



## LAW LIBRARIES SYMPOSIUM

Banco Court, Level 2, Supreme Court of Queensland, George Street, Brisbane

Friday 20 September 2002, 5.30pm

### “Queensland Law Libraries: Issues and challenges”

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**The Hon Paul de Jersey AC**  
**Chief Justice of Queensland**

I hope you will not think me unduly parochial if I speak for a short while this evening on our own Supreme Court Library. You may agree it offers a good model for a progressive 21<sup>st</sup> century establishment. It has a proud history and sparkling future. As to the past, forgive my referring to the commendation of Sir Isaac Isaacs, former Chief Justice of the High Court. In 1936 the Courier-Mail attributed to him the view that “the library at the Supreme Court in Brisbane is the best law library in Australia”. More than seven decades on, I will not in this company have the temerity to rank it: suffice it to say we regard it as integral to the effective performance of the court system in this State.

I am honoured to speak at the symposium, being partial to law libraries and also having some tenderness for law librarians - I married one. The State Governor would agree – his wife also is a librarian.

Being a Judge and user of the Library, and with my wife’s qualification, I expect I am suitably qualified to address you this evening!

As the second oldest library in Queensland, trailing the older Parliamentary Library by only two years, the Supreme Court Library now boasts a collection exceeding 140,000 volumes, including the largest collection of legal rare books in



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Australia. It recorded over 250,000 patron visits last year, including those who access the Library via its website or online catalogue.

If one were to seek to characterize in one word the contemporary functions of our Library, and modern law libraries in general, one would select “diversified”. At the Supreme Court’s inception in 1862, people had physically to enter a library, to use its collection of printed law books.

While law libraries remain the repositories of great written legal knowledge and weighty tomes, their collections now incorporate online journals, databases, legal research tools and multiple access points – via phone, fax, email or the Internet.

The Supreme Court Library has also assumed a more broadly-based, varied role in encouraging interest in legal history: organizing school tours of historical displays in the Rare Books Precinct, curating scholarly exhibitions, arranging special lectures and orations.

Where law libraries once served a narrow community, they now serve people in every city and town across Queensland, Australia and around the world. Anyone, anywhere, in need of information about Queensland or Australian jurisprudence, can obtain it from the Supreme Court Library, or at any one of the in-house firm libraries – albeit perhaps for a fee and via a lawyer! What was local in the early 1860’s has become global in the 21st Century.

At no other time in history have libraries, particularly law libraries, faced such multifarious challenges. Technology is ever-changing, and the requirements and expectations of users fluctuate between extremes: some are content to study a case in a law report; others want a case emailed; some jot down notes on drafting precedents, others download forms from the Internet; some acclimatize easily to electronic legal research methods, others require basic, computer



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assistance from a law librarian every step of the way. Law library users range from Judges to self-represented litigants, from experienced English readers to people for whom English is a second language, from those exhibiting *savoir-faire* to those whose expressions reveal befuddlement and reluctance.

Such disparate demands oblige law libraries carefully to monitor how they deliver their services. Speaking from the Supreme Court Library perspective, as a *public* law library, we must carefully allocate our energies and limited resources to ensure all people may access the legislation and case-law by which they are governed. The maxim *ignorantia juris non excusat* demands our library provide all citizens access to justice - access fundamental to a healthy and informed democracy. As *court* law libraries, we must also provide in-depth materials for members of the judiciary and legal practitioners. Our library is committed to all these aims. We want to ensure the old jibe “what happens when you cross a lawyer with a librarian?”, answer, “you get all the information you need but you can’t understand a word of it” – is refuted! We want to provide access to as much legal information as the user requires in readily understandable format and a minimum of time.

Our Library is conscious that to fulfil these aims, the users themselves must have a voice in determining the direction it should take. Strength lies in the Library Committee, comprising the Attorney-General, the Hon Justice White as Chairman, the Chief Judge, the Chief Magistrate, 4 barristers and 4 solicitors. That broad cross-section of professional representation facilitates the growth and protection of the collection. The collection cannot become outmoded - the practising members of the Committee do well to inform some of us, who may be at least a couple of years out of practice, as to which collections need updating, which new books purchased and which circulars discontinued. There is now



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greater emphasis on economic-based law, particularly with the complex commercial litigation before the Courts. Our collection needs to adapt and change – it must remain a “usable” resource. However we must also preserve our past history – more on that later.

To our library’s considerable credit, one of the most positive recent developments undertaken has been the Judicial Virtual Library webpage, the first of its kind in Australia. Its purpose is to allow Judges a library away from the library – to enable 24 hour access to the internet and judgments (provided the computer servers do not crash!), to on-line collections such as Butterworths, CCH, and now Westlaw. I thank Westlaw for sponsoring the reception this evening. If you notice an increased resort to American precedent in Queensland Supreme Court decisions in the next 12 months, you will know why! The online Library page and Courts homepage, both run by the Library, have proved a resounding success – over 700,000 visits to the sites were recorded in 2001/2002.

Our Library also possesses the largest collection of rare legal books in the country. This is part of our Library’s commitment to the past, and inspirationally the present and the future. The rare books collection has been the subject of high-level judicial commendation of which you may be aware. I will not presume to repeat it. A portion of this unique collection is on display as you exit this Courtroom. Complementing the rare books is a special collection of historical documents and memorabilia, which now include more than 20,000 items covering manuscripts, photographs and letters.

