



JUSTICE RAY FINKELSTEIN OF THE FEDERAL COURT GAVE SOME CANDID AND VALUABLE ADVICE TO MONASH UNIVERSITY LAW STUDENTS AT THEIR GRADUATION CEREMONY. THIS IS AN EDITED VERSION OF THE FIRST PART OF HIS HONOUR'S SPEECH. PART TWO WILL APPEAR IN THE NEXT ISSUE OF THE YLJ.

Reputation, excellence, and rock 'n' roll

When the dean asked me to speak at your graduation, he did not let me in on the process by which the graduation day speaker is chosen. Nor did he give me a topic to speak about.

Whatever the process of selecting a speaker, your dean may have made a mistake in choosing me to speak. And he may have made another in not giving me a topic.

I say that because another educational institution made similar errors, but it took immediate steps to fix them.

The institution was my youngest son's secondary school. He was in year 8 or 9. The age of students in those years is about 13 or 14.

At that time I was what the newspapers called a "high flying silk". This was

newspaper-speak for a barrister who charged fees that were regarded as excessive. Of course in my case that was not true.

It was my mother who got the press on side. She always kept her eye on the papers to see how I was going. Not very well, she thought. So she entered into an agreement with a journalist from the *Financial Review*. In exchange for usually untrue gossip about me (e.g. what I had for lunch, what was my favourite car), the journalist agreed to refer to me in his articles as "high flying". That kept my mother happy.

Anyway, I went to my son's school to speak to his class about a career in the law. My instruction from the class teacher was to say something "inspiring".

Nothing much changes – your dean made a similar request.

I tried very hard to do what I had been asked.

I spoke about two things that seemed to me to be of critical importance to a career in the law: reputation and excellence.

I told the class of 13 and 14-year-olds that those two qualities were possibly the most important that a lawyer could possess.

I explained that when you become a lawyer, if in your dealings with your clients and in your dealings with other lawyers, and when appearing before judges, they all trust you and take you at your word, you will inevitably have a great career as a lawyer.

Then I spoke about excellence. I told these 13- and 14-year-olds that excellence matters all the time.

I explained that for a lawyer no case was unimportant. No matter was too small.

The point I was trying to make was that whatever case they might work on, it was always of the utmost importance to their client.

And I went on to say that the client was entitled to have his or her case dealt with as well as it could be.

One of the boys – a very perceptive one – asked whether the kind of excellence about which I was speaking would require them to work very hard. When he asked the question, he had a very worried look on his face. He said he had to work very hard at school and he had thought that life would get easier when he left.

I said that it was very hard to achieve the kind of excellence I was talking about.

I said excellence requires you to work many nights and many weekends.

I said that from time to time excellence requires you to forgo going to the football.

I said excellence might require you to revise or redraft documents many, many times.

I said excellence might require you to spend days in the library looking for relevant cases.

I said excellence might require you to spend hours preparing for cross-examination.

I said that if excellence requires that you cut down a speech from two hours to 10 minutes, then do it.

By now the whole class was looking worried. There were dark murmurings that maybe they should become

doctors, or even leave school on the spot.

Now, being a “high flying silk” I knew what to do. I had to say something that would appeal to them.

I said that excellence and financial rewards go hand in hand. You too can become a “high flying silk”.

This cheered up most of them. But not all.

A young girl put up her hand to speak. First she made a statement and then she asked me two questions.

Her statement was: “It seems like very hard work being a lawyer with a reputation for integrity and excellence”. Her questions were: (1) “Is it worth it?”; and (2) “If you had a choice would you do it all over again?”.

I knew I had to give her an honest answer. I would not be true to myself if, like so many other speakers at schools and universities, I came out with bare platitudes.

I looked at the class teacher who seemed to be interested in what I was about to say. Then I looked at my son, who knew that something was about to happen. Then I turned to the class, and in answer to the questions “Was it worth it and would I do it all over again?” I said “No” and “No”.

I added: “If I had a choice and could start my life all over again, I would do something quite different”.

At that point I stopped. I wasn’t sure I should go on. The young girl, who was pretty astute, said “OK, what would that be?”.

I knew that if I continued to be honest, I was about to become undone. Still I pressed ahead. I said, “If I had my life all over again, I would be a rock ‘n’ roll star”.

I started to explain why I preferred to have the status and reputation of a rock ‘n’ roll star over that of a high flying silk – the advantages seemed to me to be perfectly clear, and were not confined simply to financial benefits.

But the teacher (who looked thoroughly shocked) stopped me. She said that there was a maths exam she had forgotten about, the class had to prepare for it straight away, and I had to leave.

As a result of that experience I decided never again to try and say something inspiring. ●

QUIZ:

Who wears the pants?

Every relationship is complicated, and that couldn't be more true when it comes to the one between junior lawyers and support staff. Whether your secretary is a dream, a nightmare or something in between, here's a quiz to help you find out who wears the pants – you or your PA.

1 Where are you at 7.30pm on a Thursday?

- A. At your computer, tapping out a mammoth to-do list for your PA.
- B. Catching up with your friends.
- C. At the office, doing your own filing.

2 You need to get a lot of photocopying done. How do you go about it?

- A. Be assertive! Drop the pile of documents on the PA's desk, turn on your heel and confidently walk away.
- B. Ask the PA to start on the task and offer to take over once it's time for her to go home.
- C. Spend 30 minutes stressing over the most non-confrontational way of asking and end up just doing it yourself.

3 You've been invited to a firm function. You spend the night

- A. Networking solely with other lawyers.
- B. Chatting to a few people and making a point of getting to know your PA's interests outside work.
- C. Hiding in the corner, convinced the PA is telling everyone more hilarious anecdotes about your incompetence.

4 The PA stays back until 6pm to help you get a letter out. Your response?

- A. Big deal! Like anyone actually expects to go home at 5.30pm.
- B. You thank her/him for staying back to help you out.
- C. This is clearly a fictional scenario as far as you're concerned. *Your* PA staying past 5.29pm? You'd have better luck asking for her/his first-born.

To find out if you wear the pants turn to page 18.