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NSW LAW SOCIETY@125: PAST, PRESENT, FUTURE

The Law Society of New South Wales
125th Anniversary Dinner
Sydney Hilton, 30 July 2009.

The Hon. Michael Kirby AC CMG

THE LAW SOCIETY OF NEW SOUTH WALES

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THE PAST

Depending on the starting point one selects, this is a celebration of 125 years of the organised attorneys of New South Wales.

Long before that time, the attorneys of the colony were banded together in a common cause. In 1824, they joined together to attempt to stave off the attempt by Robert Wardell and William Wentworth to exclude them from advocacy in the colony and to "confine them to their own profession[1]". They also banded together in 1842 to confront Governor Gipps and to create the Sydney Law Library Society under the leadership of James Norton[2].

However, it was the formation of the Incorporated Law Institute of New South Wales in May 1884[3] that is usually taken as the starting point of the institutional life of the community of lawyers in this part of Australia. It is to commemorate that event that we come together to celebrate on this occasion.

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* Former Justice of the High Court of Australia and President of the NSW Court of Appeal; President, Institute of Arbitrators & Mediators Australia. Solicitor of the Supreme Court of NSW (1962-67).

1 Entry on "Robert Wardell" in *Australian Dictionary of Biography* (MUP, 1967), Vol.2, 570 at 571.

2 "A History of Service to the Law" in *Law Society Journal* (NSW), July 2009, 50. See also J.M. Bennett, *A History of Solicitors in New South Wales* (Legal Books, Sydney, 1984), 141 ff; S.E. Napier and E.N. Daly, *The Genesis and Growth of Solicitors' Association in New South Wales* (Law Book Co., Sydney, 1937) 1.

3 "A History of Service", Ibid. 51

The history of the Institute (renamed in 1960 as the Law Society) is told, with excellent illustrations, in the latest issue of the *Law Society Journal*[4]. There we can read of the struggles to create a common body of ethics (1898); to regulate trust accounts (1922); to admit women to the profession (1924); to provide a fidelity guarantee fund (1935); to set up regional law societies (1957); to acquire the premises in Phillip Street, Sydney (1959); to establish the *Journal* (1963); to create the Law Foundation (1967); to abolish articles of clerkship and to substitute training in a college of law (1975); to create the Young Lawyers movement (1980); to commence an annual Law Week (1983); to adopt speciality accreditations (1992); and to welcome overseas candidates to the college (2007).

I am proud that between 1959 and 1967, I served in solicitors' offices, first as an articled clerk, and then as a "solicitor, attorney and proctor". Those years prepared me for the practical challenges of a life in the law. There is nothing quite like sitting across a desk, talking with a client, to focus the mind on a legal problem.

Mind you, I had difficulties getting into the profession, despite outstanding results in the school leaving certificate examinations. I applied to all the big firms, including Clayton Utz where the President is now a partner. All of them rejected me. I think I have forgiven them. However, that experience made me a convert to equal opportunity in employment and elsewhere. I hope things have improved in recruitment of new entrants to our profession.

[4] Ibid. 50-59.

When I arrived at the Law School of Sydney University, exactly fifty years ago, an address of welcome was given by the President of the Law Institute, Mr. John Watling of Sly & Russell. In those days, the presidents were usually leaders of the large, long established firms. There were no women members of the Council then. The first woman solicitor, Marie Byles, was still seen around town into the 1960s.

On my first appointment to judicial office in December 1974, the leaders of the Society included Allan Loxton, Murray Hooke, David Barr, John Bowen, Roy Turner and Bruce Holcombe. The last named had been my first employer and later legal partner when I joined the ranks of solicitors in 1962. He and Roger Lakeman co-founded Hicksons, where I practised as a kind of in-house counsel. Bruce Holcombe was innovative, brilliant and generous.

