

# God and the Legal Profession

Joanne Harrison, Registrar of the Supreme Court, reviews the religious ceremonies which herald the opening of the Court year.

The Court year starts on an uplifting note with church services for the judges and legal profession. This year I attended all four in Sydney and here is my potted version of them. The purpose of this article is not to compare each service but to generate some interest and discussion about them. Some parts of each service are similar, some are quite different.

It all started when I told my mother over the Christmas break that she should go to at least one opening of Law Term church service before she died. Not leaving anything to chance, she travelled down from the country to attend a service at the start of this law term. We stood outside the Supreme Court undecided as to whether we should go to St Mary's Cathedral or St James' Church. We decided to go to both. After attending both services on the first day of term, I thought that this year at least I would attend the ones held at the Great Synagogue and the Greek Orthodox Church. There is an ecumenical service held at Parramatta and various others held around the countryside.

At this point, I suppose that I should disclose my bias in case it flavours this article. I was brought up in a fairly strict religious household. I attended Sunday School when it was the done thing and even managed to win the Sunday School prize at the end of the year. After that stultifying experience, I tune out when I hear readings from the *Bible* as (to my ears, at least) they often sound like a string of clichés. However, I do find it comforting to think that there might be some higher power over and above the decision makers of this country - judges, politicians and others. So when I attended these services, I was hoping to find a sermon that was relevant to me as a lawyer, to encourage me, to achieve higher standards and to give me something to go away and think about during the year.

For those who have never been to an opening of Law Term church service all four services follow a similar format. It is not correct to call a synagogue a church so where Church is mentioned, please read church and synagogue. It starts with a procession followed by prayers and *Bible* readings, musical accompaniment, sermon and closing prayer. The Catholic Church has a Red Mass and the Greek Orthodox also has mass.

## The Procession

Imagine the scene. The surroundings are majestic and elaborate. The buildings are beautiful. The service starts with a procession, the Cross (except in the Synagogue) followed by the clergy in their vestments; the Judiciary comprising the Chief Justice and Judges of the Supreme Court, Industrial Court and Environment Court and Masters, Judges of the District Court, and Magistrates and members of the legal profession who are to participate in the service. They walk down the aisle with music being played in the

background.

The Supreme Court Judges wear crimson robes with fur, and long horsehair wigs, the District Court Judges black robes with a purple sash and shorter wigs. Other Judges wear plain black robes and wigs. Some of the Judges of the High Court and Federal Court wear their usual day wear and sit down at the front of the congregation. The clergy also wear traditional dress which varies from the mitre, white robes with gold embroidery to the more spartan white and black robes with no headdress.

Barristers also wear their robes, long or short wigs and black gowns, and solicitors in their normal court attire. Barristers sit together towards the front of the church. Solicitors do not necessarily sit together as they are not as easily recognisable as those who are robed.

In the Synagogue, women sit upstairs, the men downstairs. The Archbishop of the Greek Orthodox Church had the most ornate robe and a black round hat with a black veil down the back ("Kalimafchi"). In the Synagogue, in addition to the normal robes, the males wore a black and white striped prayer shawl ("Tallit") and wore a skull cap ("Yarmulke") on their heads. The clergy wear a smaller version of the "Kalimafchi".

## The Musical Content

Although St Mary's had hymns on their programme the congregation could join in, it was the Cantor with a most beautiful voice who carried the musical interludes. The processional hymn was accompanied by the organ. I found the audience participation in the hymns minimal and the proceedings somewhat distant. On the other hand, St James' Church had the most wonderful organ and the congregation joined in the singing of the hymns. This is probably because the organ made the music come alive in the church. Credit must be given to the organist, David Blunden. The Synagogue and St James' Church also had a Cantor. The Greek Orthodox had a small choir, but no other musical accompaniment. There were bells and incense in the Catholic and Greek Orthodox Churches which of course added to the atmosphere.

## The Sermon

I understand that two of the four speakers had legal qualifications, not that it is necessarily relevant. Here, I should point out that if I was asked to speak to a group of theologians, I wouldn't know where to start. The sermon at St Mary's started off on a good note with reference to Sydney 2000, Eva Cox in the Boyer Lectures and other contemporary writers. Father John Jago talked about the fact that a truly democratic society does not go hand in hand with a consumer-based society. Unfortunately, the acoustics in St Mary's were such that while I could hear the first few words of a sentence, the rest was hard to distinguish because of the echo (maybe I

was not paying enough attention).

