

**Address by the Presiding Judge
Mr Justice Anthony Gates, Chief Justice,
at the Admissions Ceremony for the newly admitted
Legal Practitioners for Fiji, at Suva, Fiji
5th August 2011**

Hon. Justices of the Supreme Court Mr Justice Marsoof and
Mr Justice Hettige
Hon. Resident Justice of Appeal
Hon. Fellow Justices and Master of the High Court
Mr. Solicitor
Counsel who have moved the Petitions for Admission
Family and friends of those newly admitted
Newly admitted Legal Practitioners

I address my remarks primarily to the 29 newly admitted legal practitioners,
for this is your day.

Finally you have attained admission to the Fiji Bar as fully fledged legal
practitioners. Formally I make the orders in each of your cases that your petitions
for admission be granted, and where necessary I allow a shortening of the time
within which petitions needed to be filed.

I congratulate each one of you. I do so for myself, for my brother and sister
judges, and on behalf of your communities, your families and your country. Most
of you are fortunate enough to have family and friends present to witness your
admission ceremony today. You are all welcomed to the Bar, and thus to the legal
fraternity.

Today's ceremony is witnessed by many of our judges including for the first
time judges of the Supreme Court, but also the Suva Master, the Chief Registrar,

the Chief Magistrate and Magistrates from the Suva area. Indeed other witnesses include legal luminaries from the Bar and from the principal offices of our State institutions. They do you great honour by attending this morning. Today is both a joyous and a solemn occasion. Many people are here to wish you well.

Alas, not everyone you would like to have had here, can be here to see you admitted and take the oaths. Teachers and mentors, a priest or pastor, favourite aunts and uncles, people who have seen you through hard times, a single parent or a brother or sister. Sadly some have passed on before you could reach this height. But you remember over the years their advice, their support and their encouragement. Many former admittees have told me after previous Admission Ceremonies how for them the occasion had been one of deep emotion. The Admission is certainly a milestone, an event of some significance and is worth some pause for thought and reflection.

Becoming a member of the Bar is not just a ticket perhaps to a job or a better life. The achievement brings with it obligations to the community and to the general public. Mr Justice Michael Kirby often used the phrase 'a noble profession'. News reports around the world do not always suggest that that is how the public see us. The crime writer and novelist John Grisham, himself a lawyer, related stories which often portrayed lawyers as an unscrupulous and unprincipled breed. This may have something to do with the modern need for winning at all costs, for finding ways of defeating the system, getting around the rules. Just recently a lawyer admitted in one of our newspapers that he had hatched a plot to achieve an adjournment by misleading the court. Nonetheless he considered what he had done to have been unethical. It was an extraordinary admission. But it was an instance of crossing the line in matters of court tactics. It had been on the side of the line which was impermissible. This you must not do.

You will have to ask yourself, is the concept of a noble legal profession just a pious saying for a ceremonial occasion, or is it to be a guiding star in the way I am going to conduct my professional life? Great men and women are probably not born great or become great by virtue of their unusual talents and ability alone. Many will become persons of history for good if they are determined to abide by noble standards. We remember after his release from prison, Nelson Mandela's refusal to give vent to righteous bitterness, and his lack of vindictiveness.

I said earlier that you are now "fully fledged" legal practitioners. In truth you are not quite yet. You have so much to learn of the practicalities of the law, of its procedures and applications. In the next few years you will have to apply yourself diligently so that you can acquire quickly that understanding and depth. When I was a pupil barrister in London I remember being sent out by the Managing Clerk of chambers, at short notice to fill a gap at court, to cover for somebody else still tied up in another case, or simply to apologise to an irate judge for a mistake for which our chambers was responsible. Often I had to read the brief in the taxi. I learnt that total frankness and honesty were not only the proper things to bring to bear, but also that they usually had the effect of dissipating the red faced judge's fury. Total honesty and frankness therefore were useful weapons of persuasion. That is not to say that boldness, strength and courage are not also essential attributes for members of the Bar. Did not Portia in the Merchant of Venice stand up in court against the claims of Shylock? And if you watched the start of court proceedings in Cairo on TV 2 nights ago, did you not feel respect, for the advocates defending the unpopular sons of Ex President Mubarak and the Ex President himself, and consider that the advocates were doing their duty fearlessly and nobly? Whilst they did so, many an Egyptian watching on the screens outside the courtroom wanted the Accused hung without trial or ceremony. It is important to keep in mind the advocate's duty is to his client not to his cause. Clients are to

be defended in court irrespective of whether they are for or against the Arab Spring.

When I started in court I remember I was tongue-tied before the judge. I did not know how to couch the words in legally appropriate form in documents, and many a time I was not sure what was the procedure to be followed. I appeared to stagger around the courts only half-knowing what to do. After a few months I began to get the hang of things, and picked up some confidence. All I can say is, you will probably go through the same difficulties. But if you apply yourself and observe, and have the necessary humility to learn, you will emerge from the process as a fully fledged lawyer. It was the fine equity lawyer John Scott who later became Lord Eldon and Lord Chancellor of England, who said that “a young lawyer must live like a hermit and work like a horse”. He later said “nothing does a young lawyer good as to be half starved; it has a fine effect”. He probably had in mind that hunger kept a lawyer humble.

Consistency of argument is also worth striving for. As a young man Lord Eldon fell in love with a rich banker’s daughter. He was destined for the church and was considered an unsuitable match. Her father therefore refused consent to the marriage. Nonetheless the young couple decided to elope. The bride to be descended from a second storey window by ladder and they ran off to Scotland to get married. Scotland’s marriage procedures were less onerous in those days. Lord Eldon was only 21 at the time.

Theirs turned out to be a blissful marriage and they were soon reconciled with her parents. As one of life’s ironies, Lord Eldon’s daughter ran off after Eldon refused to consent to her marriage to a man he thought unsuitable. He seems to have forgotten his own alleged unsuitability at 21 years of age.

Lord Eldon had served in Parliament and been a Minister in the Government. As Attorney-General in the mid-1790s he was said to be one of the most hated men in England. In the House he had sponsored the Habeas Corpus Suspension Act, the Treasonable Practices and Seditious Meetings Act, and the Newspaper Proprietors Registration Act. England at the time was under threat from Napoleon, and the French King had lost his throne, and his head by guillotine. Eldon went on to be a respected judge. He seldom intervened in argument, never showed by his face or action which way he was leaning, and grasped the material facts of a case with celerity that was said to be almost intuitive. He was good humoured and held in affectionate regard.

It remains for me and the judiciary as a whole to wish you well in your careers in the law. We look forward to your appearances in the courts and we wish you the respect of your peers.

That completes the Admission Ceremony.

We will now adjourn.

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