In 1984, when I began my service in the Court of Appeal of NSW, the President of the Society was Rod McGeogh. Other councillors were Kim Garling, Don McLachlan, Nick Carson, David de Carvalho and a young Bill Windeyer who was soon to grace the Supreme Court of the State. Still, there were no women members of Council. Ahead lay the turbulent, creative presidency of John Marsden.

In 1996, when I was appointed to the High Court, Norman Lyall was President. The Vice-Presidents were Patrick Fair and Ron Henrich. Ron Heinrich only recently laid down his responsibilities as President of the Commonwealth Lawyers' Association. In that office, he took a leading part in requiring lawyers and law societies throughout the Commonwealth of Nations to consider and address the discrimination

against their colleagues on the basis of sexuality that still exists in the criminal laws of 41 of the 53 Commonwealth countries.

By this time, six women had joined the Council and before long, they too were to achieve the presidency. Mahla Pearlman being the first. We honour her here, and many of those named.

The objects of the Institute, now the Society, included the promotion of common interests, securing public confidence in practising lawyers and "consider[ing], originat[ing] and promot[ing] reform and improvements to the law". From the very start, law reform was a core objective of this branch of the legal profession[5]. I was to discover how important that would be, during my time as the inaugural Chairman of the Australian Law Reform Commission. Successive Councils of the Society gave the Commission sterling support.

I take this opportunity to congratulate the succeeding chief executives of the Institute and Society. The staff, those who served on the Council. The editors of the *Journal*, including Robert Campbell, the present editor. This is a legal publication that gently seduces us into reading its pages. I confess that I often start with the book reviews. That may be because I often write them! The world today is a very different place from that of the colonial era of 1884. Many things have changed for the better. However, some changes have not been improvements.

CHANGES FOR THE BETTER

Role of women: I have my list of improvements that I have seen during the past fifty years in this branch of the legal profession. No

[5] Ibid. 51.

doubt all of us will have our own categories. Surely near the top of everyone's list will be the increasing role of women in the law.

It is amazing for us to read of the struggle that Ada Evans had, at the beginning of the last century, to become a lawyer. She was only admitted to the university course because the then Dean of Law was overseas. Despite her graduation, she was denied practice on the basis that she was not a "person". It took legislation in 1918 to overcome that impediment; but by then it was too late for Ada Evans[6].

Today, about half of law graduates and more than half of those admitted as lawyers are women. Their advent has not only secured personal fulfilment for the women involved. It helped to change the ethos and culture of the legal profession. In my view for the better.

Changing hierarchy: The past half-century has also achieved a significant change in the hierarchies of the law. When I began, solicitors were often denied audience before the superior courts, including the High Court. The strict divide of the profession, so keenly sought by Wardell and Wentworth in the 1820s, persisted until the 1970s. Now, there is equality in audience rights before the courts and many fine arguments in the Court of Appeal I saw presented by solicitor advocates, including Jeremy Bingham and Paul Brereton.

Highly experienced solicitors have been appointed to serve as judges. On the Supreme Court of New South Wales, they have included Windeyer J, Santow JA, Pearlman AJA, Barrett J and Julie Ward J. One past President of the Law Society, John North, was recently welcomed

[6] Ibid.54.

to the office of judge of the District Court. I thank him for his service as President of the Society and of the Law Council of Australia. He will make another outstanding judge.

National profession: When I arrived in the law, the legal profession was strictly divided according to the geographical boundaries of the States and Territories of Australia. In part, this reflected the predominance of state law in our country. With the growth of federal law, and of national and international law, moves have accelerated to promote a national profession. This year, the Law Council of Australia has been working closely with the federal Attorney-General and state professional bodies, towards the completion of "the national profession project"[7]. Professor Michael Lavarch, Dean of Law at Queensland University of Technology, chairs a consultative committee to advise the Council of Australian Governments on national reform of legal regulation. Changing things established for more than a century is never easy, particularly in the law. But in the words of Ian Berry, President of the Queensland Law Society, we are now headed "for the fast track"[8]. Given the traditions of the past, these are astonishing developments. They reflect at once market and professional realities.

