



ADMISSION OF LAWYERS

1. **BEAZLEY ACJ:** 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.
2. Present with me on the Bench today is to my right and to my left. Together we constitute the Court that has, in exercise of its jurisdiction, admitted you to practice.
3. The ceremony in which you have just participated is very old. The first such ceremony was in 1824 and took place a few blocks away in the Georgian Public School, now the site of the David Jones women's department.¹ So you are now part of this Court's history of almost 193 years of lawyers taking an oath before the judges of this Court.
4. Public confidence in the law is enhanced if the legal profession reflects the diverse make-up of the community that it seeks to represent. You have each trodden different paths to be here today. You come from different homes, different backgrounds and different countries. The administration of justice benefits from the breadth of individual experiences and perspectives that you will bring to legal practice. It has also benefitted from the great gift that each of your parents has given you – that is, an education.
5. Historically, the legal profession has lagged a little behind in the diversity stakes. When I was admitted to the bar in 1975, I was only the 37th woman to be admitted in the history of the NSW bar. The very first barrister admitted to the NSW bar had been admitted approximately 150 years before that. It was a very unusual year if more than two women were admitted to the bar in any one year.

¹ *Sydney Gazette*, 20 May 1824, 2, available at <<http://trove.nla.gov.au/newspaper/page/494854>>.

6. The portraits of the past Chief Justices around these walls might seem to underscore that lack of diversity. We should, however, embrace our legal history – under the steady and wise leadership as it was of the time. But what a statement it is today that we have you as members of the legal profession, vibrant young women and men committed to the practice of the law.
7. So on behalf of the Chief Justice, the judges on the bench with me and on behalf of the Court generally, I would like to congratulate you all on your admission to the legal profession.
8. You have worked incredibly hard to get here. This is, of course, a very formal occasion with legal significance for you individually and for the community but it is also one of celebration – for each of you who has been admitted today, but also for the family members, friends and colleagues who have played a role in your journey towards this day.
9. There will no doubt be a few present here today who remember their own admission ceremony during the time of former Chief Justice, Sir Laurence Street, and those famous words, when at least one baby inevitably cried, “Don’t leave madam, everyone is welcome”. And you are, everyone in this court room is, welcome and, as the judges representing the Court, we too are delighted and privileged to be part of your admission ceremony.
10. Celebrations aside, it is important that you recognise that you have just been admitted to a profession. That carries with it certain obligations. The great American legal scholar, Roscoe Pound once described a profession as entailing the pursuit of “a learned art ... in the spirit of public service”, a quote from his book *The Lawyer from Antiquity to Modern Times*.
11. No doubt, many of you think you have shut those text books forever. Your parents probably hope that you will shred the notes that have been strewn around the bedroom floor for the last few years. Most of you hope that you have left all the stress in the law library.
12. However, far from leaving the learning and the stress behind you, the law is a demanding profession which requires constant learning and professional development.

13. Much of what I learnt at law school has been statutorily replaced, or subtly and sometimes not so subtly changed by the High Court. There are constantly new things about which we must learn – the legal implications of bitcoin and blockchain technology come immediately to mind.
14. Although this can be very demanding, it is immensely satisfying intellectually and keeps you up to date with what is going on in commerce, business, intellectual property and medicine to name just a few of the disciplines with which your practices may bring you into contact. The constant updating of your knowledge should not only ensure you become and remain a very good lawyer, it should actually make you a knowledgeable, vibrant member of society who understands its workings and who is able to make a valuable contribution to it.
15. Your knowledge and skills as lawyers will enable you to know when to agitate for better laws, to argue for the repeal of bad laws or indeed for the retention of good ones. As Oliver Wendall Holmes, Justice of the Supreme Court of the United States once put it, “it is certain that many laws have been enforced in the past, and it is likely that some are enforced now, which are condemned by the most enlightened opinion of the time”.² Made in 1897, this statement was clearly not a reference to greyhounds or lock-out laws or council amalgamation or national disability legislation.
16. Whatever your personal views might be on any of those topics, they do demonstrate that as lawyers you need to be well versed, not only in the legalities of a particular issue – you also need to understand the societal questions involved. That means involvement in the community as an integral part of the practice of the profession to which you are now admitted.
17. Your legal studies have given you a great store of knowledge. Some of it quite unique. You are the only graduates from university who know whether you can bring a claim if you find a snail in your ginger beer. And no other group of graduates understands that to be reasonable you have had to have travelled on the Clapham bus at least once.

