

Speech Given at the Ceremonial Sitting for the Admission of Lawyers

8 April 2022

Supreme Court of the Australian Capital Territory

Chief Justice McCallum

That completes the formalities of your admission. I am McCallum CJ. Sitting with me on the bench today are Elkaim, Loukas-Karlsson and Kennett JJ. Together we form the Court that has admitted you as legal practitioners today. We extend our warmest congratulations to you all and welcome you as the Court's newest practitioners.

We are fortunate to have this grand building as the place where the Court exercises its jurisdiction. But it is important to acknowledge that the land on which it sits is the land of Australia's First Nations people who have cared for country for over 60,000 years and by whom it has never been surrendered. I acknowledge the strength and resilience of our First Nations people and confirm my commitment to work towards a system of shared authority in which we can hope to right some of the many wrongs done to them in the name of the rule of law.

Admission as a legal practitioner is a significant achievement. You are entitled to be proud of yourselves today. I hope you will take the time to reflect on what you have achieved. I am sure you will have had support in one form or another from friends and family during your studies, whether they have made you endless cups of coffee and cheese toasties or listened patiently while you expressed your angst about having surely failed an exam in which you ended up receiving a distinction or quietly endured the indignity of allowing you to hone your cross-examination skills.

They will no doubt now be more familiar than they would like to be with your ability to analyse the elements of a cause of action or a criminal offence from exchanges such as this: "So you agree that is your towel? And you agree that it is a wet towel? And that it is on the floor? You do agree that it is a towel? I put it to you again that you have slovenly habits".

I hope you will take the opportunity to thank those who have supported you today for these many impositions.

Qualification as a legal practitioner offers many opportunities. Some of you may already have a clear idea of the kind of law you wish to practise, others will be waiting for

opportunities to present themselves. In the ACT there is a high proportion of government lawyers and academics. I believe that is one of the many strengths of this legal community. A commitment to public service and a passionate devotion to the law are important qualities for a strong legal profession. I hope not too many of you have come to the law because it is lucrative. In my experience, a singular commitment to making money will come at the expense of other, more important rewards and obligations of our profession.

I imagine that at least some of you will have undertaken your degree with the hope of practising in the field of human rights. Do not be disheartened if you do not find employment in that field. In a sense, every lawyer is a human rights lawyer. Ours is a profession in which we frequently stand as the person with the knowledge, skills and resources in one way or another to assist those whose fundamental rights are being interfered with. You can fulfil that important role for all manner of people.

I want to say something about what you might expect in your early years of practise. It is not uncommon for young practitioners to feel overwhelmed; to look at the giants of the profession and think I could never be like that, or to look at their peers and think they seem to be doing better; getting better work or not struggling with the same lack of confidence.

If you are thinking that about yourself in your early years of practise you are almost certainly wrong. Almost everyone around you will be carrying the same concerns and those who are not should be.

You only need to remember what it was like moving from primary school to high school, and compare it with how you now view your high school years, to see that with hard work and an honest approach, you will grow into the role of a legal professional in good time.

I know few legal practitioners who do not have doubts about their ability to fulfil the role they are in. I include myself in that description. This is the first admission ceremony on which I have sat as the presiding judge and I hope it might hearten and encourage you to hear that I was quite nervous as to what I should say, lest I send you all on a wrong path. A cohort of rogue lawyers wreaking chaos and mayhem on the careless advice of the new Chief Justice. You see, we all have our little anxieties.

Secondly, I would urge you to go along that path secure in the knowledge that nothing is certain in the law. If you are not certain about the answer to a legal problem, it is probably because there are two points of view that are equally arguable. The real skill of a good lawyer is to identify both sides of the argument, rehearse each with equal vigour and be prepared to put the point you are being paid to put as well as it can be put but no more or less than that.

Finally, I want to say something about the likelihood that at some point in your career your integrity will be tested. It may be something as blunt as an open request to do something unlawful. It may be something more subtle than that – a shortcut, a signature not properly witnessed, a damning document not disclosed, a mistake covered up rather than being owned up to. Probably the hardest challenge you will face is if you are expected to do something unlawful or improper by a person in a position of authority over you, or a person you care about, or in circumstances where you personally have much to lose. As commended in the teachings of the stoics, I would urge you to prepare for that moment, rehearse how you might tell an employer or a friend that you will not compromise your standards. You should undertake your practise as a lawyer on the assumption that everything you do and say in the course of your profession may end up on the front page of the Canberra Times. I do not mean that you should look out for your own reputation above all, although you will find that your reputation is an important asset. What I mean is that if you apply the measure of how your conduct would look under scrutiny if it were reported to the public or to your mother or father you are unlikely to allow your principles to be compromised.

Again, I congratulate you all on your admission as legal practitioners today. I look forward to seeing you in the Courts and I hope that you find your careers as rewarding as I have found mine. The Court will adjourn.