

# **University of Sydney Law School Graduation**

## **Occasional address**

**Friday 25 November 2011**

### **Introduction**

Pro-Chancellor, academic staff, ladies and gentlemen, it is an honour to be invited to address the graduands of the Sydney Law School.

Days such as these are milestones to be celebrated with your family and friends – those who have shared the sacrifices you have made and the challenges you have met on your journey to this day.

They are also cause for thought about your personal journey, and for what the future might hold.

Some of you will have already commenced that journey into the world beyond university, with part-

time work or clerkships. Some of you may have chosen a path as far from law as possible!

As you move forward into the “real world”, you should also reflect on how you want to live your working life - because a reputation is a person’s most prized asset.

Whether or not you choose a career in law, what you have learned in this place about the values underpinning the law will stand you in good stead.

I am talking about the duties of truth and candour, of courtesy to your client and your opponent.

There is also the respect that goes with accepting that reasonable minds can disagree and that understanding another person’s argument is the best way to advance your own.

There is the fidelity that goes with accepting there can be no greater honour than to represent someone in their personal affairs,

- with a compassion that says everyone has a right for their voice to be heard;
- and with the acknowledgement that a person who pays for lawyers at the top end of town deserves justice as much as the penniless vagrant.

I would also suggest that the ethical demands on a lawyer also promote that most valuable of commodities – sound judgment.

Are they honest? Are they faithful to those around them? Have they got vices which make them susceptible to bribery or influence? Do they consider each issue on its merits – and the benefits for the client or the community - or do they ask “what’s in it for me”.

I would suggest that if more respect was paid to the qualities that law promotes rather than its rewards, the profession might have a better reputation.

It certainly has a fine history of contribution to Australia.

Recent research has found that 64% of Australians did not know that Edmund Barton was Australia's first Prime Minister. Fewer still knew that Edmund Barton qualified as a barrister and solicitor in New South Wales in 1872 and was this state's 24<sup>th</sup> Attorney General. He went on to serve on the first High Court bench in 1903. <sup>1</sup>

Another even lesser-known lawyer was Banjo Patterson, who, after failing a University of Sydney scholarship examination, served the customary

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<sup>1</sup> Hutchins, C *Preserving the past for the future: The dilemma facing sources recording the history of the Australian legal profession in the 20th century* (2002) 22 Aust Bar Rev 264

articles of clerkship and practiced as a solicitor for ten years from about 1889. Banjo Patterson then went on to become a renowned journalist and of course a poet and ballad writer.<sup>2</sup>

Banjo would have also learned that the law and journalism have a very different way of doing things. In journalism, the answer goes at the top and the detail follows. It is referred to as pyramid-style writing.

I shan't say any more other than to observe that "pyramid schemes" don't have great longevity.

The journalist will be quick to remind observers about some impressive buildings in the Egyptian desert. The difference is they built from the base up - much like the lawyer.

It is only after facts are assembled and the law applied that the conclusion is drawn. This method of

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<sup>2</sup> <http://adb.anu.edu.au/biography/paterson-andrew-barton-banjo-7972>

thinking allows people to be flexible in their thinking and not to be swayed by agendas – to have an open mind.

As the economist John Maynard Keynes said: “When the facts change I change my mind, What do you do sir?”

I also like this definition of the legal profession offered by the former chief justice, Sir Owen Dixon:

“Experience has shown in every age that a profession cannot proceed without high professional standards. Special knowledge is always suspected by those who do not share it. Unless high standards of conduct are maintained by those who pursue a profession requiring great skill begotten of special knowledge, the trust and confidence of the very

community that is to be served is lost and thus the function itself of the profession is frustrated.”<sup>3</sup>

## **Conclusion**

I have tried to stress that the discipline of law can be a stepping stone to any number of careers.

In my career so far I have spanned private practice as a solicitor. I have also had the opportunity to serve in the public sector, and at the Bar. And now, in the NSW Parliament as Attorney-General and Minister for Justice. The breadth of the work I’ve been fortunate enough to engage with has kept me interested and invigorated when it comes to the law and to society and how it functions.

In each of these roles, there has remained a focus on upholding the highest professional standards. For

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<sup>3</sup> Sir Owen Dixon in The Hon Sir Gerard Brennan AC KBE, “Ethics and the Advocate”, Bar Association of Queensland, Continuing Legal Education Lectures, 1992, at <http://www.nswbar.asn.au/docs/professional/pcd/brenan.pdf>

example as prosecutor at the Bar, the rules required me to fairly assist the Court to arrive at the truth, and to seek impartially to have the whole of the relevant evidence placed intelligibly before the Court.

Acting as a lawyer does not mean winning a case at all costs. It is important that you win. But it is more important how you win.

Graduands, I once again congratulate you on reaching this milestone. Although undoubtedly challenging at times, the years you have invested in studying law have now afforded you the opportunity to join one of the oldest and noblest professions. You should feel proud of your achievements, and excited about your future.