Law reform: Although ongoing reform of the law was, from the start, an objective of the Law Institute, fifty years ago it tended to move to the bottom of the tray. It was something to be done by judges and lawyers on a Friday afternoon, followed as quickly as possible by a few stiff drinks.

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[7] *Australian Financial Review*, 6 January 2009, 4?

[8] I. Berry, "A National Profession, Are We Headed For The Fast Track?", *Proctor* (Law Society Qld.), April 2009, 7.

Professionalism in law reform developed around the early initiative of the NSWLRC. Its professional excellence was soon copied in other jurisdictions. From the 1970s, and today, making submissions and contributions to law reform enquiries has become a truly important role of the legal profession, drawing on its experience of injustices and inefficiencies. I pay a tribute to the Society for the help that it gave the ALRC, as it still does, in the many projects of law reform. Once there was hostility to institutional reform in some quarters. Today law reform is viewed as part of our professionalism. Engagement in law reform helps to teach us all the need to question old laws and to check them against contemporary values and experience. The profession of law inescapably has a moral dimension. That is why the content of law never stands still. It is why law reform is so important.

Pro bono lawyering: Contemporary lawyers, in ever increasing numbers, play a part in the *pro bono* movement. In my days as a clerk and young solicitor, voluntary work was not so designated. But it certainly existed. Many were the cases that I performed free of charge on behalf of the Council of Civil Liberties, war veterans, injured workers and members of other vulnerable groups.

I realise that ever increasing demands upon lawyers to perform work without charge is sometimes a remedy that governments select rather than to provide proper systems of legal aid. Nevertheless, *pro bono* law is now a large and established feature of law as practised today[9]. In 2004, it was estimated to be worth $250 million[10]. It is regularly

[9] M. Lavarch, "National Legal Regulation: What Happens Next", *Proctor*, June 2009, 22.

[10] Australia, National Pro Bono Resource Centre, *The Australian Pro Bono Manual (Ed., Jill Anderson), Sydney, 2003*; Z. Lyon, "Pro Bono Barriers Banished for In-House Lawyers", *Lawyers Weekly*, 10 June 2009, 8; M. Tinkler, "Case for Pro Bono Work Adds Up", *Australian Financial Revieew*, 16 January 2009, 44.

expected of law firms that bid for government contracts. Its importance for ambitious, idealistic young lawyers cannot be denied.

Although I criticised Clayton Utz for rejecting my near-perfect application for articles so many years ago, I pay tribute to them for their *pro bono* assistance to the legal team that won the second appeal for Mr. Andrew Mallard after he had served more than a decade's imprisonment for his conviction of murder in Perth[11]. Likewise, Allens Arthur Robinson represented an Aboriginal prisoner, Ms. Roach, in a case that won the right to vote in the last federal election for many Australian prisoners[12].

There are countless such stories. They bring credit on the lawyers involved and to our profession. They bring individuals to justice and vindicate the system in which we all serve.

Global and regional outlook: In the place of the narrow parochialism of the past, the legal profession in Australia today has become more global and regional in its perspectives. I congratulate President Joe Catanzariti, for repeatedly urging this wider perspective on the profession[13]. A glance at advertisements in newspapers, in the *Journal* and *Lawyers' Weekly* shows the huge opportunities in offshore employment for Australian lawyers today. And in the substance of law, despite rearguard action from some quarters[14], we are seeing an increasing willingness on the part of Australian courts and lawyers to adapt our domestic law to the rules and procedures of international law. It is a good thing that modern travel has helped broaden the mind of our

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11 *Mallard v The Queen* (2005) 224 CLR 125.

12 *Roach v Electoral Commissioner* (2007) 233 CLR 162.

13 See e.g. J. Catanzariti, "Strengthening Our Regional Focus", *Law Society Journal* (NSW), May 2009, 4; ibid. "Global and Local Developments", June 2009, 4.

