

2675

# SO YOU WANT TO BE A LAWYER?

By Professor David Weisbrot AM

## FOREWORD

The Hon. Michael Kirby AC CMG

# **SO YOU WANT TO BE A LAWYER?**

**By Professor David Weisbrot**

## **FOREWORD**

THE HON. MICHAEL KIRBY AC CMG\*

It is fifty five years since I first crossed the threshold of the old Sydney Law School, squeezed into a 19<sup>th</sup> century edifice (since demolished) in Phillip Street in the heart of Sydney's legal district.

The choices in 1958 were simple when contrasted to the decisions would-be lawyers have to make today. There were only six law schools in Australia; one for each State. Jurisdictionalism dominated the legal profession. Few beginners would think of studying law in a State other than their own. The courses on offer involved a large number of subjects. If ever the mind wandered to a beach or the cinema, the idea was rejected because attendance rolls were regularly checked and marked. Virtually all of us were already working, snatching lectures early in the morning and late at night because most of our days were spent in our office or a court where the "real" instruction occurred in a form of apprenticeship. Legal positivism reigned, except in the influential lectures given by "big Julie" (Professor Julius Stone). He was bold enough to challenge the orthodoxy of positivism and "black letter law" that most of us then accepted as gospel. Looking back, we were very unquestioning. Perhaps this was because our law course, and the law itself, denied or discouraged the notion of indeterminacy and choice. We were not critical of the law. Our job was to learn the magic formulae that would open the legal gates. That would assure our success in legal practice.

---

\* Justice of the High Court of Australia (1996-2009); President of the NSW Court of Appeal (1984-96); Judge of the Federal Court of Australia (1983-4); Deputy President of the Australian Conciliation and Arbitration Commission (1975-83); Chairman of the Australian Law Reform Commission (1975-84).

Now, as Professor David Weisbrot demonstrates in this excellent book, there are 36 institutions teaching law in Australia. Eleven offer JD classes, sometimes with (and sometimes without) the option of the traditional LLB course. Compulsory subjects are much more confined: posing the challenge of constructing a course and lecture timetable at once useful and congenial. International grading of law schools is now in vogue. But there are many questions to be asked and decisions to be made, including:

- \* Is a life in the law for you? - the crucial question at the threshold;
- \* Have you got what it takes?
- \* What does it take to be a lawyer?
- \* Where do you want it to take you?
- \* Do you really want to be a lawyer? And;
- \* If so, where do you want to use the analytical skills that today open up so many more opportunities than was the case 50 years ago?

Much that has happened in the law in the last half century has been good. A legal education today is much more likely to be questioning, with a broader curiosity about the operation of law *in practice*. There is now a deeper concern about the nasty elephant that wanders around the legal room: the fact that most lawyers, so exquisitely trained, will be far too expensive for the pockets for ordinary citizens. For such citizens the rule of law will be a theoretical or 'romantic' notion; but not much of an actuality unless they get caught up in the grim necessities of the legal machine where they have little choice but to play the legal 'game': in traffic offences, in accident cases; family law and in crime.

Yet for young lawyers-in-the-making there are also serious problems to watch. These problems that are rarely talked about in my day, include:

- \* The high cost of paying for legal education that, for many, will be a heavy millstone around their neck for years or decades to come;
- \* The growing uncertainty about finding the desired job at the end of the law school rainbow, now an increasingly large and unpleasant realisation for

many in the United States and possibly just around the corner for us in Australia;

- \* The high levels of stress and depression, even bullying and suicide, that mark the early legal life and practice to a degree greater than in healthcare and other courses;
- \* The need for more reform of the law, in which we must rely on new recruits overwhelmingly drawn from the top quartile of the socio-economic sectors of society; and
- \* The questioning of the parochialism of law (partly occasioned by jurisdictionalism) when every other professional discipline is rapidly embracing an international outlook and a global perspective; and

These words are not intended to frighten or deter the budding law students of today. I loved every minute of my life in the law (well, minus a few thousand days). But they are images of the real world that young legal novitiates are now entering.

For me, a life in the law has involved solving puzzles every day and for most of them I was paid for it. Yet many things have changed. Life in the law today is harder and more challenging. The promise of wealth and glory are even more uncertain now than then. This is why it is essential to make wise and informed choices at the outset.

I congratulate David Weisbrot for writing this book. It will become a bestseller in a captive market. Legal education is in a state of flux. No longer will the wide-eyed newcomer be obliged to rely on rumour, gossip and advice from distracted acquaintances. The big picture is painted here. And in a corner of the painting, bright and mysterious, is the image of justice whose elusive call often gives a life a sense of exhilaration and nobility to in the law.

The Hon. Michael Kirby AC CMG

Sydney

22 June 2013