

# Why we're different

## Our duty to the court sets us apart

The other day a non-lawyer asked me what it is that makes the legal profession different to any other profession.

My immediate answer was, of course, that we are all officers of the court.

While it might be argued that there are other differences that set us apart from doctors, architects or other professionals, this is undoubtedly the big one.

Other professions may have divided loyalties on occasion, but no other profession faces the challenges inherent in a duty to the administration of justice that must *always* come before the duty to serve the best interests of a client.

At times it can be difficult for us to reconcile this obligation with our client's wishes, and this is where our years of learning and experience come to the fore.

Further, it is the role of the trusted advisor: a counsellor who exercises good judgment and provides practical guidance that gives meaning to why we practise and have a life in the law.

It is also why we have the QLS Ethics Centre helping practitioners to serve the best interests of their client as well as uphold their responsibilities as officers of the court.

Many of you will have seen the weekly ethics quotes included in *QLS Update*, and these regularly explain and reinforce our duty to the court. This quote, from an address by Chief Justice Catherine Holmes, appeared in the 28 September edition last year:

"The judiciary, as we all appreciate, is an arm of government, but the functioning of the court in turn depends on its officers and their observation of the obligations which they assume as legal practitioners. Judges are in no position to make their own inquiries, to ascertain the facts except through what is presented to them.

"Without our being able to rely on your integrity and honesty in doing so, the administration of justice would become unworkable. The independence of the courts, which is critical in a democracy, requires also the underpinning of a profession independent from the expectations of clients and the aims of the executive."

The vast majority of Queensland's 11,000 or so solicitors consistently and honourably adhere to the profession's very high standards and commitment to the rule of law and to the members of the community in which they serve.

However, it is extremely disappointing when any lawyer abuses the responsibilities of their position and the trust that members of the public place in them. As an officer of the court, they deserve a harsh penalty imposed by the court itself.

QLS sets and demands very high standards of all solicitors granted the privilege of holding a certificate that allows them to practise in Queensland. We will take action when the conduct of any solicitor fails to meet the high standards, honesty and integrity required of all lawyers.

### Honoured members?

In June, I congratulated former QLS president and now Chief Magistrate Ray Rinaudo AM on behalf of the Queensland profession for receiving an Order of Australia Medal in the Queen's Birthday Honours.

However, while perusing the lists released by the Governor-General it was disappointing to note that there appeared to be no Queensland solicitors there (and my apologies if I have managed to overlook someone!). There was the expected multitude of New South Wales and Victorian recipients from various backgrounds, but there also seemed to be a huge number from South Australia, compared to just a handful of Queenslanders.

While Queensland solicitors have been honoured in the past – Terry O'Gorman AM is one name that comes immediately to mind – their absence this year prompts me

to surmise that maybe there was simply a lack of nominations.

There is no doubt that many hundreds of Queensland solicitors give outstanding service to their communities, not least through direct pro bono work but also with any number of boards, clubs and charities.

As Queenslanders we can be a bit parochial – often proudly so – leaving the rest of the nation to get on with its own affairs, but I would like to ask solicitor members to take some time right now to think of colleagues whose service is worthy of national recognition.

There are forms on the Governor-General's website ([gg.gov.au](http://gg.gov.au)), and as the vetting of nominations apparently take 18 months to two years, now would be a good time to start nominating.

### Forward thinking

As a statutory authority, Queensland Law Society is required to review and approve a strategic plan every four years for the following four years.

The QLS Council undertook significant strategic planning in 2016 and this year to prepare a draft strategic plan that was open to consultation.

We consulted with the membership, the Attorney-General, the Premier's office, and legal and internal stakeholders. Feedback was then considered or included in the draft.

In late June Council considered and approved the strategic plan for 2017-2021 ([qls.com.au](http://qls.com.au) > About QLS > Corporate documents, and it is now time to thank all those who participated in the planning process for their involvement.

We look forward to advancing our vision for good law, good lawyers, and the public good.

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