The speaker at St James', the Right Reverend Paul Barnett, crafted his sermon well by contrasting a lawyer's job in preparing a case for a client to that of Paul when he went to see Peter (Cephas) in Jerusalem for 15 days to seek the truth about Jesus.

Both the lawyer and Peter prepared a case by gathering the evidence from both written and spoken word, then analysing it objectively to ascertain the truth.

The speaker's conclusion was that if each of us was to apply the same process to the existence of Jesus, the evidence would hold up. While the idea was a good one, it took rather a long time to explain.

I enjoyed Rabbi Apple's sermon the most. He quoted the philosopher Martin Buber's distinction between two types of relationships and then asked whether the role of a good lawyer should be either "I/thou" (the empathising caring part of a person) or the "I/it" (the objective rational part). His conclusion was that a good lawyer should be both. I found this sermon relevant, thought provoking and felt that it gave me something specific to ponder over. It satisfied the criteria I considered important.

Archbishop Stylianos spoke sincerely and relevantly. Not only should we be looking to the year ahead but we should be grateful for the year just past. According to St Paul we are only given the temptations that we can bear. I wonder what 1996 holds.

### Prayers, Readings and Responses

Of course, all churches had prayers, some of which were used in regular church services.

In the Catholic Church, a woman sitting near me didn't have to refer to her programme once, yet knew every response. St Mary's still has kneeling during prayers. I thought it was out of favour. Communion was offered and dispatched with the utmost efficiency.

The Greek Orthodox clergy read the prayers in both Greek and English. The Jewish prayers, although mostly in Hebrew, had English translation.

The Catholic and Anglican churches had the Presidents of both the Bar Association and Law Society giving a reading from the *Bible*.

In the Synagogue, the Honourable Gordon Samuels, Governor General designate read a special prayer.

The Anglican Church had acts of dedication with responses specially designed for the Judges, the Crown, barristers, solicitors and corporate solicitors, followed by prayers.

The response of the corporate solicitor (who was to seek the promotion of values which uphold the common good and dignity of our society) was hardly audible. The congregation was much smaller than I expected. The other churches had good attendances.

### Refreshments

Probably because of the constraints of time, there was no chance to mingle at either the Catholic or Anglican services. St Mary's service started at 9.00am followed by the Anglican one at 10.30 on the first day of term. The Judges sit in Court at noon.

The Jewish service is held on the first Saturday after term starts and the Greek Orthodox the Tuesday evening of the second week. I was made to feel welcome at both the Synagogue and the Greek Orthodox Church.

After the service both provided a welcoming introduction from the church members followed by a response by the Chief Justice. Then food, drink and a chance to talk to others. I have to say that the food at the Greek Orthodox function was absolutely delicious, so much so, I couldn't eat my dinner when I got home.

I took my four-year-old son to the Synagogue and thankfully they provided childminding. It was a brave move as my son's other venture to church resulted in him singing "Mr Natural" (Mental as Anything) at the top of his voice after the congregation had finished a hymn.

### Highlights

The most enjoyable parts were the spectacle of the robed clergy and Judges walking down the aisle of a church, the beautiful buildings and their interiors, the beautiful voice of a church, the Cantor at St Mary's, the organ at St James', the sermon of Rabbi Apple and the Greek Orthodox Church.

I found the hospitality forthcoming at the Jewish and Greek Orthodox services welcoming, in what to me is an unfamiliar environment.

May I suggest that next year it is worth taking the time to attend one or more of these services and you might find time for reflection. It is also an opportunity to gain a sense of community and recognise that a good legal profession may make society a better place. □

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## What Crystal Ball?

It seems that some judges expect that there will always be weeping in life's "vale of tears".

An award was made by a Master under the *Family Provision Act*. Within a month the plaintiff's husband was slain by her son, who was later convicted of manslaughter. The son committed suicide in gaol. Shortly afterwards the plaintiff was diagnosed with cancer. The plaintiff attempted unsuccessfully to obtain leave to adduce fresh evidence of these sad events on appeal. Referring to them, Handley JA (Gleeson CJ concurring) said:

*"The fact that some of life's contingencies occurred sooner rather than later and in a violent rather than natural manner does not require this Court to hold that the Master's decision has been falsified."* (Allan v Public Trustee, CA (NSW) 25 August 1995.) □