

**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
4th February 2011**

Hon. Resident Justice of Appeal
Hon. Fellow Justices 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

Today is your day and therefore I address my remarks chiefly to those of you who have just been admitted.

At last you have reached the stage of being admitted as a legal practitioner of Fiji. Formally I make orders in each of your cases that your petitions for admission be granted, and where necessary I allow a shortening of the time in which the petitions need to be filed.

Each one of you has taken an oath that you will truly and honestly conduct yourself in the practice as a legal practitioner according to the best of your knowledge and ability. It is the hope of us all and especially of the general public that that oath will constitute a meaningful oath. We hope that it will remind you of your duties to act at all times as a practitioner professionally devoted to your clients and to act as a responsible, honourable and noble officer of the court.

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.

Being admitted as a Legal Practitioner, a barrister or solicitor as we were known not so long ago, is indeed a significant milestone. Some of us in England chose to be admitted in absentia, a decision we probably regretted later. We assumed we would join a profession after university and thus took the admission occasion rather lightly. But this admission day marks the conclusion of studious exertions before we set out on the path of our chosen career. From comfortable backgrounds in my day we had assumed a great deal.

But the world today is not a place where comforts remain constant. Change is everywhere and uncertainty abounds. All the more reason for marking these occasions of progress and achievement in our lives, perhaps marking the end of what might have been for some of you a long personal struggle. This is not intended as an opportunity for self-indulgence, a triumphalism over those who did not so succeed. But it is in order to celebrate the reaching of a difficult attainment. Those things which have cost us dearly or which have been achieved only after a great deal of hard work and effort are usually those most valued.

Some of you have chosen to change professions, or to come to the Bar late on in your working lives. These may not have been easy decisions. If you have come thus far with all its necessary time constraints on your day to fit in study, work and family, you will not waste now the chance of using your new skills and knowledge for yours and for the public's good. In that vein I specially welcome to the Bar today Ms Atu Emberson-Bain, formerly a member of the Senate of our Parliament.

I have spoken of struggle. I know that several of you have faced a lifetime of struggle, setback and difficulty before arriving here today. Everybody's story is different and to a great extent it is private. Yet many will know of what you have gone through and will recognise your remarkable achievement. For you and for your family, today is therefore an emotional occasion.

After the dust has settled on today's ceremony there is the question of obtaining a suitable position or job. Again in the modern world, this pursuit has become increasingly difficult. It is necessary to obtain relevant practical experience to make oneself more useful and thus marketable to an employer.

After today you will have to forget about past academic success and to concentrate on the business of becoming a lawyer in practice, an altogether different matter. You will need to be hardworking, thorough, alert, and well organised, and always willing to help out with a number of minor errands and tasks for your seniors. And you have to accept correction when you are wrong and to learn from it.

Those of you who intend to enter practice, I ask that you consider giving back something to the community. From time to time take up a case, whether a trial or a plea in mitigation, or an appeal in the Court of Appeal, where the litigant cannot afford to pay. Offer your services occasionally to the Director, Legal Aid Commission and to the Chief Registrar who has to assign counsel for trials or appeals for those whom the court wishes to be represented but who have inadequate funds.

Legal Aid with limited funds provided by Government can only do so much. The Bar should help more than it does presently. Accused persons facing serious charges need representation before the courts. You will learn from such

experiences. You will probably assist the litigants. You are likely to earn respect for such work, and if you increase your competence and confidence, you will attract clients that way also. The community will benefit from your generosity and unselfishness.

Egypt presently is facing turmoil and upheaval. It is clear from the amount of media focus on Egypt that a wide variety of views are held as to how Egypt should evolve hereafter. The carcass of the State as it were is picked over by overseas commentators, former allies, NGOs and would-be politicians who seek prominence in the new order that is anticipated. Ultimately it is for the people of Egypt to arrive at their own solution. Meanwhile there has been bloodshed in the centre of Cairo, if not elsewhere.

When a person is wheeled into the hospital, to the Accident and Emergency Unit, would we think it alright if the doctor asked whether the patient was demonstrating in the Square for the Communists or for the Muslim Brotherhood? We would think the inquiry irrelevant and rightly so. By virtue of the Hippocratic oath, a doctor is obliged to treat all who need his or her help. It would be reassuring to think that lawyers similarly would appear for clients who may not share their own political sympathies. It used to be said that firms of solicitors employed ambulance chasers. These men were expected to follow ambulances so as to offer legal services to those injured in motor vehicle accidents. This pursuit to the hospital was unseemly and distasteful.

Sometimes lawyers push themselves forward and like parachuting foreign journalists descend on some unfortunate trouble spot to take up a case for the sake of publicity. The publicity is the determining factor, not the plight of the persons suffering in the far-flung ailing country. Some lawyers always appeared for the big corporations and some always for the unions. Some for the factories sued after

accidents and some for the injured. Some left wing lawyers appeared for left wing causes and some right wing lawyers for right wing causes. This is an unsatisfactory state of affairs. It would be better if, like the doctors in Cairo we could treat the patients in extremis coming to our hospital without regard to their political or social context or opinions, and as lawyers, take on clients without regard for their opinions either.

If I may conclude then on this note. In your practice, you may deal mostly with corporate clients day to day. It would be public spirited of you if you could take on the odd case unfunded for one of the smaller people in life. By acting also for a wide variety of persons you avoid a narrow partisan approach to professional life. We must remember as lawyers we are in the business of persuasion not recrimination. It is not our business to approve or disapprove of our clients. In a court of law our duty is to act as Ministers of the Law and to assist the courts to arrive at justice.

I and my brother and sister judges and the judiciary as a whole look forward to encountering you in the courts. We wish you success in your practice of the law and we wish you the respect of your peers.

That completes the Admission Ceremony.

We will now adjourn.
