

## **Introductory Remarks to Contemporary Challenges for the Bar and the Legal Profession**

**Banco Court, 13 November 2015**

**Justice Roslyn G. Atkinson AO**

Thank you, Chief Justice Holmes, for your introduction and thank you to the Bar Association for inviting me to contribute to this important topic this evening. I would also like to acknowledge the traditional custodians of the land on which we are gathered today and to pay my respects to their elders past, present and emerging. I am sure that this is but the latest of the occasions on which people have gathered at Meanjin, this beautiful bend of the Brisbane River, for elders to discuss the future of their community.

We live in a diverse society under the rule of law. That means that the legal system must deliver equal justice according to law, as appropriate to the individual case. This requires an understanding of aspects of our society that are outside our own life experience.

As individuals, judges each have different views and opinions based on our own upbringing, education and experience. The more Judges learn about the experiences of others and the challenges different people face in their daily lives, the more we are able to fulfil the traditional judicial values of impartiality and fairness for all. The same applies to legal practitioners: the better you understand the particular circumstances and needs of your clients, the more able you are to assist them to address their legal issues – which often reflect broader social issues as well.

One way of increasing our understanding is through education. In respect of the judiciary, that is the purpose of the Supreme Court's Equal Treatment Benchbook, first published in 2005. The Benchbook is a helpful reference guide for legal practitioners and a means of making the community aware that courts are sensitive to the circumstances of people of diverse backgrounds and experiences as well. The Benchbook discusses various aspects of diversity, including ethnicity, religion, gender and sexuality, disability, age, and language and modes of communication. It draws attention to particular facets of matters that may be of relevance in the judicial system, so that processes may be sensitive and respectful, and so that the judiciary may be aware of potential disadvantages or vulnerabilities that may appropriately be taken into account if found to affect the particular individual. Ten years on, the Benchbook is in the process of being updated to reflect changes in society and the law, many of which have enhanced equality of treatment and opportunity, but of course we still have a long way to go.

To truly incorporate different life experiences into the institutions of the legal system, we need individuals of diverse backgrounds and experiences to be a part of them: in solicitors' offices, at the bar, and of course, on the bench. For justice to be real and accessible to all members of our society, it is important that it not be conceived of and practised by a self-perpetuating oligarchy defined by class, wealth, gender or any other irrelevant characteristic. The only real qualifications for the legal profession are aptitude, learning and character, and that is the only standard by which any prospective lawyer should be judged. The courts and the legal profession will be better for having the best contribute to them.

Against that background, I now invite Chief Justice Kourakis to present what I am certain will be a thoughtful and engaging paper.