

Opening of Law Term Dinner

Presidential address. Richard Harvey, President, Law Society of New South Wales

Acknowledgements

Good evening, Your Excellency the Governor, Chief Justice and distinguished guests.

I acknowledge the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation, and thank Uncle Allen Madden for his generous Welcome to Country.

I acknowledge my predecessors – Past Presidents of the Law Society of NSW, many of whom are here with us tonight. Your legacies and distinguished service add to the sense of occasion I feel tonight.

I particularly want to acknowledge the immediate past president, Elizabeth Espinosa, and thank her for her hard work last year.

I would also like to acknowledge Michael Tidball, CEO of the Law Society of NSW, for his wise leadership over many years, and for warmly welcoming me into this role.

Thank you particularly to the Chief Justice for your insightful words tonight and your continuing support of this event which is genuinely appreciated.

And importantly ... thank you to my family, friends, colleagues and former workmates for being present this evening, it means a lot to me.

Introduction

It is my honour to address you as the Law Term Opens for 2020.

Can I just start by saying - **I love the Legal Profession!**

I love the women and men who make up this profession and who put themselves out there every day to further the administration of justice in New South Wales; be they in small firms, large firms, CLCs, in government or in-house or members of the Bar and the Judiciary.

In my nearly 40 years of practice I have been struck by the calibre and integrity of our profession.... across the board.

My sense of what a legal professional is has been informed – like so much in my life - by my years in Rugby. I confess to being somewhat of an... ‘unreconstructed amateur’ at heart and I mean ‘amateur’ in the original sense of the word, which has its origins in the Latin word for “lover.”

With the exception of the most elite levels of the game, Rugby remains a sport driven by volunteers, and played by amateurs.

An amateur sportsperson is unlike a paid professional, the amateur does things out of love and not just for the money; and they do it for a vision bigger than themselves. Just like the members of our great profession...

In our family we have a saying ... that “the volunteer is the most important person in the world and that an amateur will always do far more than a paid professional”.

This might explain why so many solicitors are incorrigible volunteers in their communities. And why with whatever little downtime they have, they spend it supporting their family, friends and the wider community.

One of my first official duties as President was to call upon solicitors to provide voluntary pro bono legal assistance to those affected by the recent bushfires.

The response didn't surprise me at all! It was remarkable, with hundreds of solicitors and firms immediately offering to assist with their time, personnel and resources.

This voluntary giving is replicated through the massive - let's call it, usual - pro-bono efforts of the profession. This giving is what our profession does **inherently**. It would be a big mistake, in my view, for there to be a move to make accounting for and performing pro-bono services compulsory. The moment it is required, is the moment when the good-hearted professional will rebel.

Personal perspective

So, where did my love for the legal profession begin?

I was born in Manly to my fourth generation Australian, book-keeper mother - herself of French and English heritage - and my glass worker father. My father emigrated to Australia from England in 1950 after a stint here with the British Fleet Air Arm during World War II.

My loving and funny dad John died 40 years ago next 20th of December, just before I graduated from Law School. But I am excited to say that my wonderful mother June, who is rising 96 years of age, is here tonight. She has always been a loving guide to me and my two older sisters, Virginia and Lynne, who I am delighted to have here tonight and who have always been supportive of me... whether I deserved it or not.

We grew up in Fairlight and Seaforth and I went to Manly West and Neutral Bay Public Schools before spending six-year years at Balgowlah Boys High... I am told that Bally Boys is a high achieving school..... well, now at least.

My only claim to fame was playing with three future Wallabies in the first XV. The team's results, notwithstanding their presence, weren't great, as regrettably for the team, I was at loose head prop!!

I then studied Law at the University of NSW between 1976 and 1980, graduating with an LLB and a Bachelor of Jurisprudence. To paraphrase Roy and HG, this was a case “when too much law was barely enough”.

I must say that after doing two law degrees my view is - and academics may hate this – that every law subject is the same as every other law subject, they just change the words.

I would however like to recognise, the sometimes vain attempts of three then very young lecturers to teach me in those years, including the honourable John Basten QC (now a Judge of Appeal in the Supreme Court) and the honourable Terry Buddin SC, retired justice of the Supreme Court, both of whom are here tonight, and the Solicitor General, Michael Sexton.