14 *Al-Kateb v Godwin* (2004) 219 CLR 562 at 581 [36]ff.; cf. at 622 [169]ff.

profession and to facilitate participation in the numerous general and specialised conferences overseas. Truly now, for Australian lawyers, travel broadens the mind.

Alternative dispute resolution: My post-High Court engagements have involved me in ADR in my capacity as President of the Institute of Mediators & Arbitrators Australia. This too is an important development that has substantially occurred since I joined the judiciary thirty-four years ago. ADR brings with it the merits of speed, economy, privacy and greater control by the parties over the resolution of their dispute.

The process is not without challenges for it depends on the ability, diligence and will of all those who engage in it. I congratulate the federal Attorney-General (the Hon. Robert McClelland MP) for the initiatives he has taken to help improve both international and domestic arbitration in Australia. We need high standards of accreditation and an ongoing willingness in Australia to learn from overseas models. Retired lawyers and judges have a part to play in enlarging the ability of ADR to help meet some of the unmet needs for legal services in our country.

Young lawyers: Fifty years ago, young lawyers were expected to work horrendous hours, and to be seen and not heard in the profession. Now they are a living force in the Law Society and its activities. I was honoured in 2007 to be elected patron of Young Lawyers in this State. They have always been innovative. They pressed the Society into adopting Law Week, a celebration of our profession that has spread nationally. They are always in the vanguard of moves for equality and justice for vulnerable groups. Aboriginals, Asian Australians, women and gays. Lately, they have tackled the problems of depression,

including in the legal profession itself. They are willing to address issues that many of the old brigade might have preferred to sweep under the carpet. I applaud them.

The Journal: Since 1963, the *Law Society Journal* has been a voice to and for the profession on issues of common concern; on recent court decisions; on changes in technology and legal practice; and on items on personalities and current topics. Throughout Australia, and in the Bar Associations, there are excellent journals that are readable, attractive and informative. This is definitely an area of value for money.

Continuing Education: A half-century ago, graduation in law was treated as a sufficient ticket for life. Law school notes, embalmed and treasured up, gave the content of law thereafter, locked in the professional's mind. Keeping up to date with the law has become a far greater challenge today as the statute law grows rapidly and common law doctrines are modified or overthrown. Procedures for obligatory ongoing legal education are essential in a learned profession whose body of knowledge is ever-changing. The Society has a useful role in promoting continuous legal education and in facilitating its provision to its members. We will see more innovation in this sphere in the years to come. Great changes have already been achieved.

LESS ATTRACTIVE DEVELOPMENTS

Palaces of marble: Before the self-satisfaction combines with fine food and wine to lull us into complacency, it is essential to acknowledge that not all changes in the law during the past fifty years have been for the better.

When I began my articles, I worked for three years in a windowless, airless room with a fellow clerk, Frank Marks, who was himself later to become a judge of the Industrial Relations Commission of NSW. Things were very modest in those days. Offices were small and relatively humble. Even Clayton Utz was housed in an unpretentious office, then out of the way in Liverpool Street. Clerks cursed as they trudged down there in winter. Briefs were much smaller. There were no two-trolley silks. Copied documents had to be typed. Trials were shorter, in part because many of them were performed before civil juries. A five-day trial was regarded as very long. Now, five-month trials are not unknown.

Someone pays for the extravagant premises with harbour views, precious paintings and generous space. Clients, not lawyers, pick up the tab. The result has been to position many ordinary citizens out of the possibility of securing good legal advice. Access to justice has always been the chief defect of the adversarial trial of the common law system. The defect has enlarged greatly, not diminished, in my professional lifetime.

