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# MY LEXISNEXIS STORY

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#### **How have you been associated with LexisNexis (formerly Butterworths) and for how long?**

My links with Butterworths go back to Law School days when I opened a subscription to the then *New South Wales Reports* and *All England Law Reports*. In recent times, I have been serving on the International Advisory Board of *The Law Reports of the Commonwealth*; contributed regularly to the *Australian Bar Review*; and been the subject of countless articles and gossip in Australia's *Lawyers Weekly* to some of which I have contributed (the articles, not the gossip). I have the greatest of respect for the publishing house.

#### **What, in your experience, has been LexisNexis most memorable moment?**

I cannot speak of the company's most memorable moment. But for me it is the annual luncheon with the editors of *The Law Reports of the Commonwealth*. Each year we gather in Chancery Lane or in a nearby Rumpolean pub or (if the funds are available) in the grand dining room at Middle Temple. The fare is generally frugal, as befits Lord Halsbury's traditions. But we have lots of fun talking of the cases from Malta, St. Helena and other islands right up to the big Commonwealth players in India, South Africa, Australia and even the United Kingdom. The Australian case on the sleeping judge is always a favourite: *R v Cesan* [2009] LRC 416 (HCA).

When I visited the Chambers of the Chief Justice of Zambia (the Hon. Ernest I. Sakala) in January 2010, there they were on his shelves. The elegant black buckram with gold lettering: "*The Law Reports of the Commonwealth*". Together with the brilliant annual editorial reviews synthesising the wisdom of the judges in 54 countries, who bring the rule of law to a third of humanity. It is a mighty legacy of empire, now continued in fully independent nations. The Privy Council is no longer the glue that binds our law together. Now, it is the power of intellect and persuasion, working on the minds of thousands of dedicated judges and lawyers, linked together by the English language and the high tradition of the common law. I pay a special tribute to the long-serving (some might say long-suffering) General Editors: Emeritus Professor James S. Read and Dr. Peter E. Slinn. And also the Series Editor, James Neville, an employee of LexisNexis Butterworths in London, who originally derives from Ireland. We all look to the day when Ireland will return to the Commonwealth so that we can report its distinguished courts in our series once again.

#### **What stands out in your mind that made this time unique, exciting, a turning point in the company's history? (Please be specific)**

I think the decision by Butterworths, London (now LexisNexis) to publish *The Law Reports of the Commonwealth* is something unique. It would not make a lot of money for the company. Yet it provides a wonderful service to lawyers in so many lands. It shows, long after the sun has set on the British Empire, that it rises every day to shine on countless courts of the common law. Last month, I sat with the judges on the Bench of the Bombay High Court – still so called in Mumbai, India. The passion of the advocacy. The citation of the cases. The surrounding portraits of ancient British and modern Indian judges. The marvelous tradition and example of hard-working, intelligent, fearless judges. *The Law Reports of the Commonwealth* is a splendid service to courts such as these. In somewhat parochial Britain and Australia, we need to be reminded of the vast outreach of law-in-English that still governs millions of people in the world. It is a legal system that is practical and that works. World Bank surveys show that it is quicker and cheaper than the civil law courts. And it is performed in public by judges and lawyers, working under the scrutiny of citizens, demonstrating the logic of their reasons from the case books that are pressed on them in argument and cited in their judicial opinions.

## **What role do you think LexisNexis plays in upholding the rule of law?**

It is this service to the rule of law by LexisNexis, throughout the Commonwealth of Nations, that I would emphasise. The rule of law is safe in the old dominions: Britain, Canada, Australia, New Zealand, South Africa and India. But it is equally vital that it should flourish in poorer, smaller, disadvantaged states. This is where independent judges, skilled lawyers, brave advocates, meticulous solicitors and good law publishing is essential to the rule of law for the people. For most Australians, there is only one “Commonwealth” series – *The Commonwealth Law Reports*: the authorized reports of the High Court of Australia. But in the other 53 countries throughout the world, the word “Commonwealth” conjures up rather the Commonwealth of Nations and the unique Butterworths LexisNexis series “*The Law Reports of the Commonwealth*”. By publishing this series and supporting the magnificent editorial work done in conjunction with friends in the Commonwealth Secretariat (led by Akbar Khan), LexisNexis London continues its high service throughout the Commonwealth of Nations to the principle of the rule of law and independent judges long after Empire. More Australian lawyers should acquaint themselves with the treasure house of wisdom, learning and doctrine – all written in English and expounded in the way with which we are familiar.

