

**ADDRESS AT THE CEREMONY FOR THE PRESENTATION OF GRADUATES OF THE CLASS OF 2022
OF THE EUGENE DUPUCH LAW SCHOOL.**

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24 September, 2022

I am pleased to have the opportunity to briefly address you this afternoon at this Ceremony for the Presentation of Graduates of the Eugene Dupuch Law School. It is an important event and I begin by extending my congratulations to all the members of the Class of 2022 who have successfully completed their legal studies at the EDLS and attained the Legal Education Certificate. This now qualifies you for admission to the Bar and marks your passage from the safe, supportive and academic environment of the classroom to the demands, challenges, realities and expectations of the market place. You should celebrate this very significant accomplishment while at the same time recognizing that, for the successful lawyer, it is but the first chapter in a lifelong commitment to learning.

No one gets to this moment alone and I am sure that each of you have had the support, love and encouragement of your family throughout your journey of student hood. I also congratulate all your family members as I know that they share in your joy and sense of achievement today. In our profession there is a custom whereby values and traditions are passed from seniors to juniors, and in like manner parents pass knowledge and virtue to their children. To the parents and extended family members who are here today, I commend you for imparting values and life standards to the graduates who we honour today which have guided them through the vicissitudes of their studies in the law to the point where, in short order, they will wear the robe and wig of counsel and attorney at law.

The move from student to lawyer occurs as a natural consequence of your admission to the Bar but it is in truth a 'quantum leap' and the way in which you deal with this transition will directly affect the launch of your new career. It is this 'quantum leap' that I wish to discuss with you today.

I must caution you that while your work experiences to date as a law student in or connected with the law will undoubtedly assist you in making the 'leap', you should appreciate that once you take the oath and sign the Roll of the Court as counsel, you enter a new league and will, for the first time, be fixed with important constitutional, legal and professional duties and obligations giving rise to higher levels of responsibility.

As an attorney you will belong to a profession which is a vital part of the constitutional framework of our country. More so than the members of any other profession, lawyers have a

special obligation to society as the guardians of democracy, of the "rule of law" and a rational scheme of justice. In a micro context, you will be entrusted with some of the most important issues in the business or personal life of your clients and in many instances your advice will dictate their decision and their course of action. Disputes will be litigated, settled or abandoned based on your opinion and accused persons will plead guilty or elect to go to trial after taking your advice. The fate of transactions involving millions of dollars will hang in the balance influenced by your opinion. Clients will pay hard earned money, in some instances in difficult circumstances which force them to forego other priorities, to meet with you and get your advice. In short, you will be affecting the life of real people – people who by virtue of your standing as a lawyer, repose great trust and confidence in your ability and your integrity to represent their interests with fidelity and expertise. These are not trifling matters and your duties to the Court and to your clients and the high calling of your profession must never be taken casually or relegated to personal pursuits for financial gains or other unworthy causes. You must feel the burden and responsibility of representing your clients every day and deploy your very best endeavours in every case to fulfil your duties to them.

On your wider duties, I pass onto you the words of a Chief Justice in another jurisdiction when he charged lawyers “...to understand your membership of the legal profession not merely as a license to provide legal services for a living, but as an invitation to participate in the endeavor to make our society a better place....[A]s one who is fortunate enough to work in the law you have an opportunity to make a real difference to society.”

In making the transition from student to lawyer – what I term the ‘quantum leap’ - allow me to share a few specific thoughts.

First, be teachable. Upon your admission to the Bar you are not magically imbued with the qualities and knowledge of good lawyering. That is the product of experience and learning over time - not vicariously through your senior but actual time in the trenches. So you must ensure that you are teachable. I have always maintained a preference for the practical and intellectually humble young lawyer who demonstrates a knowledge of what he/she does not know over the recently qualified lawyer who is intellectually arrogant and anxious to show how clever he/she is. In view of the changing and evolving nature of the law and the countless permutations in underlying facts and circumstances of cases, it is, at all levels of the profession, a virtue to know and acknowledge what you do not know as opposed to grandstanding with what you do know. I have been a lawyer for 43 years and the learning process has never stopped. That is one of the reasons why we love the law and it never grows old or boring. My advice to you is be teachable.