Country and regional lawyers: Recent years have seen a shrinkage in the proportion of the profession of lawyers serving clients in regional, rural and remote Australia. Figures showed a drop in retention of lawyers in country areas from 15½% in 1998 to 13% a decade later[15]. There seems little doubt that the decline in the number of lawyers practising in the country is linked to the abolition of the former legal monopoly in land title conveyancing. That practice, whilst undoubtedly defective, had the advantage of cross-subsidisation of the provision of legal services. Now that we are more alert to the decline of country

[15] Law Council of Australia, Rural Regional and Remote Areas Lawyers Survey, 9 July 2009.

practice, we must ensure its reversal. The rule of law cannot be secured by judges alone. Practising lawyers are ministers of justice. In our legal system, they are essential to the success of the courts and the law.

Personal injury compensation: Another area of cross-subsidisation, but in the reverse direction, is the legislation of recent years capping personal injury recovery. I understand the political reasoning that led to these reforms. They were designed to minimise increases in the cost of workers' compensation and green slip motor vehicle insurance prior to State elections. The net result, however, has been a decline in justice to injured fellow citizens. They (or the taxpayers as a whole providing social security) are now obliged to cross-subsidise tortfeasers and wrongdoers. Any system that obliges an injured worker and their family to absorb part of the cost of work injuries is shifting the burden inequitably and diminishing the economic pressures for accident prevention on those who cause injustices.

In harmony with these legislative moves, there has been a regression in court decisions upholding protective standards of conduct to prevent accidents[16]. The struggle against these changes has been substantially lost. This is notwithstanding the valiant efforts of Bar Associations and Law Societies in Australia to explain the defects of these legal changes. Media interests, backing as usual the big end of town and political opportunism, have portrayed the professional resistance as lawyers' self-interest. In such matters, professional bodies need more skills in communicating the message of justice.

[16] A good example is *Cole v South Tweed Heads Rugby League Football Club Ltd.* (2004) 217 CLR 469 at 477 [15]ff.; 489 [65]ff; cf. at 499 [107]ff.

Time charging: Another change that has radically altered professional cost structures in the law is time charging for professional services. This methodology was introduced after the 1970s. As Chief Justice Gleeson often rightly said, it is a methodology that rewards slow thinkers and inexperienced practitioners.

Fifty years ago lawyers took a global and common sense approach to costs which were much more modest. The word "say" in bills of costs in those times no doubt embraced a multitude of sins. But it often kept lawyers' charges within practical and realistic bounds. I hope that time charging will disappear as quickly as it arrived[17]. Cost structures need to be revised if the legal profession is once again to be available to ordinary citizens with legal problems. Legal aid for civil causes has seriously declined in my lifetime. The problem of ensuring legal representation at trial in criminal cases was substantially corrected by a decision of the High Court[18]. But the practical result has been to exclude many worthwhile civil cases from legal assistance, unless they qualify for *pro bono* lawyering.

Every lawyer knows that complex litigation cannot properly be presented by most self-represented litigants. It is just too difficult. This is a cardinal fault of our legal system. It has become worse, not better, in the past fifty years.

Entry into law schools: There were always severe requirements for admission to law courses. But these requirements have become unrealistically difficult in recent years. The cut-off in Higher School

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17 Ronald J. Baker, *Professional's Guide to Value Pricing* (2001).

18 *Dietrich v The Queen* (1992) 177 CLR 292; cf *McInnis v The Queen* (1979) 143 CLR 575.

Certificate results, necessary for admission to city law schools in Sydney, is now likely to exclude people with school leaving results like most of those who sat with me in the old Sydney Law School when I arrived in 1956. For a TER score of 99.6%, I would have made it. Despite the rejection of my application for articles by the top legal firms, I could boast of such a score. But most who sat on those hard benches in the old Sydney Law School in Phillip Street, Sydney at that time had matriculation results falling far short of such a score. Yet many of them became fine judges, advocates and lawyers.

