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MONASH UNIVERSITY LAW STUDENTS' SOCIETY

GRADUATE RECRUITMENT GUIDE

FOREWORD

The Hon Justice Michael Kirby AC CMG

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Taking the first steps in a life in the law can have consequences for all that follows. There are still some people who enter a firm of lawyers and remain there for the term of their natural life. This is less common nowadays; but it was not at all uncommon when I started out in the law. Today, the opportunities are greater; the chances of working overseas are larger; the market in legal services is more truly national, regional and international; the competition for top graduates is more intensive; and experimentation is now the name of the game.

Nonetheless, early steps can still be important. It is therefore necessary to take them with care and to plan them strategically, keeping in mind where you hope to end up.

If the long-term objective of the freshly-minted law graduate is, in the immortal words of John Mortimer QC, creator of *Rumpole of the Bailey*, to get one's "trotters in the trough" [of the judiciary], the prudent course is probably still very much as it was when I set out. The young graduate will look for work experience or articles and early graduate employment with one of the firms of lawyers which are heavily engaged in litigation. Putting it quite bluntly, if you want to go to the Bar, generally speaking the sooner you do so the better. This is because it is often in the school-of-hard-knocks that the best experience of advocacy can be acquired. Nothing quite beats standing on your feet at 10 a.m. in a busy court and exercising your skills of communication. A law firm with a large litigation practice can give opportunities to overcome the early fears that attend that experience. And yet, those fears never entirely leave the advocate. They produce the adrenalin that beats the heart, that quickens the mind, that sharpens the words, that target the decision-maker.

When I came to the law, with outstanding school and university results (even if I say so modestly), I found it difficult to get employment. This experience has made me a devotee of equal opportunity. I am afraid I do not have much time for the old boys' network - and in my day it was certainly an old *boys'* network.

Fortunately, things have improved somewhat in the legal profession in the intervening years. Government employment, and large corporations are obliged by law and good practice to conform to equal opportunity principles. The larger private firms also increasingly do so. It is fairer to all concerned. But it was not so back in the 1950s.

I received so many rejection slips that I understand what young lawyers go through when applying for their first jobs. It has taught me to be sensitive to their predicament and to strive (so far as possible) to attain objective standards. Daddy never got me a job in the law.

After a few years in a busy solicitors' practice, those who want to be judges will take the plunge for the Bar. It is a risky, sometimes stressful, all consuming engagement with the law. But it rewards its most devoted practitioners with an exciting life, moments of mighty exhilaration, great job satisfaction and the opportunity, ultimately, to be considered for service in the judiciary - the third branch of government.

Most lawyers, however, are not interested in such a career. Either they do not fancy themselves as advocates; they see greater opportunities for an ordered life in a law firm; or they want a more varied career in the corporate world, in public law, in academic pursuits or in legal aid bodies. Some law graduates now find

exciting lives in non-governmental organisations; in international humanitarian and other agencies; in human rights bodies and other engagements. A number of my past Associates, with top legal qualifications, have gone on to serve in international bodies - such as the Office of the High Commissioner for Human Rights in Geneva, the Organization for Economic Cooperation and Development in Paris or the International Criminal Tribunal for the Former Yugoslavia in The Hague. Today there are so many opportunities that did not exist in the past. The rejection slip from a Sydney law firm is not necessarily the end of life's chances, as I thought when I first received such news back in 1959.

Law is also, increasingly, a universal discipline. Even though the substance will vary from one jurisdiction to another, the skills in finding the applicable rules; applying them to ascertained facts; analysing and presenting the issues; offering legal solutions; and then negotiating achievable economical outcomes for the resolution of conflict call forth talents of mind, imagination and the heart that constitute at once the challenge and the opportunity of using legal skills.

I have never regarded law as a mechanical activity. If it were so, it would not be necessary to teach law in universities. It is because law often involves important questions of justice, of fairness and equity, of practicality and compromise that ours is a vocation with an extra dimension. We are principled problem

solvers. Often we have the privilege of endeavouring to solve the problem in a way that enhances justice and thereby increases the sum of human happiness and satisfaction. Indeed, as I have found in many activities with the agencies of the United Nations far from Australia, law is the essential element that distinguishes a civilised society from one that is ruled by power, guns, drugs or corrupt influence.

Whether the graduate enters the corporate world or the public sector or academic life or a legal firm or practice at the Bar, the skills learned at Law School will equip him or her to pursue an interesting and varied life, with important responsibilities and opportunities to serve fellow human beings. The big difference from my beginning in the middle of the last century is the global reach of today's opportunities; the impact that technology has upon them; the fast changing world of legal practice; and the chances, in a legal lifetime, of serving in many avenues where legal skills are required.

Wherever your opportunities may take you, remember always the duties of honesty and integrity and the need to give back to those less fortunate than ourselves, both in Australia, in our region and in the wider world.

As a Justice of the High Court of Australia and as a citizen of a country living under the rule of law, I extend best wishes to those embarking on a lifetime in the law. Uphold the rights of the poor,

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the vulnerable and minorities. Offer part of your life to the weak and the oppressed. Enjoy the vocation of law. Make sure you leave the profession a nobler field of endeavour than you will find it. Lawyers make a difference. We are not mechanics. Our work has the moral dimension of concern with justice.

A handwritten signature in black ink, appearing to read "W. G. S. J. J.", written in a cursive style.

High Court of Australia  
Canberra

1 October 2006