Our goal is to ensure they are catalogued and preserved, and to foster interest in our legal history by convening exhibitions on appropriate and interesting topics.



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Scholarly exhibitions have included “Women and the Law”, “Human Rights in the 21<sup>st</sup> Century”, and the upcoming “In Search of Steele Rudd”. Our most recent exhibition has been “Queensland’s Criminal Code, from Italy to Zanzibar, antecedents and descendants: an exploration of ideas”. If crime does not pay, it certainly attracts a following of practitioners interested in learning about it! Over 450 attended the opening of this exhibition and since, hundreds of school students, members of the public and interested practitioners have visited. Any legal publishers in the audience who wish to participate in an exhibition - you may be assured of substantial exposure to the profession and the public here in Brisbane! The display is to your left as you exit the courtroom.

Following the success of a talk entitled “Cricket and the Law” by barrister Mr Roger Traves at the annual Seldon Society lunch on 21 June this year, Mr Traves will be delivering a revised presentation in the Banco Court as an evening lecture in November, accompanied by commentary by Mr Ian Healy. The event will coincide with the Test Match with England and looks to be very popular.

Our Library also prides itself on the establishment and maintenance of the Rare Books Room and the *QGSSY Lucinda* display, also on this floor. These attract great public interest. School children are actively encouraged to participate in the use of the library and view the exhibitions and displays. Last financial year we had 25,000 school students and members of the community visit the exhibition, participate in the school’s program and attend lectures and special events. The Library’s staff were the prime organizers of these tours.

Adjacent to the Rare Books Room, and in conjunction with the Library’s goal of preserving and recording historical legal memorabilia and significant rare books,



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are 5 external display cabinets: they house the judicial regalia of the late the Honourable Jack Kelly CBE RFD, and others, and interesting items of judicial memorabilia. Donations to the program's special collection of historical documents and memorabilia now number more than 20,000 individual items. In the future, the Library wishes to encourage donations relating to our regional centres and display that material permanently in the "home" regional centres. The Library's dedication to regional centres also extends to the development of an online historical resource for schools and the public, detailing the history, both in words and pictures, of the regional Courthouses. I encourage you to visit the Rare Books precinct and take a look at the colourful legal memorabilia later this evening. I am sure you will find it most interesting – if not perhaps a little ill-suited for Brisbane's balmy climate.

You may be interested to know that a couple of years ago, our Library Committee established the Supreme Court History Program. This is currently convened by Dr Michael White QC. We wish to ensure that Queensland's legal heritage is preserved, and more importantly, accessible to the Queensland community. To this end, the Oral History Program was developed. The program involves recording the observations of eminent Queensland lawyers and jurists. Sir Walter Campbell, Sir Harry Gibbs, The Hon D M Campbell QC, the Hon P D Connolly QC are some of the illustrious personages to have participated in the program so far. The recollections will, for future generations, bring a richness to our history which cannot be replicated by impersonal facts and figures. The Society has also mounted biographical displays to mark the retirements from the court of the Hon T F Shepherson QC, the Hon D K Derrington QC, the Hon A G Demack AO, the Hon W Pincus QC and the Hon J B Thomas QC. This has now



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been expanded to include prominent members of the legal profession. The first tribute will be to the recently deceased Mr Bill Cuthbert.

The significance of such historical activities was recognised by the Winston Churchill Memorial Trust this year, in awarding a Fellowship to the Librarian Mr Aladin Rahemtula to study the preservation activities of legal history institutions in the USA, UK and Canada. Established in 1965, Churchill fellowships provide financial support for Australians to undertake a period of overseas study, or investigative project, which cannot be readily undertaken in Australia.

Another initiative of the Society is the establishment of an annual conference series exploring themes relevant to Queensland's legal history. The inaugural conference was held in March 2002 on the topic "Sir Samuel Griffith: The Law and the Constitution". Those proceedings are due to be published by the Law Book Company next month.

If someone were to seek to identify the greatest challenge facing contemporary law libraries, it would rest in keeping balance between the preservation of legal heritage and internet and technological advances. We cannot forget our past, and we cannot ignore our future. A law library's ability to reinvent itself and adapt, while not losing sight of its duties to the profession, the bench and unrepresented litigants – beyond the general public, will ensure not only continued relevance, but – more importantly – public significance.

It is with great optimism and pride that the Library looks forward to its 150<sup>th</sup> anniversary in 2012, which we hope to mark by publishing its history – celebrating its past, present and future.



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I conclude with these words very much from my own heart. Libraries serve people in many ways. They impart instruction. They inspire intellectually. They transport to levels of creativity. And in winter they provide the homeless, in addition, with warmth.

Moving through our Library, I claim to see people irradiated by the judicial wisdom of centuries: they daunt me. I notice people apparently sparking from contact with minds capable of truly lateral thought.

When I am feeling dull, after telephoning my invariably inspiring wife which usually does the trick, I can tend to top up with the Library – not as a security blanket, but as an enlivener of the spirit.

I really fear a decline in the patronage of libraries in the physical sense, as electronics subsume us. The space, the volumes, the people: they are critical, so far as I presently comprehend the human experience.

And so I am reassured that libraries are struggling, if not warring, to survive and prevail: for prevail they must, if civilization is to remain civil.