After graduating from law school and the College of Law I was very fortunate to get a job in Chatswood with the firm of Dettmann & Dettmann. The principal of that firm Nick Dettmann is here tonight, and I have him to thank for my love of the law generally and property law in particular... Nick likes to muse that he taught me everything I know.... but Nick... that's pretty true.

I am grateful to Nick and also his wife Carol for many kindnesses and largesse during my time as employed solicitor and then as partner.

I am still very grateful for the chance to have joined the Petersham Rugby Club tour to the 1991 World Cup in the UK and also for pushing me to advance my career.

I subsequently practised in North Sydney for 10 years and since Rugby World Cup 2003 have been in sole practice in Mosman, mainly in property, wills and estates and general small business law and litigation.

Most importantly though, I want to acknowledge my truly magnificent wife Angela for all her support and wisdom over the years. I couldn't have done it without you.

Angela, you also raised two pretty special children in Ava and Evan, of whom we are both very proud. Ava and Evan, can I say you have both taught me many useful things ... but I cannot use them here tonight.

The Law Society of NSW

The culmination of my professional and personal life has led me to the office of Law Society President. The Law Society of NSW proudly exists to serve those who serve; to be the strong and credible voice of the profession and represent the interests of our more than 30,000 members.

Under successive presidents, we have earned the trust of government and the respect of our fellow citizens and received increasing statutory powers..... As a co-regulator of the legal profession, we ensure members of the profession meet the very highest ethical and professional standards.

Today we stand united as the largest and most influential legal membership association in Australia, with a global outlook and international standing.....

LAWASIA

I would like to acknowledge tonight the President of LAWASIA, Mr Chunghwan Choi. Since its foundation in 1964, LAWASIA, has had a very special relationship with the Law Society of NSW.

The concept of a legal association for the Asia Pacific was first conceived at a Human Rights Conference convened by the United Nations in the mountains of Kabul, in 1964.

This was a moment in our history when, at the peak of the Vietnam war, people could still glimpse that the Asian region would one day become the economic powerhouse of the world. It was recognised that where Human Rights

are promoted and advanced - expressed through the fundamental guiding principles of the Rule of Law - civil society is advanced, sovereign risk mitigated and business growth achieved.

If we look at what has happened over the intervening years, this has certainly been the general direction that we have seen. LAWASIA has played an honoured and unique role in helping universalise the Rule of Law in the region. It's courage, support and advocacy across a range of jurisdictions in pursuit of these goals has been nothing less than remarkable.

The Law Society of NSW is delighted to host the Secretariat of LAWASIA, with the CEO of the Law Society currently serving as Secretary-General of LAWASIA. We value the special relationship we have had with LAWASIA since the beginning.

A global player

The presence of LAWASIA - like the new three-year strategic plan for the Law Society - recognises that our economy, society and profession are part of a world in which markets are global and our futures are increasingly connected.

We have done a lot of work to solidify Sydney as the preeminent legal services hub in Australia and establish it as a global player in the Asia Pacific – with the harbour city now home to the LAWASIA Secretariat and the Legal Services Council among others.

This is vital because Sydney and NSW have a major role to play in facilitating large-scale infrastructure projects, financial services, and other major projects.

In an economic sense – the city and state are gateways for international transactions and projects of national significance. The NSW profession – by virtue of our state's unique position - has a special role to play in facilitating this nation-building.

It is for that reason that over the past 15 years the Law Society has played a key role in championing the development of a single legal services market –expressed in the development of the Legal Profession Uniform Law. That work is now well advanced, particularly with Western Australia entering the scheme this year, but it will be ongoing.

In undertaking this important work, in fostering both international legal profession connection and in building a single Australian legal services market, the Law Society is always keen to coordinate its efforts in the pursuit of market access and micro economic reform with the policy objectives and representational efforts of the Law Council of Australia. We remain actively committed to contributing to the Law Council as the peak voice in uniting the diverse Australian profession and projecting it in key international fora.

As Australia finds its place in the world and as Sydney becomes a truly international centre – it's important that we play our part to ensure that our lawyers can connect with the rest of the world. It is to the benefit of trade and commerce that we're able to do that.

And it is for that reason that the Law Society's strategic plan commits us, as one of its key deliverables, to: "Support law practices seeking to draw on the experience of foreign lawyers, including by advocating for appropriate changes to the regulatory framework, and promote international market access for NSW solicitors."

