



**Law Institute of Victoria 'Essential Briefing on the State of the Profession'
Address of the Hon. Chief Justice Ferguson
Wednesday, 22 March 2023**

I begin by acknowledging the traditional custodians of the land on which we stand, the Wurundjeri People, and also the lands on which those joining us remotely are located.

I celebrate their connection to their land, to Country, to culture, knowledge, and stories.

I pay my respects to their Elders, knowledge holders and leaders, past and present, and extend that respect to all First Nations people joining in today.

I acknowledge the Legal Services Commissioner, guests and participants.

Thank you to the LIV, Tania Wolff and Adam Awty, for holding this annual briefing. It is great to join you.

Looking to the future

Victoria's courts are continuing to evolve rapidly, in part as a consequence of what we have learned over the past three years.

In 2023, we have a solid platform to work from, created through new technologies we have developed and the flexibility we have built within ourselves and our organisations.

Today my question is, what's next? What does the future look like?

This is not to ignore that we continue to face significant challenges in our community, our environment, our economy and the justice sector. Rather, it is to say that we cannot standstill. We must continue to adapt and evolve taking into account what we have learnt and how that can be leveraged.

And it is a good time for all of us to review what we're doing and how we're doing it, and to ask ourselves: is there a better way?

My message today is to keep looking forward, not back.

Building new skills

Many of us came up through the profession at a time when it was widely believed that the best way to learn was by osmosis.

The way we work, teach, and learn has changed dramatically.

In the latest LIV Member Engagement Survey I read that three out of four lawyers felt they needed to develop new skills and knowledge because of the pandemic and other factors. That has to be right.

Lawyers need the knowledge and flexibility to move between multiple communication channels.

They have to be able to engage with a client on a screen as well as across a table.

They need to continue to hone the skills necessary in a virtual courtroom – and I am not just talking about the skills for interacting with the bench through a screen, but also the interactions with colleagues and clients not visible in the virtual courtroom.

Lawyers need to develop their advocacy in all formats.

I have no doubt that the profession will embrace the opportunity to build these relatively new skills.

Connecting with others

We know there are many new lawyers entering the profession – over 340 new lawyers have already been admitted in Victoria this year.

However, I hear that many firms are struggling to find and retain new talent. This has a ripple effect for the workload of senior lawyers.

In my experience, new lawyers are more likely to stay when they are inspired and engaged by the people they work with, the work that they do and when their development needs are met.

I encourage those who are more senior to take an active role in connecting with new lawyers, particularly those who have joined the profession since 2020.

If we want new lawyers to do well and remain in the profession, there must be a concerted effort to bring people through. Now is the time to inspire and find inspiration in those around you.

Learning and honing new skills; making connections; developing people around us all takes time. It can be hard to find that time when the immediate pressures of workload and client demands loom large.

But in the end, time spent on connections is time that could not be better spent.

Sharing experiences

Sharing experiences is important in other ways. It helps to inform our assessment of what works and what doesn't; what should be retained and what discarded.

Online hearings are an example. We know people have very different views about them.

I can't see online hearings not having a part in our work as courts.

But we do not have a fixed view about them and the role that they will play. We need and want to know more about people's experiences; what works, what doesn't, what can we do differently?

To help us, we have commissioned research that goes beyond anecdotal accounts.

If anything, the last three years has taught me that people's experiences are individual, with a wide range of views and practice. None of us should think that our experience is universal – it isn't.

We need to listen to, and learn from, the varied experiences.

The research will engage with the spectrum of court users, including staff and the judiciary, the profession, service providers and public-end users.

The research will seek to understand users' experiences of online hearings, to help establish an evidence base that will support the courts in considering the continued and best use of them.

The researchers will reach out to the profession for survey and focus group participation in the coming months.

This has come at the right time and will be very helpful by giving us exposure to the many experiences people have had. We welcome your input as we shape what comes next.

Managing our wellbeing

Against this backdrop of change, it is important that you look after yourselves and your people.

The importance of wellbeing is not something which diminishes with age and experience.

People talk about work-life balance. To me your life encompasses everything - work, family, friends, your community and time just for yourself. We strive for balance, satisfaction and happiness across all facets recognising that each affects the others.

We don't always achieve equilibrium.

When tough times come in one part of life, prioritising things that are meaningful to you can help to restore balance – whether that is being able to make a contribution through pro bono work, enjoying time with others, exercise, learning a new skill or something else.

Balance is the foundation for a successful, healthy, and sustainable career.

Each of us is responsible for looking after our wellbeing, but our systems and organisations have a big part to play as well. It is very important that firms and other legal organisations do all they can to put the right supports in place and create a working environment where people can be their best.

I know that many firms aim to do this.

I also know that the LIV has supports in place to help practitioners. I encourage you to take advantage of those services when you need them.

Wellbeing is of course affected by how people are treated. It is important that we treat our interactions with others as central to our roles. This includes lawyers, court staff, and the judiciary.

I have spoken many times about the responsibility on us and the importance of creating safe, inclusive and respectful workplaces in our courts. Workplaces where sexual harassment, bullying, discrimination and other unlawful or inappropriate behaviour is not tolerated.

There is a lot of work underway – better training for judicial officers and staff, clearer policies, judicial guidelines, better reporting mechanisms. Most important is that we build that culture of respect.

This work is ongoing, because the respect that we show others builds respect for courts and public confidence in them.

Evolving for the community

The courts are always looking for ways to improve the experience of going to court.

That might be through a change of approach – for example, the Coroners Court is in the early stages of exploring whether restorative justice may have a role to play in appropriate cases.

Or improvement to the litigant’s experience may be through a change to the physical environment.

In this connection, I want to mention Bendigo’s new law courts which were opened last month.

The building is anchored in Bendigo’s heritage, and the culture of Dja Dja Wurrung. The Dja Dja Wurrung people are Bendigo’s Traditional Custodians.

Bendigo Court was designed as a modern court should be; by listening to and looking through the eyes of the users; and avoiding the silos they so often experience.

That’s the environment in which justice can and should be delivered.

But we can’t do it without the dedication and commitment of Victoria’s lawyers.

I want to take this opportunity to thank the entire legal profession for their assistance in challenging times. It has enabled the courts to fulfil their function in serving the community.

Thank you to Tania Wolff and Adam Awty, and the LIV team for the great work you all do every day, not least in providing a forum like this for us to come together.

The Hon. Chief Justice Anne Ferguson
Chief Justice, Supreme Court of Victoria
22 March 2023