Secondly, in taking the ‘leap’ be intellectually curious both in law and other pursuits. It will make you a better lawyer and a better citizen. It was Einstein who called on us to be “*passionately curious*” and we know where that led him.

A university professor expressed it this way: *“The law changes with new legislation or new court decisions..... Thus, keeping up requires daily reading and study in law, history, science, philosophy, logic, language arts and all the ancient and new arts and sciences. For a superficial knowledge may make a complicated situation appear simple. Only the learned, clear, and informed mind can cut through complexity and achieve something of the true simple elegance.*

Philosophy generally, but especially legal philosophy, forces us to grapple with hard, evolving fundamental legal concepts such as freedom, justice, equality, consent, and dignity. Linguistics, arts, logic— all are essential intellectual tools, because lawyering is about reading, writing, and listening. In the words of William Strunk, we must be precise, concise, simple, and clear.”

My advice to you is be intellectually curious. It will keep you on the cutting edge of the law and of life in general.

One judge put it this way: *“Whether in deal-making or in dispute resolution, approach any impasse as a problem that has more than one solution. Bring your intelligence and your empathy to bear on the problem, identify its core, and then use your creativity and imagination to find a suitable resolution.”*

Thirdly, be adaptable in this era of unprecedented change both with regard to the extent and the pace of reforms. Old ways of practice are being upended; delivery mechanisms, procedures and work flows have all been overhauled in the move to increase access to justice through the introduction of smart technology and specifically bespoke ICT solutions. The laptop or other mobile device has replaced the pen and the legal pad and we are seeing hard copy written submissions giving way to electronic versions with embedded hyperlinks and bulky court bundles being replaced with electronic bundles. Court hearing dates are now processed through on line Electronic forms through the Judiciary’s website. Bail applications in the Supreme Court can now be processed through the automated Bail Management System and court hearings on the Civil Side of the Supreme Court and in the Court of Appeal are, in large part, being conducted remotely using the Zoom platform. The Courts are in the process of moving to digitized transcripts which will be produced by the Digital Court Recording system and Electronic Filing is foreshadowed thereby transforming the work of the Supreme Court Registry. New electronic payment platforms are being introduced and the Supreme Court Civil Procedure Rules 2022 were promulgated on 29 July, 2022 and Gazetted on 2 August, 2022. The new Rules will come into operation on such date to be appointed by the Rules Committee by notice published in the Gazette. All of this is a new paradigm and as a member of the Class of 2022 you will have to find your feet on these shifting sands by acquiring technical skills which lawyers just 5 years ago did not need to possess. I advise you to be adaptable.

Fourthly, be committed to excellence and expertise in your legal career. Not merely competent - not merely mediocre but extraordinary.

Let your touchstone for success at the Bar be your commitment to excellence in all that you do.

It was Aristotle who said *“excellence is an art won by training and habituation. We do not act rightly because we have virtue or excellence, but we rather have those because we have acted rightly. We are what we repeatedly do. Excellence, then, is not an act but a habit.”*

Sometime ago I read an article in a legal publication where the author was addressing the values of the Bar. He stated that *“integrity, excellence and justice are not just abstract words to today’s [lawyer]. Along with a lasting sense of social responsibility and a deep and enduring commitment to the rule of law, they resonate and they endure.”*

These are compelling words which I commend to each of our graduates today.

Fifthly, be courteous and temperate in your dealings with the court and your colleagues. Too often we see counsel descending into the arena of dispute and taking on the antipathy held by their client against the other side. This is never acceptable and impairs your effective representation of your client and the coherent and credible presentation of your case. It offends the presiding judicial officer and is disruptive to the interests of the just and fair resolution of the case. Do not view your counterparts as adversaries to be vanquished at all costs.

