

**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 February 2010**

Fellow Justices of the High Court
Mr Solicitor
Madam Chief Registrar
Counsel who have moved the Petitions for Admission
Family and friends of those newly admitted
Newly admitted Legal Practitioners

I address these brief remarks to the newly admitted legal practitioners.

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.

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 all of us 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 devoted to your clients and 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 respective countries. 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.

Sitting with me today, robed, are Justices Byrne, Pathik, Madigan and Temo. Justices Wati, Fernando and Hettiarachchi, without robes, sit on your left. It is because of the importance of the occasion, an occasion of fresh blood entering the legal profession, that the judges honour you by being present today. Each generation hopes that the lessons of the past have been learnt and that the succeeding generation will do even better than the older generation believes it had done itself.

I have in previous admissions ceremonies mentioned the petitions and the affidavits filed; whether they have complied with the Admission Rules and whether they have been filed within time. You will be relieved to learn that I will not delve into such matters today. What is important however to learn from this exercise is that in practice a lawyer must always act professionally. "Professionally" means many things. It always means acting with thoroughness, checking the requirements of current legislation and subsequent amendments, drafting documents accurately and with care, checking facts, and ensuring that wild statements are not allowed to remain in affidavit drafts or in pleadings which you know full well you have not the means to prove. You must also be aware of the rules of professional etiquette and professional conduct. Do not sail into court on a file that somebody else says has all its tackle in order without rechecking every matter afresh yourself personally. If everything about that file is obviously in a tangled mess, the judge will consider you to be the person responsible for it. You need to establish at the outset of your career at the Bar your own reputation, by showing that your work carries the hallmark of hard work, thoroughness, care and competence. You are engaged by the client to perform to this standard. Preparation for court is not something that is completed in a mere 10 minutes.

Nobody should fool you that you can walk into court unprepared, ad lib, and somehow perform brilliantly. Brilliance is usually to be attained after hours of painstaking plodding, made up of reading, research, analysing and drafting.

Professional Misconduct by legal practitioners can now give rise to disciplinary proceedings before the Independent Legal Services Commissioner. I do not wish to say anything about hearings that are ongoing before the Commissioner or which are yet to be heard. The concern is not only with misconduct in a lawyer's practice before the courts, with clients, with documents or with other professional dealings. It also includes the way you conduct yourself in a wider legal context. For instance objecting to evidence in a trial can lead occasionally to heated exchanges. The late Mr S.M. Koya and I had such exchanges from time to time, usually before the luncheon adjournment. The mild mannered Mr Justice Mishra would shift and fidget on the Bench until reluctantly his lordship was forced to rule on the matter. Whoever won or lost, the heat of Mr Koya's passion cooled quickly. Invariably he suggested we walk across to the Holiday Inn to have lunch together. We did so and the fire dissipated. Mr Koya was indeed a fiery counsel but one who put a great deal of effort into his cases. He appeared for everyone who paid his fee, irrespective of the fact that the Accused or litigant was a political opponent. He remained dignified and professional at all times.

More recently there have been instances where counsel, either as litigants or as mere spectators, have chosen to trade unseemly insults in the well of the court before the judge or magistrate resumes the Bench. This is undignified and unbecoming conduct for a legal practitioner, who forgets he or she is at all times an officer of the court. It does nothing to enhance respect for lawyers as a profession in the eyes of the general public. The courts are institutions for the bringing of

orderly resolution to what are sometimes bitter claims, charges, arguments and disputes. Lawyers must assist in that orderly process.

I have often spoken of the need for courage and its closely linked quality, integrity. At the Bar such attributes often make an appearance together or perhaps disappear together. Where it is necessary do not be afraid of suing important persons or of defending notorious persons. Be careful not to be used to lend respectability to dubious schemes or to be a post box to cover up for other persons who wish to remain in the shadows. Though those in the shadows may later be exposed, you may be the one left holding a heavy costs bill. In matters of integrity, do not sit on the fence. You may need to speak out and come to the rescue of a person who has done the right thing of which you might be the only witness.

A short term position is not necessarily a wise one. Mountbatten's mother, a grand-daughter of Queen Victoria, always counselled her ambitious son to consider carefully whether he was doing the right thing. In arriving at a decision, she advised he should always ignore what people had to say about it, to ignore the Press, and in particular to ignore what the Press Baron Lord Beaverbrook had to say in his various hostile and personal Press campaigns pursued against him. But she cautioned too that he should take heed of how history might view his action. Those of you who have been following the Iraqi War Inquiry in London might think this was advice the Attorney-General of the day Lord Goldsmith could have benefitted from when he prepared his second conflicting advice on the legality of the invasion.

Finally I have some observations on your relationship with the Press and ultimately the judiciary. In a paper given at the Commonwealth Magistrates and Judges Association Conference in September 2009 Justice Olateru-Olagbegi had this to say:

