

## **Speech on the Opening of Law Week**

The Hon Alan Blow AO, Chief Justice of Tasmania

16 May 2022

I would like to begin by acknowledging the traditional owners of the land, the Muwinina people, as well as the wider Tasmanian aboriginal community, and particularly their elders, past, present and emerging.

It is an honour to be asked to address you on the opening of Law Week. Law Week fulfils a very important role in building bridges between the legal profession and the community. It provides an opportunity for members of the profession to improve the public's awareness in relation to their legal rights and in relation to the role of lawyers in our community.

It is very pleasing to see a wide range of legal topics being covered in events that are open to the public this week. The topics include:

- workers compensation rights;
- estate planning;
- medical negligence claims;
- sentencing;
- family violence;
- jury duty;
- bankruptcy;
- on-line scams;
- refugee law;
- legal costs; and
- what to do if one is not happy with one's lawyer.

That is not an exhaustive list, but it shows just how many and varied the subjects under discussion this week are going to be.

Law Week really serves two functions. First and foremost, its activities educate and inform the public in relation to their legal rights and the legal profession. But Law Week activities also serve to promote the public image of the legal profession.

Our society would not function without the laws that govern it and the courts that enforce those laws. It would not function without the lawyers who provide advice to members of the public and represent them in the resolution of disputes, preferably through negotiated settlements but if necessary by representing them in the courts.

Our legal system is built on trust. The legitimacy of the legal system depends on public trust in the judges, the courts and the legal profession. If the decisions of judges were not accepted and respected, our legal system would break down.

In recent years professions and public institutions have come under increasing public scrutiny. Public trust has been shaken by anti-corruption bodies and by Royal Commissions that have

exposed reasons for distrust in relation to previously respected institutions, including aged care homes, organisations in which children have been sexually abused, and financial institutions.

Like many professions these days, the legal profession has a public image problem. The extent of the problem can be seen from some survey results that are available on the internet. According to the Roy Morgan Image of Professions Survey 2021, lawyers ranked 14<sup>th</sup> out of 30 professions in relation to public perceptions of ethics and honesty. Only 26% of respondents to the survey rated lawyers as "very high" or "high" for ethics and honesty. That figure had dropped markedly from the previous survey in 2017 – from 35% to 26%.

The most highly regarded professions were nurses, doctors, pharmacists, schoolteachers and dentists, all scoring over 70%. The least respected were stockbrokers, business executives, Federal and State MP's, insurance brokers, real estate agents, advertising people and car salesmen, all scoring under 10%. Lawyers ranked below police, accountants, ministers of religion and public servants. However they ranked above bank managers, union leaders and financial planners. State Supreme Court judges ranked 8<sup>th</sup>, with a score of 63%.

The public perception of the trustworthiness of the legal profession reveals a lack of understanding of the strength of the profession's culture of honesty and the strength of the profession's system of professional discipline.

Public perceptions as to leniency in sentencing are also a matter of concern. Those perceptions are no doubt shaped by the media. In Tasmania, judges and magistrates are generally not exposed to extreme or unfair criticism of their sentences by the media in the way that our colleagues are in some mainland States. However it is common for media outlets to report the disappointment of victims and their loved ones after a sentence has been imposed, or to pay little or no attention to mitigating circumstances that a sentencer has taken into account. And of course there is nothing newsworthy in a report that someone considered a sentence fair and appropriate.

Some interesting statistics were published in 2011 by Professor Kate Warner and others in relation to a study concerning jurors' attitudes to sentencing. Over a period of two years, 698 jurors responded to a survey after serving on juries that returned guilty verdicts. Before learning what sentence the judge had imposed, each juror was asked to select an appropriate sentence for the offender. At that stage, 52% of the jurors selected a more lenient sentence than the judge did. When informed of the actual sentence imposed by the judge, 90% said that the sentence was either "very appropriate" or "fairly appropriate". However their personal experiences did not appear to shake their beliefs as to sentencing patterns generally. For example, in cases involving crimes of violence, 66% of the respondents thought that sentences for violent offending were too lenient, but only 35% of them wanted more severe sentences in the particular cases that they had deliberated on.

On Thursday afternoon and Saturday morning Justice Robert Pearce and I will be conducting workshops at the Supreme Court entitled "You be the Judge". At those workshops we will be presenting members of the public with the facts of a fictitious but typical armed robbery case, acquainting them with the available sentencing alternatives, and asking them to select an appropriate sentence. The aim is for a small number of people to learn a lot about the sentencing process. And of course the other face-to-face sessions during Law Week should enable small numbers of people to learn a lot about the various topics that they cover.

Law Week operates on a national basis. This is the first time for several years that Law Week events have been organised in Tasmania. I understand that the revival of Law Week here has been largely due to the efforts of Gayle Johnston from the Legal Profession Board. In keeping with modern COVID era practices, the week's activities will include on-line webinars and podcasts which have the potential to reach many more people than traditional presentations in meeting rooms and similar spaces.

I would like to congratulate all the organisers and volunteers who have been responsible for putting together this year's Law Week program. I am sure that it has taken a great deal of preparation. I would like to wish all involved a very successful Law Week. It gives me great pleasure to declare Law Week open.