Superlative academic results are important for some in the legal profession. But an empathy for the client, a sympathy for the underdog and an ingenious capacity to spot issues and solve problems may be just as important in making a good lawyer. The moves to make law uniformly a post-graduate course is a new worry. If we confine the practice of law in the future to only a brilliant intellectual elite, we may not necessarily build a profession with fire in its belly to tackle injustices. Commercial litigation is not the only field that matters in the law. Often, when analysed, it is little more than elaborate debt recovery.

Women's glass ceiling: Despite the improvement in the opportunities for women in legal practice, there remain serious defects in this regard. They result in a large attrition rate notwithstanding demands for true equal opportunity. In the High Court, during my thirteen years' service, there was no real increase in the number of women addressing the court from the central podium. Justice Gaudron correctly taught that skills in lawyering are not to be found only on the Y chromosome. Solving the disadvantage that women face in advancing in our

profession remains an important challenge. It is perhaps reflected in the overwhelmingly masculine composition of the attendees at this function.

Age and life after 50: Another challenge for us is ageism. I was obliged to retire from the High Court at 70 by virtue of the Constitution[19]. This was for high governmental reasons which I support. There are no such reasons for terminating the professional lives of lawyers at the age of 50. At that age, I was in my prime, a condition that still actually endures!

Many large firms today retire their partners from active practice by about 55. This is a wasteful attrition. True, it provides opportunities for younger practitioners. But we should have the talent to organise the legal profession so as to tap the wisdom and experience of its older members. The President of the Society has criticised this wastage and I agree with him[20]. A mind filled with information is not necessarily the makings of the best lawyer. Wisdom tends to come with experience. Judgment and perspective are often the product of years of considering novel legal problems. Throwing a lawyer out at age 50 is a shocking waste of a precious resource. Particularly so in a country that has not solved the problem of equal access to justice.

Defective legal education: There have been great strides in legal education in the past half-century and most developments have undoubtedly been for the good. Yet, some have been regrettable. One is the decline in the teaching of legal history in Australian law schools[21]. No doubt improvements were necessary in the way legal history was

19 Australian Constitution, s72 (as amended 1977).

20 J. Catanzariti, "Building for the Future", *Law Society Journal*, February 2009, 4.

21 M.D. Kirby, "Is Legal History Now Ancient History?" (2009) 83 Australian Law Journal, 31.

taught when compared with fifty years ago. Teaching Australian history was then neglected. But the solution was not to abolish legal history itself, which has now happened in all but a few of the nation's 33 law schools.

Likewise with jurisprudence. Astonishingly, law schools exist in Australia where there is no course set aside for examination of this subject or of legal values. To get through a course of instruction in law without considering the essential purposes of the exercise is a calamity. The same might be said about separate courses in legal ethics and statutory interpretation. The latter is now the primary concern of all practising lawyers. It needs to have renewed emphasis in all legal courses.

Work life balance: The Young Lawyers within the Law Society have tackled the issue of depression, although this was conventionally never acknowledged and rarely spoken of. In doing so, they have faced a problem often caused by unreasonable demands on young lawyers in terms of hours and type of work they are required to perform.

The law has always been a profession of workaholics. I myself am scarcely well-qualified to criticise this. Finding the correct balance between work and other activities of life is a constant challenge in a profession where work sometimes becomes the overwhelming meaning of life. Those who love the law cherish its daily stimulus of puzzles and problem-solving. But often they inflict unreasonable wounds on their families and those closest to them. Educating lawyers in achieving the happy mean is a future challenge of great importance for Law Societies.

Absence of a rights charter: Another challenge is the almost unique failure of the Australian legal system, outside Victoria and the Capital Territory, to deliver a general charter of rights to people living in Australia. Views differ on this subject. However, the federal Attorney-General should, in my view, be commended for initiating a national consultation on the topic. It has brought out of the woodwork all the usual suspects who oppose change. Those who say it will cause undemocratic rule by judges. Those who contradictorily say that the judges are not competent to perform the function. Those who claim there is no problem to be solved. Those who assert that parliament fixes everything up. Most of these opinions are expressed by Caucasian, male traditionalists. These are commonly people who have never suffered the sting of injustice and of unequal treatment by the law.

