

## EDITORIAL

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The legal profession has long been a vital element of the Australian community. It was over 150 years ago that the first law society, the Law Institute of Victoria Foundation, was established in Melbourne.<sup>1</sup> The profession has evolved into a diverse network of around 100,000 people, filling a range of roles from barristers and members of the judiciary, to solicitors in community legal services, government departments and private law firms.<sup>2</sup> Legal practice contributes approximately \$11 billion to the national economy, and provides thousands of individuals and businesses with access to justice.<sup>3</sup> A vibrant and effective legal profession is essential to the functioning of society, the economy, and the rule of law.<sup>4</sup>

Despite its successes, today's legal profession faces a range of challenges. Many of these are the product of economic and technological change, such as the corporatisation and internationalisation of the profession, and the emergence of new technological innovations. Others have been brought to the fore by social developments, as the profession seeks to increase the participation and influence of women and minorities, and to come to terms with the increasingly well-documented problem of depression, anxiety and stress among legal professionals. Potential reforms to the profession, such as national regulation and alternative fee arrangements, also require careful consideration and attention.

The seven articles of this thematic component offer a range of perspectives on the issues facing the profession. Some of these issues undoubtedly stem from legal practices and workplace culture. Le Mire and Owens focus on an often overlooked aspect of the workplace – bullying – and examine the pressures that might contribute to its presence in the legal profession, the impact it may have on professionals, and the existing regulatory framework.<sup>5</sup> Giddings and McNamara

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1 Law Institute of Victoria, *About LIV* <<http://www.liv.asn.au/About-LIV>>.

2 Australian Bureau of Statistics, 8667.0 – *Legal Services, Australia, 2007–08* <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/8667.0Main+Features12007-08?OpenDocument>>.

3 Ibid.

4 Ron Heinrich, 'The Least Dangerous Profession? Lawyers and the Rule of Law in the Commonwealth Today' (2003) 30(5) *Brief* 37.

5 Suzanne Le Mire and Rosemary Owens, 'Workplace Bullying and the Legal Profession' (2014) 37 *University of New South Wales Law Journal* 1030.

consider the pivotal role played by supervision, and argue for a more structured approach to supervision to ensure its effectiveness in strengthening the capacities and wellbeing of young lawyers.<sup>6</sup>

There has been increasing recognition in recent years of the impact that legal practices and workplace culture may have on the wellbeing of legal professionals. In their article, Chan, Poynton and Bruce report the findings of a nation-wide study on the association between workplace characteristics, and lawyer's experiences of stress, anxiety and depression.<sup>7</sup> In contrast, Parker raises concerns about the focus in wellbeing discourse on psychological distress at an individual level, and emphasises the need to pay attention to the wellbeing of the profession and the law as a whole.<sup>8</sup>

Alongside concerns about the wellbeing of legal professionals, the Issue affirms the commitment of the legal profession to justice. The Hon Ronald Sackville AO QC provides a discussion of the intersection between the law, justice and lawyers, founded in a reflection on his own extensive experience in the law.<sup>9</sup> Tang and Foley consider the interaction of lawyers with the concepts of 'certainty' and 'uncertainty', concluding that uncertainty can be a positive resource which motivates legal professionals to counter injustices in society. Maguire, Shearer and Field suggest that pro bono lawyering is a critical element of professional legal identity and an expression of a lawyer's commitment to the rule of law and access to justice.<sup>10</sup>

This Issue's publication could not have been accomplished without the kind assistance of many people. I wish first to express my deep gratitude to Justice Anna Katzmann SC, who wrote the informative and engaging Foreword and launched this Issue at King & Wood Mallesons on 26 November 2014. I also thank her Honour's Executive Assistant for her help.

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6 Jeff Giddings and Michael McNamara, 'Preparing Future Generations of Lawyers for Legal Practice: What's Supervision Got to Do with It?' (2014) 37 *University of New South Wales Law Journal* 1226.

7 Janet Chan, Suzanne Poynton and Jasmine Bruce, 'Lawyering Stress and Work Culture: An Australian Study' (2014) 37 *University of New South Wales Law Journal* 1062.

8 Christine Parker, 'The "Moral Panic" over Psychological Well-Being in the Legal Profession: A Personal or Political Ethical Response' (2014) 37 *University of New South Wales Law Journal* 1103.

9 The Hon Ronald Sackville AO QC, 'Law and Justice: Do They Meet? Some Personal Reflections' (2014) 37 *University of New South Wales Law Journal* 1142.

10 Rowena Maguire, Gail Shearer and Rachael Field, 'Reconsidering Pro Bono: A Comparative Analysis of Practice in Australia, the United States, the United Kingdom and Singapore' (2014) 37 *University of New South Wales Law Journal* 1164.

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Finally, I thank the authors for their perceptive and insightful contributions to the Issue. It is my hope that their contributions encourage further debate and discussion concerning the current state of the Australian legal profession, and its future.