait before eating the cabin boy if you're ever shipwrecked. That last one is a topic probably best avoided at dinner. Certain elements of their behaviour will also become irrevocably altered. For example, they will develop a band of invisible friends lead by a mystery man known only as "the reasonable person," who is said to frequent the Bondi omnibus.

- 11 I've already said that a love of learning is essential to this job. A sense of humour, and an appreciation of the law's weird and wonderful quirks will also go a long way.
- 12 Third, membership of a profession is said to involve a certain amount of prestige. That's not a word I am particularly fond of. In modern parlance it brings to mind pomp and pretension. I prefer instead to think of lawyers as custodians of the law, which has been passed down and honed over hundreds of generations into the foundations of our peaceful and prosperous society. The prestige that attaches to the legal profession in this regard is merely a reflection of the sanctity and respect due to the legal principles that lawyers pledge to uphold: to equality, justice and the rule of law.
- 13 That is why we continue to mark important occasions like today with the ceremony and tradition you have just witnessed. Believe me, I am not wearing this wig because it is fashionable. These robes, the formal procession, the pledge you have made here and the roll of lawyers you will sign later, all signify the tremendous importance of the law and legal tradition of which you are now guardians.
- 14 I said before that a profession is concerned with the welfare of the community as well as the individual. This refers not only to collegial care within the legal profession, but also to concern for the wider community who rely on lawyers to represent their interests, protect their rights, and defend their freedoms. The prestige that attaches to those who successfully perform these tasks, is duly earned.

- 15 Finally, a profession requires members to observe ethical rules above and beyond those demanded of members of the lay public. There is an entirely misguided perception, which is as old as the worst jokes about lawyers, that our primary concern is financial reward or self-advancement. Nothing could be further from the truth. At the heart of what it means to be a member of a profession, in truest sense, is recognition that your skills and learning have inherent value to the community and that you therefore have a responsibility to act in accordance with the highest ethical standards. This means you will sometimes have to defend unpopular clients, speak up where you see injustice others prefer to ignore, and refuse to act in any manner that might compromise your ethical obligations. This is not easy, nor is it always understood by those outside of the profession; but it is absolutely essential to our legal system which trusts in you to uphold and represent its fundamental tenets.
- 16 It remains only for me to offer you my sincerest congratulations. You should be extremely proud, as I am sure your family and friends are of you.
- 17 On behalf of all the judges of the Supreme Court of New South Wales I congratulate you on your admission and wish you a warm welcome to the legal profession of this State.
- 18 The Court will now adjourn.