It was Lord Bingham who stated that *“...the effective advocate is not usually he or she who stigmatizes conduct as disgraceful, outrageous, or monstrous but the advocate who describes it as surprising, regrettable, or disappointing.”* I trust that you see the point. Temperate and restrained language, avoiding hyperbole and the sting of personal insults, is the way to effective advocacy. Deprecating and pejorative advocacy seldom works and only serves to diminish the decorum of the proceedings and usually draws a similar response from the other side which is a slippery slope into a rowdy and chaotic hearing which does not serve the interests of your client. Learn how to disarm the over aggressive opponent who confuses bravado and antics with strong and effective representation without being taken down to his level.

Remember the words of Bishop Hacket who observed that *‘a strong case can scarce ever be stated too gently.’*

Sixthly, be diligent and persistent in hard work and preparation. One learns over time that success most often follows long hours of study, research and hard work rather than flashes of brilliance or superior intellectual interventions. You should never go into court unprepared or unfamiliar with your file. There are too many times when the judge is telling the lawyer what is on the file as opposed to the other way around or where a relevant authority is brought to the attention of the lawyer by the court rather than the lawyer citing the case in his submissions. In transactional matters ensure that you have carefully scrutinized the drafts and reviewed all the documents. To appear in court or at a client meeting unprepared should offend your own

internal standards of professional conduct to a point that you are sufficiently embarrassed that you resolve to ensure that it will never happen again.

Lastly, as you make the 'leap' from student to lawyer, you must have in place a solid and developed internal compass of professional and ethical conduct based on your core values. There are many temptations out there in the market place which at times can be alluring and you must be grounded in a resolute and entrenched set of professional and personal standards to resist indiscretions or violations of acceptable behaviour.

These are seven suggestions that I offer each of you as you take the 'quantum leap' from the EDLS to the Bar. In summary, be teachable, be intellectually curious, be adaptable, be committed to excellence and expertise, be courteous and temperate, be diligent and persistent in hard work and preparation and be clear and unequivocal in following your compass for moral, ethical and professional conduct. Be committed to your ongoing professional development and embrace the ways of modern legal practice in the knowledge that you deserve to be at the table and you are well prepared to carry out your duties.

As I close I leave you with two additional thoughts.

First, beware of conflating the business of law with the practice of law. The two are quite separate. The business of law is primarily driven by financial and commercial factors: critical mass, margins, profit ratios, operating costs and similar considerations. Lawyers engaged principally in the business of law have little time to be concerned about preparation or quality of work. They are motivated by profits not principles. They take clients even when they know that they are unable to properly service them. Conflicting court commitments are accepted on the basis that either one of both can be adjourned. In that world, success is measured by net profits.

On the other hand, the practice of law is a craft honed by spending time steeped in the law motivated by a trained and disciplined intellectual curiosity focused on finding the correct legal solutions. It involves an abiding respect for the law itself and its institutions. This respect drives you to always do your best; when tempted to compromise through fatigue or pressure of other work you are constrained to work harder fortified by the recognition of the importance of the task and your duties to your client.

Experience has taught us that professional fulfillment and financial rewards accompany the successful practice of the law – as opposed to the business of law - and that is what you should focus on. While billable hours and profitability are important factors in a law firm, remember that you are not defined by a timesheet and it should not determine your overall purpose at the Bar.

Secondly, seek out a mentor in the profession who best represents your ideals and aspirations.

The law is best practiced in collaboration with others to discuss ideas and bounce around theories and potential outcomes. In your early years at the Bar engage your mentor and seek his/her guidance and instruction.

I offer these ruminations for your consideration as you 'leap' from the study of law into the practice of law. Do so with confidence and great anticipation as you have in front of you an exciting and interesting journey at the Bar. Take the ride with integrity, civility, humility, dignity and a sense of service and you will succeed. You will be joining a crowded Bar but you will earn your place there based on the quality of your legal work and the content of your character. Do not rely on restrictive rules to protect you as, in the words of a well-known English judge, *"...high quality services need no protection and low quality services deserve none."*

I wish all of our graduates in the Class of 2022 much success and a very fulfilling career at the Bar.