



ADMISSION OF LAWYERS

(Wright J speech 8 December 2023)

- 1 Now that the formal part of the proceedings is over, I warmly welcome you all to the Supreme Court of New South Wales. Present with me on the Bench today is Justice **Henry** to my right, a judge of the **Equity Division** and Justice **Weinstein** to my left, a judge of the **Common Law Division**. Together, we constitute the Court that has, in exercise of its jurisdiction, admitted you to practice. In addition, we are joined by Justice **Halley** of the **Federal Court** of Australia who is sitting to my far left.

- 2 On this day of your admission as a lawyer, it is important to remember that the law - the rules and customs by which society operates - has deep roots in this land. Indeed, those roots stretch back tens of thousands of years. One of the rules which was applied and obeyed since before 1788 was that people from one clan or nation were not generally allowed to enter the land of another clan or nation without permission. A similar but more general rule continues to apply today as part of our visa and immigration system. It is appropriate for those permitted to enter to acknowledge, either as a matter of custom or of politeness, the authorities whose role it is to give permission to enter. For this reason, on behalf of us all I acknowledge the traditional custodians of the land on which this Court is sitting, the Gadigal people of the Eora nation, and pay respects to their Elders past and present.

- 3 To all the newly admitted lawyers, congratulations on your admission and welcome to the legal profession. I am sure that the support of your family and friends has been invaluable and I particularly welcome them, whether in the Courtroom or watching the livestream. No doubt, they have been on the

receiving end of your finely polished 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 have convinced them to shout you a civilised lunch or dinner to celebrate.

- 4 Today is one for celebration. It is a day which marks the culmination of your legal studies, when you can look back, with pride and relief, on those caffeine-fuelled nights spent memorising the provisions of the Corporations Act, on the extended periods when all your waking moments and some of your dreams were populated by peppercorns, carbolic smoke balls and boilermakers and, just when you finally thought it was all over, on the hours dedicated to video conferences with your PLT co-ordinator while you were trying to hold down a practical legal training placement. We know, and your family and friends know, how hard you have all worked to get here. The memories of your studies may be ones that never really leave you, or them.
- 5 Being admitted as a lawyer, you join an honourable and ancient profession. The custom of advocates swearing an oath on admission to practice dates back to the twelfth century. This Court first admitted lawyers in 1824, very close to 200 years ago.
- 6 This ceremony continues the tradition and is attended by 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 the Court, your peers and your family and friends. They are all witnesses to the serious promises and undertakings you have made.
- 7 You will see from the portraits on the walls that we are wearing the same 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 increasingly diverse backgrounds.

- 8 I also acknowledge the diversity of your circumstances and backgrounds. You represent the present reality and the future of the legal profession in this State. Until slightly more than a hundred years ago, women were not permitted to practice law In New South Wales. Since 2018, however, they have made up more than half of all solicitors in this State. Some of the most senior positions in the law in Australia are held by distinguished female lawyers.
- 9 The profession now also has a strong representation of lawyers from the many different backgrounds which comprise our cosmopolitan community.
- 10 Diversity can greatly strengthen the legal profession, most especially if we share a common purpose. As lawyers, our common purpose should be to uphold the rule of law, the fundamental principle that the law applies to all persons in the society, whether they be individuals, corporations or governments, so that no one is above the law and so that all persons have a proper opportunity to ensure that the law is obeyed or fulfilled.
- 11 The rule of law is only beneficial, however, if the laws which are applied are just and fair. How does one determine whether a law is just or unjust? Can I suggest that you consider what Martin Luther King Jr said in his Letter from a Birmingham Jail during his campaign for civil rights:

“A just law is a man made code that squares with the moral law ... An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.”¹

- 12 Notwithstanding the formality attending this ceremony, the life of the law is dynamic. Artificial intelligence and technology present great opportunities for the profession, if used in the right way. The practice of the law has human

¹ M L King Jr, “ Letter from a Birmingham Jail” 16 April 1963
(https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html accessed 26 July 2017)

beings and human nature at its core. An essential part of being a good lawyer is understanding people. Technology, artificial intelligence and the latest developments must serve the people in our society and not the other way round.

- 13 The law touches every part of our society, and it can and will lead you all in many different directions and career paths. 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 conscientious and competent practice of the law. That is, in substance, what today you have promised to do.
- 14 On becoming a lawyer you will discover an important fact: in the legal profession, you are never alone. This has at least three important aspects.
- 15 First, as the newest lawyers in NSW, you can be comforted by the knowledge that you are not alone because there are other practitioners will guide, mentor and support you. Their advice and encouragement can be invaluable. I was a barrister for some 30 years. Over that time, I benefited from the wisdom and insights of my colleagues. Despite that, I lost my fair share of cases, more than I would care to admit. 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 quite often, I regret to say, the obtuseness of the judge. I hasten to add, I do not include any of my fellow judges on the bench in that remark.
- 16 Secondly, you are never alone in that you will *a/ways* have to interact with other members of the profession and they will watch and judge you. Depending on what you do and say, you will acquire a professional reputation determined by your peers. It is entirely up to you, what sort of professional reputation you acquire. A reputation for honesty, integrity and competence can be an enormous advantage.

- 17 Thirdly, you are never alone in that, when you confront a legal problem, almost invariably someone in the past, whether recent or distant, has also confronted a similar problem. Understanding how those before you have addressed the problem can be of enormous practical assistance.
- 18 Let me come to a difficult topic, mistakes. Unfortunately, we all make mistakes, some minor, some more serious. When you do make mistakes as a lawyer, your commitment to honesty, integrity and the administration of justice means that you must take responsibility, correct what you can, and learn from the errors. One mistake you should not make is to give your clients the advice you think they want to hear rather than the advice you believe to be correct. That will not be good advice, and the clients will not welcome it in the long run when the true picture emerges.
- 19 There is another lawyerly virtue that I should mention, civility. Aspects of the law can be confrontational. The practice of the law is stressful and demanding enough without personal animus and antagonism between practitioners adding to the load. It is essential to be civil to your opponents; maintaining your detachment, balance and good humour, remembering that you will likely have to deal with them again and that you are a member of a profession and not a business. As such, your purpose is not to achieve your clients' ends at any cost or just to maximise your profits. On entering the profession, you have accepted an overriding duty to act in accordance with the oath or affirmation that you have made today.
- 20 In the practice of the law, there will be times when you feel overwhelmed, burnt out or distressed. Legal practice can be all-consuming and physically and mentally taxing. Strive to keep your life in balance, as well as keeping your eye out to ensure that your colleagues do as well. If you do feel overwhelmed by it all, as we all have from time to time, try to take a step back and recapture some perspective. Rest and recreation are essential to being able to function at the optimum level.

- 21 The law is a highly collegiate profession and support is readily available.
- 22 The law is a wonderful profession: stimulating, challenging and satisfying. It is a profession that underpins stability and cohesion in our society. You now have the privilege of being a part of that very important profession.
- 23 With that privilege, however, comes the obligation to work conscientiously, to strive to fulfil the oath or affirmation you have made today, to look out for your colleagues and to contribute to your community. In doing so, it is also wise not to take yourself too seriously. In my experience, your family and friends will be particularly keen to help you in this regard.
- 24 On behalf of all the judges of the Supreme Court, I congratulate you on your admission and welcome you to the legal profession.
- 25 The Court will now adjourn.