The role of lawyers in facilitating major transactions and projects - of participating in the process of nation-building - is clear. It's vital that we ensure that our legal services market has the agility and flexibility to appropriate new legal skills and get the benefits of specialisation where it is needed.

Priorities

In looking now to the year ahead, my focus for 2020 will be on three key areas. These are:

the viability of legal practice;

recognising the value, skills and expertise of our profession; and

promoting the well-being of solicitors.

While our heritage embraces time-honoured principles, I want to strengthen the role of our profession as we move into the future, making the most of innovation to work more productively and of course, with the best interests of our clients at heart.

The viability of legal practice

Solicitors are an indispensable part of the fabric of our communities. There is no area of human activity that is not enriched or impacted by the place of the legal profession and its vital work.

It's no secret that our profession has faced significant headwinds over the past few years.

A slowing economy, disruptive new technologies, and incursions into the legal market by new players - have all put pressure on solicitors.

Combined with the rising expectations of clients this is a challenging context within which we practice law. After four decades in private practice I have a visceral understanding of these challenges, and the sleepless nights they can induce.

The Law Society also understands them and is responding with the roll-out of diverse and value-added services to support its membership.

Equipping solicitors for the future

This includes introducing solicitors to new and emerging technologies and helping them to negotiate disruptions currently underway in the legal services market.

The Law Society's primary vehicle for achieving this is known as FLIP –short for the Future of Law and Innovation in the Profession.

I would like to acknowledge former Law Society President Gary Ulman for championing the creation of FLIP back in 2016.

Now in its fourth year and guided by the landmark 2017 FLIP Report, the program supports solicitors to 1) engage with technology, innovation and change; 2) ensure that this engagement is consistent with our deeply-held values and principles; and 3) promote tangible benefits, including better legal services for consumers.

Befitting this pioneering work – where real time data specific to NSW can be hard to come by – this project has been strengthened by our partnership with the University of NSW, whose academics are producing original research in collaboration with the Law Society.

Last year nearly 1,500 people from across the state and throughout the profession attended one of our FLIP-related events. This included law students at our annual hack-a-thon; regional solicitors at one of four regional roadshows; General Counsel at our tailored forums for in-house lawyers; a broad cross-section of lawyers and industry leaders at our bi-monthly FLIP Inquiry Series; and nearly 500 people at the flagship FLIP Conference in Sydney.

2020 promises to be another big year for FLIP, with the return of the bi-monthly FLIP Inquiry Series, a Regional FLIP Roadshow visiting two new regional locations, the Innovate Law Hackathon and the flagship FLIP Conference in September.

Building upon the great work already underway, we will ensure FLIP events continue to support solicitors to understand, select and adopt those technologies that will make their life easier and so importantly make their firms and practices more profitable.

Communication with our members

Communication with our members will also be a priority this year. It's important that solicitors receive the information they need, through channels appropriate to them. This includes expanding our digital offerings, and in a major project, incorporating feedback to improve the user experience of our website.

In 2020 we will also launch the Law Society Journal archive project. Every Law Society Journal from the first edition in 1963 is being digitised and will be available online to members.

The archive will be fully searchable and will place over half a century of history at the fingertips of our members, as well as more recent articles.

Recognising the value, skills and expertise of our profession

For over 800 years, since the historic moment of Magna Carta, we have celebrated and venerated the role of a united legal profession as one of the great markers of civil society and representative democracy.

The profession is an expression of one of the three arms of government - the executive, legislature and the judiciary - and has at its peak, an independent judiciary.

The Law Society will always stand for the profession.

It's important that we continue to invite and encourage the entire profession to stand with us; to uphold the time-honoured principles that underwrite our peace and prosperity.

This includes coming together to protect the rule of law and the checks and balances inherent within civil society. It means promoting a vision of society where just laws and the fair and proper administration of justice are valued and find expression in our institutions.

While unity is a defining characteristic of the profession, during my presidency we will seek to ensure that the Law Society continues to be relevant and speaks to every practising lawyer, regardless of geography, personal background, area of practice and the structure within which they work.

The challenges of connecting with some 35,000 solicitors in an inclusive and meaningful way, are many. To date it has required the consolidation of existing approaches, as well as the roll out of new programs.

But it is necessary. The Law Society exists to make life easier for *all* solicitors, whether a sole practitioner working within the private profession (like myself), or a lawyer working in a middle tier firm, or a solicitor working in a large firm, which is part of a national or even international network of practices.