Cases in the pages of the LRC can become special instruments of liberty in many lands where the problem of the law is the same and the penmanship of a great judge in one country can spark ideas of freedom in the minds of many others. In the past, this was done by the political writings of the great independence leaders of the Commonwealth who were also lawyers: Mahatma Gandhi and Nelson Mandela. But today the instruction in liberty continues in the judicial reasoning recorded in *The Law Reports of the Commonwealth*. I would single out the recent joint opinion for the Delhi High Court in *Naz Foundation v Union of India and Ors* [2009] 4 LRC 838, where A.P. Shah CJ and S. Muralidhar J invalidated the provisions of the *Indian Penal Code* 1860, s377 so far as it criminalised the consenting private conduct of adult homosexuals. Because the same penal provision appears in criminal codes and statutes throughout the Commonwealth, this decision will speak to judges and lawyers, law teachers and clerks and ordinary citizens in lands of the common law far from India. This is the continuing gift of our worldwide legal system. Yet without good law reporting; excellent headnotes; fine publications and informed commentary, the voice of liberty might be stilled. We should celebrate our links because they bring wisdom and progress, justice and reason. And we, the citizens of the Commonwealth, are the beneficiaries.

## **What role has LexisNexis played in your professional career?**

Like every Australian lawyer, over the years, I have bought books published by Butterworths LexisNexis and series reports, journals and periodicals. But I hope others will understand what a special privilege it is to serve on the editorial team of *The Law Reports of the Commonwealth*. Recently, that series published its 100<sup>th</sup> volume. There in [2009] 2 LRC iii, I proudly penned a preface of felicitations. It concluded:

*We are fortunate to have lived through the era of Empire Day into the modern day of the Commonwealth of Nations and to have witnessed the mutuality and common respect that we can share, through our common language and inherited legal taxonomies, in reading and using the decisions of courts outside our own jurisdictions. They will be a constant stimulus to us: to enhance our legal skills; to improve our perceptions of unrepaid injustices; and to strengthen the provision of fundamental rights and the rule of law to people everywhere, but especially the citizens of the Commonwealth of Nations. It is in this spirit that I offer thanks and praise for the first 100 volumes of this collection. If I am spared, I hope to be reading and using the 200<sup>th</sup> volume and, with a little luck, many more to come.”*

American and other lawyers are sometimes parochial and suspicious of foreign judicial authority. But to be a lawyer in the Commonwealth of Nations is to be cosmopolitan, comparativist and ever-ready to reach for wisdom and insights derived from judges of the same tradition, deciding cases bearing analogies to our own problems. As the commemorative cup so rightly says: ‘Old lawyers never die. They simply lose their appeal’. A series such as this, and good law reporting, go on for centuries.

**In your opinion, what does the future hold for LexisNexis? What will be the greatest challenge?**

Plainly, the future of legal publishing will be affected by electronic technology. Just the other day, I witnessed the launch in Sydney of the Laws of India LII, part of a huge free access legal information portal initiated by AustLII. LexisNexis will have to compete in a world of too much information. Its value added will be the analysis, the headnotes, the summaries, the synthesis and the emerging taxonomies. And just around the corner is probably an implant chip which the better law publishers will provide for insertion into the young lawyer's brain. If we think we have seen remarkable change in the law and legal publishing in the 50 years of my professional life, the likelihood is that we 'ain't seen nothin' yet'.

Congratulations to LexisNexis Butterworths on 100 years of doing business in Australia. I offer warm praise for the wonderful local publications. And I invite continuing familiarity of Australian lawyers with publications of the worldwide family that still serves a global market from Halsbury House, Chancery Lane, London. Especially *The Law Reports of the Commonwealth*.

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