

# WARRANE OCCASIONAL PAPERS\*

Number 3



April 2008

WARRANE COLLEGE IS AN AFFILIATED COLLEGE OF THE UNIVERSITY OF  
NEW SOUTH WALES

## CAN LAWYERS CHANGE THE WORLD?

**Professor Michael Adams**

Head of the School of Law, University of Western Sydney

Michael.Adams@uws.edu.au

**Speech to Warrane College Residents, UNSW, 23 April 2008**

Thank you for the opportunity to speak, Master of Warrane College, UNSW, Emeritus Professor Tony Shannon *AM* – a friend from my days at the University of Technology Sydney (UTS), with which we have a mutual friend in Emeritus Professor David Barker *AM*, my personal mentor and former Dean of the Faculty of Law at UTS. As an aside, all three of us have something in common in that we have been honoured with being made *FACES!* (*Fellows of the Australian College of Educators*). Of course, as well as being a *FACE*, I am current a *HEAD* of the School of Law at the University of Western Sydney (UWS).

I also wish to acknowledge the Elders and original Indigenous owners of this land on which the College is located and thank them for their country, which we all now enjoy.

I have now been at the UWS for 14 months after 18 years at the UTS, which has enabled me to reflect on what makes a “good university” and the importance of the role of a Law School and the “production” of good quality lawyers.

I wish to also note that I was very honoured on the 13 February 2008 to be the acting provost on behalf of the Vice-Chancellor of UWS to host and deliver some words to the students and staff on the UWS Parramatta campus, as part of the National Apology Day,

---

\* While Warrane College accepts responsibility for publishing these papers, the opinions expressed in these papers are those of the authors. Enquiries should be directed to the Master, Warrane College, UNSW, PO Box 123, Kensington, NSW 1465, Australia.

when the Prime Minister opened the Commonwealth Parliament. This was a most symbolic moment and I was proud to be part of the UWS representation team.

When one is asked to make such a speech as this, it causes one to reflect back on life and also to view whether law and lawyers really add any value to society – hence my proposition “**Can lawyers change the world?**”

When I was just 14 years old, my father, a general managing of a manufacturing company in Southampton, UK, was asked to conduct arbitration in London and I was given the day off school to be in attendance, as an observer. That day changed my life as I became determined to become a lawyer. Due to conflicts of time (having too much fun as a professional DJ), my “A” level (equivalent of 4 unit HSC subjects) were average and I missed my first three choices of university!

But due to some good career counselling at Sixth Form College, I did commence and graduated in law, economics and accounting from Coventry Polytechnic (now a university and very similar to UWS in many ways) in a Cathedral that was deliberately destroyed in the Second World War and was rebuilt perpendicular to the original church. Then later I was lucky enough to have a scholarship to complete my postgraduate studies at University College London and the graduation ceremony was in the Albert Hall in London, with Princess Anne (Queen Elizabeth II daughter) who gave the occasional address. On Saturday 19<sup>th</sup> April 2008, I was honoured to give the Occasional Address to the Law Graduation at UWS – will they remember me in 25 years time?

So can lawyers change the world? Three points to consider:

- 1) **You deserve recognition for your hard-work in law school** and it is nice to know that there are plenty of jobs waiting for you – a report published last week by the Monash Centre for Population and Urban Research stated that “42% of the 1.47 million jobs created in the decade to 2006 were professionals requiring a university education. Although 105,749 trades-people position were created, professionals increased by 439,000 jobs, said Dr Bob Birrell, author of the report”.

Out of interest, I have done some analysis of the UWS law graduate destination over the last five years (2002-2007) and there have been 289 employers – 44% are law firms including the top tier firms (law and accounting) – 33% are commercial entities and 20% are Federal or State government agencies.

- 2) **Access to legal education and the role of social justice** – I have had stints in legal practice, as a corporate lawyer (my area of expertise) and at universities in China, Hong Kong, Malaysia, USA and UK – but since February 2007 I have been so impressed with the passion, the drive, the access to education, the social inclusion, social justice, all through the Mission of UWS and its academic and general staff working with the students.

Another report published this week by the University of Melbourne's Centre for the Study into Higher Education, has found that those people from poor families appear no more likely to reach university despite the vast expansion of the sector during the last 15 years. The commissioned report by Universities Australia on equity and participation by Professor Richard James links issues of the social class and weaker school performance feeding low expectations rather than the high cost of education. All universities need to tackle this issue in a variety of different ways.

One of the most significant statistics often quoted by Professor Geoff Scott (PVC Quality) for UWS is that over 50% of first in their family to attend university. OECD research clearly shows first-in-family students who successfully complete higher education have profoundly improved life chances compared to those who do not". UWS has domestic students coming from 171 different countries – that is quite a mix!

I was a first-in-family to go to university, but all my niece and nephews have gone to university with the exception of one, who has become an electrician and may earn more money than the rest, in the short term. Napoleon I is often quoted as saying, "impossible" is only a word to be found in the dictionary of fools.

For my 40<sup>th</sup> birthday, I asked my mother for a very expensive book, to prove I was a nerd indeed. It is edited by an Irish academic, Prof Eoin O'Dell and is entitled "Leading Cases of the Twentieth Century".

One of the 26 common law cases that are included in the book is a detailed account of Ms May M'Allister, a pauper that took some refreshments with a friend at 8.50pm on Sunday 26<sup>th</sup> August 1928 at the Meadowbank Café in Paisley, Scotland.

