You know, it's a most extraordinary thing, my Learned Friend. We go through all the mumbo-jumbo, we put on the wig, and the gown, we mutter the ritual prayers, "If your Lordship pleases", "Ladies and Gentlemen of the Jury", abracadabra, fee fie foe bloody fum. And just when everybody thinks you're going to produce the most ludicrously fake piece of cheesecloth evidence, there it is, clear as a bell! The truth! Don't you find it? You know, it's bloody scary sometimes, ha ha, but there it is, the truth. Naked and embarrassing!

Horace Rumpole

Happy New Year and welcome to the first edition of Brief for 2015, and my first report to you as President.

In a sense I started my duties as President in late 2014, with the honour of appearing on behalf of the profession and the Law Society at the special sitting of the Supreme Court in celebration of the great life and contribution to the law of the late former Chief Justice, David Malcolm AC QC CitWA. As I said then, “While David Malcolm’s passing is a sad time, today should be seen as a celebration of a life well lived in service of his clients, the profession, the law, and the state.”

Personally, I was never afforded the opportunity of appearing before Chief Justice Malcolm, having been admitted just two months after his retirement from the bench. Similarly, as the youngest President of the Society in its nearly 88 year history, I am not in the same cohort as other leaders of our profession, such as those in the judiciary, members of regulators or leading government. I think this is a good thing as it affords me a unique perspective on the issues we as a profession and community have to encounter and deal with, in particular, a longer term horizon. This also demonstrates the leadership of the Society in tackling the challenge of generational change, which can be a struggle for many organisations.

**YOU’RE THE VOICE!**

It’s always useful at the beginning of a year to take a step back and reflect. I would like to build upon the thoughts of the Immediate Past President in his reports in 2014. Konrad emphasised the importance of the rule of law. Without the rule of law, we have tyranny and it is as important in the theory as in the practice. This is why very careful consideration must be given to laws that exclude the capacity of our courts to review the actions of government. As lawyers, this is something we all know to be true. The corollary of this is the importance of the content of the law.

It is for this reason that the Society must stand tall as the voice of the legal profession in Western Australia. The Society’s voice must not only be used in the direct interest of our members and in support of the principle of the rule of law but also in defense of our courts and the administration of justice. The voice of the legal profession must also be heard on what laws need to be changed and what changes to the law are unacceptable.

While as a profession and a Society we must work constructively with regulators and governments, noting with appreciation when things are done well, we must also not be afraid to stand tall and use our voice at appropriate times.

The Society is your society and our capacity to deliver results and services for you depends on your engagement with us as well as with us engaging with you. We want to know what you think about issues and what you would like to see your Society doing about them. As a voluntary association, the more we all contribute, the more we can achieve. So if you feel strongly about something please volunteer to lend a hand in developing the Society’s position or response. Essentially, ask what the Society can do for you but also ask what you can do for the Society (as well as the profession and the community at large).

**WORK HAS ALREADY STARTED**

The hustle and bustle of the work of the year has commenced, with media interviews, finalisation of submissions regarding aspects of the ‘national’ legal profession in New South Wales and Victoria and our first Society Council meeting for 2015 already behind us. The beginning of the year is also an exciting time, as Councillors are reaching out to the Convenors of the Society’s Committees in consultation leading up to our newly instituted annual planning day with the Senior Management Team in early February.

As President, I am looking forward to being able to oversee the implementation of the great work undertaken by Council in 2014 under the leadership of our Immediate Past President, Konrad de Kerloy; in particular, our new Strategic Plan and recommendations from our organisational review. Members should start seeing the difference in 2015, with a Society that is even more responsive to what you want and more visible in leading the charge on the issues that matter to the profession.

In addition to the work coming out of our planning day, some of the key areas of work that we already know will be pursued by the Society in 2015 are:

**Mental health, wellbeing, retention and gender bias**

All of these areas are important in and of themselves but there is no escaping the high degree of interrelationship between them and the importance to the profession of making improvements in these areas.

This is why in 2015 the Society will be working with the Law Council of Australia on the national action plan in response to its National Attrition and Retention Survey (NARS) of the profession.
You will also no doubt recall the Law Society’s 2011 Report on Psychological Distress and Depression in the Legal Profession authored by Dr Christopher Kendall. The Society has worked hard to implement the recommendations of this report and it has been considered by many of our counterparts in other states and territories in implementing their own responses to these issues. This year will see the review of the report, its recommendations and their implementation by our Mental Health and Wellbeing Committee, which will then report its recommendations to Council.

Related to these issues, are those raised in Chapter 2 of the 20th Anniversary Review of the 1994 Chief Justice’s Gender Bias Taskforce Report, many of which involve recommendations calling for work by the Society. The Society will be working through its Joint Committee with Women Lawyers WA to formulate its response and develop a plan as to how it can work towards the implementation of those recommendations.