I have. Aboriginal Australians have. It took court decisions, not parliamentary action, to shake our country into correcting a deep injustice to its indigenous peoples[22]. Despite 150 years of elected parliaments in Australia, it was not corrected there. Sometimes we need a circuit breaker in case we become (and lawyers are not exempt) ignorant and blind to injustice. The same blindness has affected women, Asian Australians, gays, people with disabilities, prisoners, refugees and other vulnerable groups. All that the *Charter* model, now being discussed in Australia, does is to authorise courts that cannot interpret laws in harmony with basic rights, to call the suggested disparities to the notice of parliament. This is a means of enlivening the legislature, not supplanting it. That can only be for the good of our democratic process. For me, that process of democracy means more than voting every three years. Yet the opponents of a Charter of Rights,

[22] *Mabo v Queensland [No.2]* (1992) 175 CLR 1; *Wik Peoples v Queensland* (1996) 187 CLR 1.

by a fantastic fiction, contend that the electors are deemed to approve everything performed in parliament after the election until the next chance of electoral veto by the people arises.

Lawyers, who know best the defects in the law, should explode the fiction that parliament is always vigilant to injustice[23]. We have seen too many contrary instances in Australia to persist with that fairytale. It behoves lawyers to point this out. And to explain the ways the modest idea of a human rights Charter works in the United Kingdom and New Zealand so that the panic merchants are put in their place.

THE FUTURE?

In a further 125 years, lawyers will gather to celebrate the 250th anniversary of this Society. What will the law look like then?

- Most lawyers will work from home when they are not on holidays to Mars. By then, holidays to the moon will be so passé;
- Law as a discipline will be taught in secondary schools and not confined to law schools. This process will be assisted by great moves to codification to replace the "primitive" common law system that collapsed in 2050 under its own weight;
- The 'extranet' will automatically analyse legal problems on an oral command and offer basic and highly accurate legal advice to all who want to have it;
- A strong communitarian approach to law will be noted as emerging in the Australian legal system. Confucian values were observed as a supplement to English traditions after Chief Justice Andrew

[23] A. Priestley, "Countering Claims of a 'lawyers picnic'", *Lawyers' Weekly, 3 July 2009, 17.*

Ta completes his service on the Supreme Court of Australia (as the High Court was re-named in 2030);

* ADR will be a universal feature of resolving disputes preliminary to court proceedings;
* Courts will still exist but litigants will be rationed in their use of judicial time. A case will be allocated an average of two hours with judges having strict controls over the presentation of the evidence and submissions and resolution of the true issues;
* A Judge Advocate will have been established in 2060 to focus and expedite issues and to explain in electronic media the holdings of the courts so that interested citizens will understand;
* Juries will have been abolished in 2060 because of the view that they offended the basic principle of reasoned justice;
* International law by 2030 will have become the greater part of the law learned and applied by Australian lawyers;
* Implanted computer chips, connected to the brain, will be surgically applied to all law students at the outset of their courses so as to supplement basic legal knowledge, learned from the newly adopted national codes of law;
* Scientists will still be struggling in 2134 to create an electronic programme with the *will* to achieve justice and to replace humans altogether for at least some tasks. So far, however, that objective will have eluded the best technologists. But some scientists never give up; and
* Historians will look back on 2009 as amongst the golden years of the law. They will detect that time as the moment when the Australian community and legal profession became fed up with the

defects in the law and embraced the historic changes urged upon them at their 125th anniversary dinner.

The glory days, you see, are here and now. We have the knowledge and the means to draw upon our past; to tackle the defects of the present; and to create a better future for the profession of law. To those who have contributed to the Law Institute and Law Society in the 125 years past, honour and thanks. But the best years of the Law Society and of our profession lie ahead!

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