² Oliver Wendall Holmes, ‘The Path of the Law’ (1897) 10 *Harvard Law Review* 457,460.

18. To be serious though you have learned to think, you have learned to analyse, you have learned to understand the language of the law and its quality as an ever evolving body of principles, spanning the breadth of all aspects of society. Your ability to understand the language of the law gives you the power to contribute to its evolution and ensure that it is available, accessible and responsive to the needs and interests of all people, no matter their ethnic or cultural background, political persuasion or socio-economic position.
19. As a member of the legal profession, you have agreed to uphold particular ethical rules and values. Not only does the law regulate behaviour and provide a mechanism by which individuals can peacefully resolve their disputes, it also serves as a safeguard; it restrains the exercise of unlawful power and enables every individual to assert their legitimate interests and defend their rights.
20. The rule of law demands, among other things, a commitment to justice, equal application of the law to government and citizens, strict judicial independence, and an ability to access the courts. You are now trustees of this fundamental rule of our democracy. You are tasked with preserving and strengthening the rule of law. Lawyers in this state have a long and proud history of upholding the rule of law through courage and tenacity. In doing so, they have contributed to building a fairer, more tolerant and diverse society.
21. In 1838, the Attorney General John Plunkett braved intense public condemnation to successfully prosecute seven white settlers accused of murdering a Weraerai tribe in rural NSW. That case unambiguously established that all inhabitants of New South Wales were entitled to the full protection of the law.
22. In 1902, Ada Evans was the first woman to graduate from law at Sydney University. She enrolled while the Dean was overseas – a stunning example of a good tactical mind – an asset for any good lawyer to have. As she was prohibited from practicing after her graduation, she campaigned tirelessly until the New South Wales Parliament passed the *Women's Legal Status Act*.³ The Act provided that women could be elected to parliament, hold government

³ *Women's Legal Status Act 1918* (NSW).

office, be appointed to judicial office and be admitted to practice. I have to say, the profession has never been better as a result.

23. In 1967, the first pro bono initiative was created by a commercial law firm to represent individuals who had been arrested for protesting against the South African apartheid regime.⁴ Pro bono work has now become a central component of the legal profession's contribution to the community.
24. In 1965, Jim Spigelman, later Chief Justice, and Gordon Samuels, who would later become a judge of the Court of Appeal and Governor of this State, agitated for the rights of the indigenous community.⁵
25. Some twenty-five years later, the dedicated work of a team of solicitors and barristers on the *Mabo* case contributed to finally abolishing the fiction of terra nullius in this country.
26. Now that you are admitted, you too will find yourself called upon on to deliver fearless advice, to speak out in cases of injustice, to contribute to public discussion and ultimately to contribute to our legal system's promise of 'equal justice under law'. That promise, and the rule of law itself, depend, in large part, on public confidence in the administration of justice.
27. Finally, the performance of your ethical obligations as a lawyer will not always be easy. In performing this role, it is important to keep in mind that you are now part of a professional community.
28. As you face these challenges, the support of your peers will be invaluable. I have no doubt that you will be able to count on your friends, family, and legal colleagues to share in the disappointment of such experiences but also to help you discern the silver linings.
29. You are today joining a profession that is held in high regard. You are now each custodians of the legal traditions that underpin our society. It is for this

⁴ Maria Twomey and John Corker, 'Pro Bono at Work: Report on the Pro Bono Legal Work of 25 Large Australian Law Firms' (2008) 11(2) *Legal Ethics* 255.

⁵ See The Hon Michael Kirby AC CMG, 'Honouring pro bono lawyering' (Address to Victorian Bar Pro Bono Committee, 2 April 2009) available at http://www.michaelkirby.com.au/images/stories/speeches/2000s/2009+/2348.Victorian_Bar_Pro_Bo_no_Committee_April_2009.pdf.

reason that we mark today's occasion with the ceremony in which you have just engaged. Believe me, we are not wearing these wigs because they are comfortable, much less because they are fashionable. We do so because it is representative of that great tradition.

30. On behalf of the judges of the Supreme Court, I again congratulate you on your admission and welcome you to the legal profession.
31. The Court will now adjourn.