Similarly, it is recognised that lawyers working in government and in-house corporate practice play a vital role in the provision of legal services to the Australian community, economy and our system of institutions.

While we want the profession to stand together as one, a united profession is not the same thing as a uniform one. The skills of contemporary lawyers are extremely versatile, and the contexts they work in are diverse. Our services and communication must continue to reflect this.

This versatility is also reflected in the Law Society's recently elected Council. Ours is a truly "deep bench," with 21 great legal minds coming together to help set the direction and objectives of the Law Society. I am grateful for the contribution they will make to the Law Society, the legal profession and law reform more broadly.

I would also like to acknowledge the hard work of our specialist committees, who reflect the breadth of specialist knowledge present in our profession. I have served on five specialist committees, including as Chair of the Property Law Committee, and as Chair of the Specialist Accreditation Board.

Our 18 Committees faithfully draw upon the immense technical expertise of our profession. Through their regular submissions and public statements, they have established the Law Society as *the* highly respected commentator to government on legal matters.

Whether the issue before us is about family law reform or my area, e-conveyancing; or the Hayne Report recommendations or Artificial Intelligence; court reform or Indigenous Recognition; our committees help us to display leadership in law reform, and advance and protect the rule of law.

Promoting the well-being of solicitors

The Law Society's response to the recent bush fire crisis was important because it was an expression of our very reason for being.

From its earliest days, the Law Society has existed to serve the profession.

Our bushfire response reflects our commitment to supporting solicitors and their communities in the bush, including last year's \$50,000 grant to help drought-affected farmers and rural communities' access legal assistance.

I look forward to spending a lot of time in the regions, particularly with sole practitioners and in small firms, who are the cornerstones of their communities, and the lifeblood of our Society.

I will be out there to listen – to hear their stories and learn from their experiences – and then deliver on what they need....

Another part of supporting the profession includes scaling up our resources to promote the mental health and well-being of our members. Our work as lawyers is rewarding but it can be stressful. How often have we all woken up at 3am with the answer to our clients need? Like any good team, we need to look out for one another.

The Law Society is looking at its role in relation to well-being. We know that the nature of legal practice is changing and that can be a source of stress for some practitioners.

In 2020 the Law Society is prioritising this issue with the recruitment of a well-being coordinator to lead mental health and well-being initiatives... And we are scaling up our resources in relation to continuing professional development. I hope to start shifting some of the barriers which might be preventing solicitors from talking about these issues.

President's charity

It is customary during tonight's address to introduce the President's Charity for the year. Many of you will already know that I have chosen **Foodbank** – Australia's largest food-relief organisation, as mine.

My decision was timely. **Foodbank** has played a life-saving role during the ongoing bush fire crisis, delivering emergency food and water to communities completely cut off by the fires.

As Australians we often take food for granted, however as the bushfire crisis has showed – even in a modern, industrial nation like our own – the line between food security and food insecurity is perilously thin. The fires have reminded us of that.

Unfortunately, for too many Australians, it doesn't take a bushfire to cause food insecurity. At some point each year, more than 4 million Australians are in crisis, dealing with the anguish and despair of not knowing where their next meal is coming from for themselves and their families.

Foodbank responds by rescuing and sourcing food and groceries from farmers, manufacturers and retailers and distributing them through front line charities around the country to people in need. In their own words, they are the "Pantry to the welfare sector."

Their combination of inclusivity (non-denominational and working with numerous frontline charities); profound technical ability and professionalism echoes our own legal profession, making them a worthy charity for 2020.

I would like to acknowledge that joining us tonight is Foodbank CEO Gerry Anderson OAM and his wife Patricia; and Foodbank Chief Operating Officer and former Leader of the Labor Party in NSW, John Robertson.

I look forward to talking more about their work in the year ahead and encouraging our members to fundraise and donate.

Conclusion

To conclude. I am deeply honoured to have been elected President of the Law Society of NSW. Our association has a long and proud tradition of serving the profession.

Everything we do and everything we are - from the strength of our networks, to the calibre of our people, or our enviable global positioning – are not ends in themselves.

They have been cultivated carefully over many years to be laid freely at the feet of the profession; to support and empower solicitors - and through them - the citizens of NSW.

I promise to approach every day with this same sense of service. To “leave everything on the field” in the year ahead.

And to play my part – in the company of my fellow solicitors – in defending the rights of all.