Finally, in recognition of the importance of these issues, the Society has recommended to the Legal Practice Board that it consider introducing a CPD requirement to obtain a point in respect of mental health or the self-care of practitioners. As one of the oldest and traditionally most collegial of the professions, we must make sure that we look after one another.

**Access to Justice**

We will be continuing our work on the enhancement of the Society’s Law Access pro bono clearing house service in 2015 through our new subsidiary Law Access Ltd; moving now into the implementation stage with the establishment of the Law Access Ltd board, of which I am very proud to be the inaugural chairperson. There are more exciting things to come in this regard very soon.

Also, the Productivity Commission released its report into Access to Justice Arrangements regarding civil and family matters in December 2014. The report throws up many interesting proposals, including recommendations of increases in funding for access to justice services, reform of court processes, providing more transparency to consumers regarding estimated legal costs and opening up work in certain areas to non-lawyers. The Society will of course be giving strong consideration to the Productivity Commission’s recommendations but is also interested in the profession’s views on both increasing access to justice and how recommendations may have unintended negative consequences.

**Oversupply of law graduates / undersupply of law jobs**

Whichever way you cut this problem, it is causing immense stress on law students and graduates, their families and the profession as a whole, which would genuinely like to be able to help all those wishing to become lawyers. The Society will be working this year with its counterparts in other states and territories as well as the Law Council of Australia through its Legal Education Committee to look at ways in which these issues can be best tackled.

**A STRONG TEAM FOR YOU**

The Society Council features many new faces from various areas of practice in 2015 and I look forward with working with them all in the continued betterment of the Society for its members. Indeed, the Society’s Council of 20 personifies an appropriate balance of new youth and the experience of years, with nine young lawyers, four barristers, seven principals, a country lawyer, two suburban lawyers, a community lawyer, three government lawyers, nine women lawyers, two family lawyers, four criminal lawyers, and front and back end corporate lawyers of various guises.

In 2015, we welcome Alison Aldrich (Alison & Associates), Tara Connolly (Valenti Lawyers), Nicholas Ellery (Corrs Chambers Westgarth), Catherine Fletcher (Office of the Director of Public Prosecutions), Marshall McKenna (Allens), Georgia Pickering (Bunbury Community Legal Centre) and Ray Christensen (Zilkins). They join continuing members, new Senior Vice President Elizabeth Needham (Francis Burt Chambers), new Vice President Alain Musikanth (Francis Burt Chambers), new Treasurer Hayley Cormann (Clayton Utz), Marie Botsis (DLA Piper), Braham Dhammananda SC (Francis Burt Chambers), Nathan Ebbs (Bennett + Co.), Adam Ebell (Office of the Director of Public Prosecutions), Greg McIntyre SC (John Toohey Chambers), Denis McLeod (McLeods), Emma Cavanagh (Minter Ellison), Rosie Hill (State Solicitor’s Office) and, of course, our Immediate Past President Konrad de Kerloy (Herbert Smith Freehills).

I would also like to thank my now former colleagues who have left the Council of the Law Society at the end of 2014: Brendan Ashdown (John Toohey Chambers), Pamela Hass (WA Department of State Development), Clinton Russell (Francis Burt Chambers), Nicholas van Hattem (State Solicitor’s Office), Cameron Syme (Latro Lawyers), Hayley Ellison (Culshaw Miller) and former President Craig Slater (Francis Burt Chambers). All brought unique insight and passion to their roles on Council, with all having served with distinction on various committees of the Society, including the Executive and in particular Craig as President.

Your Council is supported in 2015 by the Executive Director of the Law Society, David Price and a team of dedicated staff. Following our organisational review, the Senior Management Team now comprises Andrea Lace (General Manager – Advocacy), Aine Whelan (General Manager – Programmes), Leanne Follows (General Manager – Corporate Services) and Jo-Anne Munro (General Manager – Law Mutual). The whole Council looks forward to working closely with the staff of the Society in 2015.

Of course, I would also like to thank our recently retired Editor of Brief, Rebecca Lee for her work over the last 3 years and welcome new Editor, Julian Sher, both of Francis Burt Chambers. Rebecca oversaw the movement of Brief’s production in-house to the Society, which has been a great success, and we look forward to the further evolution of Brief under Julian’s experienced leadership.

Last but not least, a huge thank you to Teresa Baker. Many of you will have met or spoken to Teresa in her role as the Society’s receptionist over the last 17 years. Teresa retired at the end of 2014 after an amazing effort and tireless work for us all.

In conclusion, I would like to leave you with this passing thought for the year: *illegitimi non carborundum*.

NOTES

1. A ‘young lawyer’ is defined as a practitioner admitted for less than 6 years or under 35 years of age.