



Gold Coast District Law Association
Annual General Meeting and Luncheon
Mercure Resort, Carrara
Friday 13 September 2013, 12 noon
“Professional fulfilment: an elusive goal?”

The Hon Paul de Jersey AC
Chief Justice

Mr President, your Honours, ladies and gentlemen,

Thank you all for being here today.

I must say that I was honoured and touched that you asked me to take on the role of Patron of the Association.

As I have said on these occasions previously, the Gold Coast profession has a substantial corporate significance in relation to the profession State-wide. Now with 870 solicitors and 35 barristers, you constitute far and away the largest regional branch of the profession. You account for 8.5% of the Queensland legal community, which numbers about 10,500 practitioners. Queensland lawyers account for approximately 10% overall of the Australian profession of 100,000 members.

You may also be interested in this. At the time of the first of these luncheon meetings I attended, in the year 2003, there were 565 practising solicitors on the Gold Coast, and 13 local Counsel. Now, as I mentioned, that complement of 565 solicitors has grown to 870 and the 13 Counsel to 35. That is a remarkable expansion over a decade, consistent with the rapidly growing significance of the region.

You account for a large segment of the State’s profession, in terms of numbers, and the voluntary membership of the Association is substantial, testimony to perceptions of the usefulness of its endeavours: congratulations!

And apart from the size of the regional segment, you are responsible for the delivery of legal services in a uniquely challenging part of the State; a region where, in a paradisa



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setting, contrasts seem somewhat more evident than elsewhere: some fortunes are made and lost with unusual rapidity; gullible people are sometimes with minimal persuasion inclined to part with their assets; we are told by the media of the work of stand-over men and the depredation of an invasive drug culture; and homelessness is a distinct social reality.

There are however many positives on the other side of the equation: this is a region of natural beauty, effervescence and vast opportunity. I was once a landowner here – when we could afford it! Beyond that, I have always been subject to the extraordinary attraction of the Gold Coast ; I go as far back as the 1950’s, to when it was known as the South Coast!

This is the 11th consecutive annual general meeting and luncheon of the Association which I have attended since my appointment as Chief Justice in 1998. There lies acknowledgement of your significance within the State-wide profession. I am flattered by the implication underlying your taking me on as Patron.

It was following this pleasant occasion last year that I whiled away a few days reading Ted Skuse’s pot boiler “Killing Season”, and I thank Ted for kindly having given me a copy of the book. It successfully melds a good yarn with aspects of social justice and the legal system. I greatly enjoyed reading it, and I commend it to those of you who have not yet had that pleasure.

Almost all, I think, of the players in that tale were comparatively young, and I am reassured to note that many of you, present here today, are of an age which I would regard as youthful – well, at least younger than middle-aged. When I say reassuring, I mean in that it is encouraging to see younger practitioners interested in the collegial endeavours of the profession.

While I have not been a practising lawyer for as many as 28 years, I regularly observe and interact with the practising profession, and so have been in a position to note changes and identify trends. But I also note our unchanging personal goal, and that is, I suggest, to enjoy a state of professional fulfilment.



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Professional success is obviously a key contributor to our securing professional fulfilment. For those engaged in the practice of the law, whether in a firm or at the Bar, it helps to have clients for whom you do a good job. It helps to be busy in a competitive milieu. Your attractiveness to prospective clients, and in the case of Counsel to solicitors, will be enhanced if you keep up-to-date in the areas in which you practise, and regularly participate in programmes of continuing professional development. All of that is obvious enough.

But the quest for professional fulfilment, for young solicitors in particular, has been rendered the more difficult in these contemporary times by a level of pressure quite unknown when I was in practice at the Bar in the 1970s. The changes to the work of solicitors over the subsequent four decades have utterly transformed the scale of legal practice, spawning huge pressures.

I marvel to think of the changes over the last 40 years. May I offer a snapshot of an era long gone? I was admitted to the Bar in 1971. As a junior barrister for 10 years, I grew up professionally over the first few years with a healthy diet of what we called “crash and bash” property damage/motor vehicle collision claims in the Magistrates Court. That provided excellent experience for someone intent on developing skills in advocacy. In that era, a busy junior barrister would appear in that jurisdiction at least three days out of every five. The fees I should say were not massive: if appearing for a plaintiff who recovered more than \$1,200 for example, the fee on brief for prospectively a day’s work, together with preparation, conferences etc, was the princely sum of \$78.60; if between \$500 and \$1,000, \$56.70. My fee book reminds me that my first court appearance on 21 January 1972 was in an extradition matter, not your ordinary run of the mill proceeding. The fee, covering conference advice and appearance, was the substantial amount of \$31.50. Very different days!