Her solicitor, Walter Leechman, had lost a similar case the year before and wrongly sued the café owner, Francis Mighella at an award of costs of 66 pounds. The bottle of ginger beer, manufactured by Davie Stevenson, with its wonderful snail dropping into a knickerbockers glory was never part of the evidence of the case. It did give rise to Lord Atkin in the House of Lords formulating the neighbour principle, to change the course of tort law.

The Australian *Mabo* decision on the concept of native title is included in the top common law cases, but my personal favourite was just three years too early for the period, being the House of Lords decision in 1897 of *Salomon v Salomon Ltd*.

In the 21<sup>st</sup> century that we live in, modern consumers are protected by labelling laws. These laws can go too far, such as a hairdryer has a label stating "Do not use while sleeping" and children's cough medicine states "Do not drive or operate machinery". I have even seen on an airplane a packet of nuts which states "This packet may contain nuts"!

**3) So my third and final point of whether lawyers can change the world is linked to a concept called "Community Engagement".**

There is a simple adage that states “the measure of what you put in, is what you get out of the experience.’ Let me explain a little more as to what actually I mean, with some real examples to convince you that lawyers can and do change the world!

Many of you will be graduating in a few years with special skills and talents. As I mentioned before, there are plenty of jobs in the professions to maximise your income generating opportunities – but there is more to life than just making money and being hedonistic.

The media view of lawyers is not very positive (think of how many lawyer jokes that there are!) – In Monday’s *Sydney Morning Herald* (21 April 2008 at page 17) Paul Sheehan wrote in an opinion entitled “Lawyers, mugs and money” – QUOTE

*“At the grandiose conference held at the weekend, no one appeared to be grappling with the social cancer of our time: the rising tide of litigation, compulsion, intrusion, the creeping sense of entitlement over obligation, the proliferation of tribunals. Australia is becoming a society under the rule of lawyers, not laws. What goes on in our courtrooms and tribunals bears often only a passing resemblance to the moral code by which the vast bulk of society lives and which maintains social cohesion.”*

Lots of the people involved in universities and in particular in law schools benefited from Government policies which provided a free education to the highest levels and thus we naturally feel indebted to society to share our wisdom, skills and knowledge earned through the university. The power of belonging to alumni can never be underestimated. For those of you with debts through HECS – FEE HELP or other schemes, it seems hard to imagine a need to put in more time and effort for what seems like no reward.

However, for the lawyers, as well as the accountants and marketers, and to some extent the finance and economists, and other professionals, you have a set of skills which could benefit the broader society.

If you are part of a sporting club, offer to join the advisory board, if you belong to a church gain election to Parish Council or governing body. If you have children, the parents’ organisation, needs skilled and committed helpers. Your skills in advising on the correct use of MYOB or how to do a tax return could be invaluable. As a lawyer, I have been invited to join many not-for-profit boards – one was a radio station and I wondered why I had been asked – three months later a major legal issue arose and I was able to advise the whole board as to what were the correct legal and ethical decisions to make and to work with the employed professionals for an appropriate outcome for the CEO and employee-volunteer.

Lawyers have used their skills in a wide variety of areas, such as 11 of our 27 Prime Ministers have a law background (41%) – Paul Keating did not but has been given three honorary law doctorates! 10 of the 40 NSW Premiers have law degrees and our 25<sup>th</sup> Governor-General, Her Excellency Quentin Bryce (24% have law degrees). World leaders from

all sides of politics have had law degrees, in particular Margaret Thatcher, Nelson Mandela and Mahatma Gandhi, as well as entertainers like John Cleese (comic actor) Steve Vizard (TV personality), Peter Garrett (musician turned politician) and most of the Chaser Crew! Last weekend the 2020 Summit in Canberra is dominated by the legal profession and Professor Julian Disney (UNSW) helped draft the UN Millennium Development Goals.

Last year I read Mandela's autobiography "*A Long Walk to Freedom*" and I was inspired by his commitment as a lawyer to do good and help others. By his mid-30s he had been admitted as an advocate (similar to SAB/Law Extension examinations route which is similar to Justice McHugh took to become a lawyer and ended up on the bench of the High Court of Australia) and was imprisoned under a racist law. He continued to study for an LLB as an external student of the University of London. He demanded that black prisoners should not have to wear shorts but trousers, like the Indian and Afrikaans prisoners. He was granted that privilege, but declined when it was not applied to all prisoners. One of many examples contained in his biography.

Even involvement with a relevant professional body can be community engagement; as I was asked to teach a postgraduate course in corporate law for a professional body called the Institute of Chartered Secretaries and Administrators. This was a paid role and was like getting over-time for a subject I liked. I then became a member of the ICSA and was invited to join the NSW Education Committee. Sometime later I was elected to the NSW board and became its chair. A few years later I served on the national board and became the Australian President. Then I was elected to the International Governing Body and represented Australia for all the Commonwealth countries an amazing honour. But on the way I made lots of friends, I helped to change policies and make decisions to improve the role of company secretaries in corporate governance, it kept my teaching and research at the cutting edge of the "real world" – which is so important for an academic – but I was engaging with the business community. In 2005 I was honoured with the President's Award for my services, which has only been given five times in a hundred years and I was the first academic. Did I commit my time and skills for an award – of course not – but the more I put in the more personal satisfaction I received? I implore you to be part of your alumni and to use your skills, talents and knowledge to improve your own communities, as well as enjoying all the other benefits and being ambassadors for your University.

Well Australia is a little different and I hope the lawyers at the 2020 conference did make a valuable contribution to our future, as I am sure all of you will do so in time.

Finally, I would like to quote Fuller, who actually said "Commonly, doctors are like beer, they are best when they are old, but lawyers are like bread, they are best when they are new and young".

Thank you for listening.