I am acutely conscious of the level of pressure to which solicitor practitioners are these days subject.



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Firms face pressures to meet high and relentless overheads; to attract and keep clients who are more inclined these days to move from firm to firm, with firms now often obliged to tender competitively for work, and being driven even to the lengths of retaining marketing staff; the need to operate in an increasingly regulated domain such that to protect and promote both the position of the firm and the rights of individual people, human resources staff need often to be employed; the need to command increasingly complex banks of legislation and judge-made law; to master intricate legal concepts, the courts unfortunately sometimes not assisting with judicial definition marked by particular precision.

Increasing globalisation is also changing the face of our legal sector. Of the Big Six Australian firms, only two have not entered into a close multinational arrangement. Be it through full mergers, acquisitions, Swiss Verein structures, loose alliances or joint ventures, many local firms have linked up with those from the United Kingdom, the United States and China, among others. Challenges arise from trying to integrate different workplace cultures and strategic priorities. With a fluctuating Australian dollar, the profit expectations set by global head office for local lawyers may also vary widely.

I note that no firm with a Gold Coast presence has gone global to date, but who knows what the future will hold?

Then there is the pressure by clients to minimize costs, which may mean that time spent on research must be written off and is not therefore valued by either the client or the firm. The cost minimization push has also seen the increasing use of legal process outsourcing, with lower-level or routine work previously done by juniors sent off-shore to those who can do it for less. In a time where legal work is becoming increasingly commoditised and unbundled, this is a trend likely to accelerate over time.

These sorts of pressures, the product of the changes in practice which have characterized the whole of my professional life to date, mean that the modern practitioner is challenged to display true professionalism in the face of intense business pressure especially.



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There are additional pressures associated with ethical issues: the entitlement to fees in “no win/no fee” or speculative type arrangements for example; the treatment of complaints of professional misconduct levelled against solicitors. How does the practitioner proceed, in the context of this raft of pressures?

Primarily, one should “keep one’s head”, with a keen eye on the professional objective. That means, calmly do one’s professional best, remembering that the objective is optimal service to the client, thence the public. You should demonstrate a lively commitment to professional excellence, wherever your task lies.

A practitioner should work to expand, to push the boundaries of his or her professional talents, and keep up-to-date.

It is also enormously important, I believe, that practitioners not operate in isolation. One cannot overstate the beneficial value of human interaction – within the firm, the chambers grouping, the family, and the usefulness of community orientation. These interactions help ensure the individual remains balanced. They also keep the individual in touch with community attitudes, and that is itself important in the approach to the client.

As to community orientation, the value of pro bono schemes and voluntary work again cannot be overstated – though undervalued and insufficiently acknowledged by some traditional critics.

As to teamwork within the firm, the professional staff and the support staff must obviously seek to work together in harmony and mutual cooperation. Every person within a law firm has obligations to all others: if they are discharged amicably and conscientiously, the individual will be energised and the firm will exude confidence. Harmonious teamwork is a very important key.

Mutual respect is essential. The lawyer who treats a secretary or a junior with less than usual respect and courtesy does so at some peril. Apart from the odium of showing arrogance or disrespect towards others, you never know where life will take you. As the



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old adage goes, it pays to be kind to the people you meet on the way up, for they are the same people you may meet on the way down.

Self-esteem is critically important. So is good health. But even more important, in my experience, is family support. That will be fostered by keeping the professional role in proper perspective.

We have all been very concerned to learn of the incidence of depression among lawyers. Depression is apparently and regrettably the illness of our contemporary profession. A 2011 study by Beaton Research & Consulting found that lawyers were the profession most likely to suffer symptoms of depression and anxiety. Causes can range from the thwarted ambition and inherent perfectionism of many lawyers to substance abuse to the toll of long hours and demanding expectations. Depression is a vexed and complex issue, but in addition to seeking professional help, getting out of the office and helping others, and retaining a bit of community focus and perspective, can only help with this, I think.

You may or may not know of the support services confidentially available free of charge to members of the QLS through Law Care and another program.

I hope, ladies and gentlemen, that in the face of the sorts of pressures to which I have referred this afternoon, you are nevertheless, through a balanced approach, able to retain a real enthusiasm for professional life, and attain that level of contentment which I described at the outset as being our shared goal.

I sincerely hope you do.

Thank you.